

From: perseverance2013@aol.com
To: "Brett Baker"
Cc: laurence.brewer@nara.gov; perseverance2013@aol.com
Subject: FW: NARA Unauthorized Disposition (UD) Complaint ICO Acting Archivist of the US. Hatch Act Violation Records.
Date: Tuesday, December 13, 2022 4:59:40 PM
Attachments: [UD Complaint. Acting Archivist. Hatch Act.pdf](#)
[NARA OGIS Unlawful Destruction of Chief FOIA Council Records. Corrected.pdf](#)
Importance: High
Sensitivity: Confidential

Sir,

In violation of 36 CFR 1230.16 and the Administrative Procedures Act, NARA has not posted the attached October 7, 2022 UD Complaint ICO Acting Archivist of the US. Hatch Act Violation Record, nor has NARA posted the attached August 3, 2022 UD Complaint NARA OGIS Unlawful Destruction of Chief FOIA Council Records. Corrected.

Even if NARA ultimately determines that one or both complaints is unfounded, NARA must post them to the web.

Please consider this a formal OIG complaint.

With my deep respect,

Robert Hammond

From: perseverance2013@aol.com <perseverance2013@aol.com>
Sent: Friday, October 7, 2022 9:17 PM
To: UnauthorizedDisposition@nara.gov; laurence.brewer@nara.gov
Cc: perseverance2013@aol.com; brett.baker@nara.gov; Donald.Rosen@nara.gov
Subject: RE: NARA Unauthorized Disposition (UD) Complaint ICO Acting Archivist of the US. Hatch Act Violation Records.

[Best viewed as HTML]

October 7, 2022

Subject: NARA Unauthorized Disposition (UD) Complaint ICO Acting Archivist of the US. Hatch Act Violation Records

I. ALLEGATION.

“A member of the public (Robert Hammond) alleges that the Acting Archivist of the United States may have destroyed email and text FOIA records related to her involvement in potential Hatch Act violations in the 2020 federal election. Else records are at risk of actual, impending, or threatened damage, alienation, or unauthorized destruction.”

II. ACTION SOUGHT.

1. Notify NARA within 5 business days as required by 36 CFR 1230.16.a.
2. Provide me a point of contact by return email to discuss this matter.
3. Permit me to discuss the Agency's reply prior to deciding on this complaint to preclude the likely provision of misinformation, as has been done in the past.
4. If the records have not been destroyed, seek that the Agency provide them to you as individual records.
5. A consolidated PDF file will not distinguish the individual moot determination letters and may again contain irrelevant material.
6. Should NARA fail to timely and accurately post this complaint and promptly, properly adjudicate it I may place records into the public domain.

III. IDENTIFICATION OF RECORDS.

1. Records responsive to FOIA requests NGC22-105 (my NARA 22-P.I), NGC22-106 (my NARA 22-Q.I.) and NGC22-235 (my NARA 22-P.I.A) pertain directly to Ms. Wall and she received copies of these FOIA requests.

IV. APPLICABLE RETENTION SCHEDULE, NARA GRS 4.2 Item 20

| | | | |
|-----|---|---|----------------------|
| 020 | Access and disclosure request files. Case files created in response to requests for information under the Freedom of Information Act (FOIA), Mandatory Declassification Review (MDR) process, Privacy Act (PA), Classification Challenge, and similar access programs, and completed by: • granting the request in full • granting the request in part • denying the request for any reason including: o inability to fulfill request because records do not exist o inability to fulfill request because request inadequately describes records o inability to fulfill request because search or reproduction fees are not paid | Temporary. Destroy 6 years after final agency action or 3 years after final adjudication by the courts, whichever is later, but longer retention is authorized if required for business use. | DAA-GRS2016-00020001 |
|-----|---|---|----------------------|

V. 32 CFR PART 286—DOD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

32 CFR §286.6 Preservation of records.

Each DoD Component shall preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the National Archives and Records Administration (NARA). Records shall not be disposed of or destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

VI. 36 CFR § 1230. UNLAWFUL OR ACCIDENTAL REMOVAL, DEFACING, ALTERATION, OR DESTRUCTION OF RECORDS

§1230.3

Unlawful or accidental destruction (also called unauthorized destruction) means disposal of an unscheduled or permanent record; disposal prior to the end of the [NARA](#)-approved retention period of a temporary record (other than court-ordered disposal under [§ 1226.14\(d\)](#) of this subchapter); and disposal of a record subject to a **FOIA request**, litigation hold, or any other hold requirement to retain the records.

VII. 44 U.S. CODE § 3106 - UNLAWFUL REMOVAL, DESTRUCTION OF RECORDS

(a)Federal Agency Notification.—

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records the head of the Federal agency knows or has reason to believe have been unlawfully removed from that agency, or from another Federal agency whose records have been transferred to the legal custody of that Federal agency.

(b)Archivist Notification.—

In any case in which the head of a Federal agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action described in subsection (a), or is participating in, or believed to be participating in any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

([Pub. L. 90–620](#), Oct. 22, 1968, [82 Stat. 1298](#); [Pub. L. 98–497](#), title I, [§ 107\(b\)\(21\)](#), title II, [§ 203\(b\)](#), Oct. 19, 1984, [98 Stat. 2290](#), 2294; [Pub. L. 113–187](#), [§ 4](#), Nov. 26, 2014, [128 Stat. 2009](#).)

VIII. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records. (Added Pub. L. 107–204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.)

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

IX. 18 U.S.C. 641 and 2071. The penalties for the unlawful or accidental removal, defacing, alteration, or destruction of Federal records or the attempt to do so, include a fine, imprisonment, or both (18 U.S.C. 641 and 2071).

This is submitted upon information, belief, and records available to me.

With my respect,

/s/

Robert Hammond