

Sent via: - presidential.materials@nara.gov

October 19, 2023

ATTN: FOIA

Archival Operations Division – Vice Presidential Collections

National Archives and Records Administration

700 Pennsylvania Ave, NW, Room G7

Washington, DC 20408-0001

Dear FOIA Officer (s),

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 and the implementing policies of the National Archives and Records Administration (“NARA”), I respectfully request the following records:

- Documents sufficient to account for the creation dates, and personnel responsibility for creating the pseudonym emails 'Robin Ware', 'JRB Ware' and 'Robert L. Peters'.
- Documents sufficient to account for all communications (to/from/cc/bcc) regarding the setup and/or creation of pseudonym emails during the vice presidency regarding the following accounts: 'robinware456@gmail.com', 'JRBWare@gmail.com', 'Robert.L.Peters@pci.gov', '67stingray@gmx.com', 'auks@att.blackberry.net', or 'champ4@att.blackberry.net'.
- All communications to domains @eop.gov, @ovp.eop.gov, @who.eop.gov, or @uss.dhs.gov mentioning or regarding the setup, establishment, or creation following accounts: 'robinware456@gmail.com', 'JRBWare@gmail.com', 'Robert.L.Peters@pci.gov', '67stingray@gmx.com', 'auks@att.blackberry.net', or 'champ4@att.blackberry.net'.
- Documents sufficient to account for all policies, directives, legal opinions, or presidential findings regarding the usage of pseudonyms, cover plans, or alias accounts by the agency of/by executives, elected officials, or appointees within the Executive Office of the President States (“EOP”).
- Documents sufficient to account for all document retention policies covering non-standard accounts such as pseudonyms, aliases, or cover plans by the Executive Office of the President of the United States (“EOP”).

Search Instructions:

- Please search all systems, regardless of classification level, as well as all repositories and databases commonly used by the agency that would hold relevant information.

- Please limit all searches in response to this Request from January 1, 2009, to the present.
- Please include copies of all attachments, files, or pertinent documents to responsive documents.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may

be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Redactions

Redactions are disfavored as the FOIA's exemptions are exclusive and must be narrowly construed. *Am. Immigration Lawyers Ass'n v. Exec. Office for Immigration Review (AILA)*, 830 F.3d 667, 676-79 (D.C. Cir. 2016). If a record contains information responsive to a FOIA request, then the DoD must disclose the entire record; a single record cannot be split into responsive and non-responsive bits. *Id.*; see also *Parker v. United States DOJ*, 278 F. Supp. 3d 446, 451 (D.D.C. 2017). Consequently, you should produce email attachments.

Production

To accelerate release of responsive records, I welcome production on an agreed rolling basis as documents are available.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. The requested information is in the public interest as to the question of the transparency of the nature of Department of Defense operations to the public, Congress, and to the American people.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author and investigative journalist, I actively gather information of potential interest to audiences in multiple news outlets, and I use my editorial skills to turn raw materials into a distinct work, and I further distribute that work to our audiences through podcasts or articles. I request that you waive all applicable fees associated with this request.

My latest article, published on the Daily Signal, is available here:

<https://www.dailysignal.com/2023/10/13/armys-internal-surveys-reveal-serious-concerns-workplace-hostility-sexual-harassment/>.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

Expedited Processing Request

Pursuant to 28 C.F.R. § 16.5(e)(1)(iv), I request expedited processing for this request. I certify the following statement of facts in support of expedited processing to be true and correct pursuant to 28 C.F.R. § 16.5(e)(3).

Expedited Processing is Warranted under 28 C.F.R. § 16.5(e)(1)(iv).

1. This provision provides that expedited processing shall be granted regarding: “A matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity which affect public confidence.”

Courts have held that the DOJ Regulation requires the requester to show: (1) that the request involves a “matter of widespread and exceptional media interest” (28 C.F.R. § 16.5(e)(1)(iv)); and (2) that the matter is one “in which there exists possible questions about the integrity of the government that affect public confidence” (*id.*). See *Edmonds v. FBI*, No. 02-cv-1294 (ESH), 2002 WL 32539613, *3 (D.D.C. Dec. 3, 2002). It is not necessary to show “prejudice or a matter of current exigency to the American public.” *Id.*

First, the DOJ Regulation requires showing that the matter about which questions of integrity have been raised is the subject of widespread national media attention. See *Am. Oversight v. DOJ*, 292 F.Supp.3d 501, 507–508 (D.D.C. 2018) (denying motion for expedited processing because general media interest in Solicitor General’s nomination is insufficient to show media interest in possible ethics questions concerning the nomination). There need not be a showing that the disclosure would shed considerable light on agency operations; only that there is “exceptional” and “widespread” media interest. See *CREW v. DOJ*, 870 F.Supp.2d 70, 81 (D.D.C. 2012), *rev’d on other grounds*, 746 F.3d 1082 (D.C. Cir. 2014). While the media interest need be “widespread” and “exceptional” it need not be overwhelming. See *ACLU*, 321 F.Supp.2d at 31–32 (rejecting DOJ’s position that requester’s citation to what the court described as “only a handful of articles” was insufficient to show “widespread and exceptional media interest” because those articles “were published in a variety of publications and repeatedly reference the ongoing national discussion about the Patriot Act and Section 215” (second quotation added)); *Edmonds*, 2002 WL 32539613, at *3 (numerous national newspaper and network television broadcasts concerning whistleblower’s allegations of security lapses in FBI translator program met test).¹

