

Congress of the United States
Washington, DC 20515

August 13, 2022

The Honorable Avril Haines
Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Director Haines:

We write to request an immediate review and damage assessment following reports that former President Trump removed and retained highly classified information at his personal residence at the Mar-a-Lago Club in Palm Beach, Florida, in potential violation of the Presidential Records Act and laws protecting national security, including the Espionage Act.¹ Those entrusted with access to classified information have a duty and an obligation to protect it. Yet, a recently unsealed court-authorized search warrant and the inventory of property recovered at the Mar-a-Lago Club describe numerous classified documents held by former President Trump, including Top Secret/Sensitive Compartmented Information (TS/SCI) material—among the most sensitive and highly protected information in the U.S. Government.² Former President Trump’s conduct has potentially put our national security at grave risk. This issue demands a full review, in addition to the ongoing law enforcement inquiry.

On Monday, August 8, the Federal Bureau of Investigation (FBI) conducted a court-authorized search of former President Trump’s Mar-a-Lago Club and removed at least 27 boxes of materials.³ The search followed months of reported back-and-forth between federal investigators and the former President regarding U.S. Government property that may have been improperly retained following the end of the Trump Administration, some of which was reportedly kept in a storage area at the Mar-a-Lago Club.⁴

According to the search warrant and property log recently unsealed, the recovered materials span 45 categories, including 11 sets of classified documents ranging from

¹ Search and Seizure Warrant and Receipts for Property (Redacted), *In re Sealed Search Warrant*, No. 22-MJ-8332-BER (S.D. Fla. Aug. 11, 2022), Doc. 17; *see, e.g.*, 44 U.S.C. § 2203(g)(1); 18 U.S.C. § 793.

² Search and Seizure Warrant and Receipts for Property (Redacted), *In re Sealed Search Warrant*, No. 22-MJ-8332-BER (S.D. Fla. Aug. 11, 2022), Doc. 17; Executive Order 13526 (Dec. 29, 2009) (online at www.archives.gov/isoo/policy-documents/cnsi-eo.html).

³ *Id.*

⁴ *FBI Executes Search Warrant at Trump’s Mar-a-Lago in Document Investigation*, CNN (Aug. 9, 2022) (online at www.cnn.com/2022/08/08/politics/mar-a-lago-search-warrant-fbi-donald-trump/index.html); *FBI Search of Trump Property Prompted by Concerns over Sensitive Documents*, Wall Street Journal (Aug. 9, 2022) (online at www.wsj.com/articles/fbi-search-of-trumps-florida-home-mar-a-lago-is-criticized-by-republicans-11660049490); *Trump Search Said to Be Part of Effort to Find Highly Classified Material*, New York Times (Aug. 11, 2022) (online at www.nytimes.com/2022/08/11/us/politics/trump-fbi-subpoena.html).

“Confidential” to “Secret” to “Top Secret” and “TS/SCI documents.”⁵ The unauthorized disclosure of Top Secret information would cause “exceptionally grave damage to the national security.”⁶ In addition, at least one report indicates that FBI’s investigation focused in part on highly classified documents “relating to nuclear weapons,” which are among our nation’s most closely guarded secrets.⁷ If this report is true, it is hard to overstate the national security danger that could emanate from the reckless decision to remove and retain this material.

Both the Oversight Committee and the House Permanent Select Committee on Intelligence have conducted oversight of issues presented by the apparent mishandling of government records, both during and after the Trump Administration. In February, Chairwoman Maloney wrote to the National Archives and Records Administration (NARA) expressing serious concerns that records “appear to have been removed from the White House in violation of the Presidential Records Act” and that reports indicated that “President Trump repeatedly attempted to destroy presidential records.”⁸ While the former President returned 15 boxes of records to NARA earlier this year, recent developments show he continued to retain sensitive and classified materials belonging to the U.S. Government.

Under Intelligence Community (IC) directives issued by your office, damage assessments are used “to evaluate actual or potential damage to national security resulting from the unauthorized disclosure or compromise of classified national intelligence.” IC Directive 732 states:

In cases where the unauthorized disclosure or compromise involves classified national intelligence originating from or otherwise affecting more than one IC element or U.S. Government department or agency, there will be a Community damage assessment. Such damage assessments shall include participation and support from the affected IC elements and other representatives as directed by the DNI.⁹

The Directive charges DNI’s National Counterintelligence Executive to “[o]versee and coordinate equity reviews and formal damage assessments within the IC” and “[l]ead, when designated by the DNI, or facilitate damage assessment teams when the unauthorized disclosure

⁵ Search and Seizure Warrant and Receipts for Property (Redacted), *In re Sealed Search Warrant*, No. 22-MJ-8332-BER (S.D. Fla. Aug. 11, 2022), Doc. 17.

⁶ Executive Order 13526 (Dec. 29, 2009) (online at www.archives.gov/isoo/policy-documents/ensi-co.html).

⁷ *FBI Searched Trump’s Home to Look for Nuclear Documents and Other Items, Sources Say*, Washington Post (Aug. 12, 2022) (online at www.washingtonpost.com/national-security/2022/08/11/garland-trump-mar-a-lago/).

⁸ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Feb. 9, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-09.CBM%20to%20Ferriero-NARA%20re%20Trump%20Mar-a-Lago%20FINAL.pdf>).

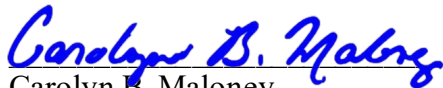
⁹ Office of the Director of National Intelligence, *Intelligence Community Directive 732* (June 27, 2014) (online at www.dni.gov/files/documents/ICD/ICD%20732.pdf).

or compromise involves classified national intelligence affecting more than one IC element or U.S. Government department or agency.”¹⁰

The facts that are now public make clear that a damage assessment is appropriate. If you have not already done so, we request that you instruct the National Counterintelligence Executive, in consultation with the Inspector General of the Intelligence Community and other Inspectors General as appropriate, to conduct a damage assessment. In addition, we ask that you commit to providing an appropriate classified briefing on the conduct of the damage assessment as soon as possible. Even as the Justice Department’s investigation proceeds, ensuring that we take all necessary steps to protect classified information and mitigate the damage to national security done by its compromise is critically important.

Thank you for your prompt attention to this urgent matter.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Adam B. Schiff
Chairman
House Permanent Select
Committee on Intelligence

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Michael Turner, Ranking Member
House Permanent Select Committee on Intelligence

¹⁰ *Id.*