Second, the DOJ Regulation requires showing that “there exists *possible* questions about the government’s integrity that affect public confidence.” *CREW v. DOJ*, 436 F.Supp.3d 354, 361 (D.D.C. 2020) (*quoting* 28 C.F.R. § 16.5(e)(1)(4)) (emphasis by Court).² It does not “require the requester to prove wrongdoing by the government in order to obtain documents on an expedited basis.” *Id.* at 362. “The primary way to determine whether such possible questions exist is by examining the state of public coverage of the matter at issue, and whether that coverage surfaces possible ethics issues so potentially significant as to reduce public confidence in governmental institutions.” *Am. Oversight v. DOJ*, 292 F.Supp.3d 501, 508 (D.D.C. 2018). This is not an extraordinarily high bar. See, e.g., *CREW*, 436 F.Supp.3d at 361 (complaint sufficient to survive

¹ *Cf.* 28 C.F.R. § 16.5(e)(3) (“The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ‘urgency to inform’ the public on the topic.”).

² To be sure, this standard does not require expedition of any questions concerning government integrity. See, e.g., *White v. DOJ*, 16 F.4th 539, 544 (7th Cir. 2021) (test not met in case where records sought to cast doubt on requestors’ criminal conviction where requestor claimed he was subject to an elaborate government sting operation).

a motion to dismiss where it alleged Attorney General’s action regarding disclosure of Mueller Report “supported an inference that at best, the Attorney General undertook to frame the public discussion on his own terms, and at worst that he distorted the truth”); *ACLU v. DOJ*, 321 F.Supp.2d 24, 32 (D.D.C. 2004) (allegations in press that Section 215 of the Patriot Act may be unconstitutional and reports that Members of Congress have alleged abuses of Section 215 “implicate[] government integrity” and hence are sufficient to meet test); *Edmonds*, 2002 WL 32539613, at *3–4 (test met where plaintiff alleged security lapses in FBI translators program, national news covered the issue, and two Senators expressed concern regarding “the significant security issues raised by plaintiff’s allegations and the integrity of the FBI”).³

2. The facts amply support expedition processing here. The facts amply support expedition processing here. Various national media outlets have published articles, aired or broadcasted programming concerning the existence of pseudonyms used by President Joe Biden during his time as vice president⁴. Moreover, it is clear that Congress has devoted considerable time and attention to the question of protection through oversight and transparency.⁵ This request addresses these possible issues of transparency, corruption, and open government by seeking all communications and/or emails from the National Archives and Records Administration (“NARA”) from January 1, 2009 to the present relevant to the above-mentioned requested documents.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request, please contact me at colinaamot@protonmail.com. Finally, if my request for a fee waiver is not granted in full, please contact me immediately upon making that determination.

³ DOJ has granted expedition under the DOJ Regulation in a number of circumstances. *See, e.g., CREW v. DOJ*, 870 F.Supp.2d at 81 n. 14 (expedition granted to request seeking records on FBI’s closed investigation of Congressman DeLay for misconduct which did not result in charges, but received considerable media attention (subsequent history omitted)); *CREW v. DOJ*, 820 F.Supp.2d 39, 42, 46 (D.D.C. 2011) (expedition granted to request seeking information concerning possible deletion of Office of Legal Counsel emails where the possible deletion was flagged as a hindrance in an internal investigation, covered in the media, and was the subject of Congressional concerns); *Elec. Frontier Found. v. DOJ*, 565 F.Supp.2d 188, 189–91 (D.D.C. 2008) (expedition granted to request seeking information regarding storage of information obtained by National Security Letters in FBI’s Data Warehouse); *CREW v. DOJ*, No. 05-cv-2078 (EGS), 2006 WL 1518964, *1 (D.D.C. June 1, 2006) (expedition granted to request concerning government’s decision to seek a reduced penalty in tobacco litigation where government’s decision was subject to intensive news coverage and prompted concern from “several Congressman” which caused a request for an Inspector General investigation of “improper political interference” with the decision).

⁴ Deseret News. (Accessed 2023, October 19). National Archives confirm when Biden was vice president he used 3 pseudonyms. <https://www.deseret.com/2023/8/30/23837272/biden-secret-pseudonym-hunter-biden-charges>

⁵ NYPost News. (Accessed 2023, October 19). National Archives has 5,400 Biden emails in which he uses fake names to dish government info to Hunter, others as VP: suit. <https://nypost.com/2023/08/28/national-archives-admits-it-has-5400-biden-pseudonym-emails/>

Sincerely,

Colin Aamot

Colin Aamot

[REDACTED]