



August 10, 2022

National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

**Freedom of Information Act Request: Communications Relating to
Presidential Records Located at Mar-a-Lago**

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, prevent executive overreach, protect due process and equal protection, and educate Americans about the individual rights guaranteed under the Constitution and laws of the United States. Our mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and media, including social media platforms, all to educate the public and to keep government officials accountable for their duty to faithfully execute, protect, and defend the Constitution and laws of the United States.

To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute information to a national audience through traditional and social media platforms. For example, AFL’s employees regularly appear on radio and on cable and broadcast news programs; our email list contains over 34,000 unique addresses; our Facebook page has over 43,000 followers; our Twitter page has over 18,000 followers and the Twitter page of our Founder and President has over 199,000 followers; and we have another 30,853 followers on GETTR.

I. Requested Records

- A. All records referencing or regarding “Presidential records”, as defined at 44 U.S.C. § 2201(2), and/or federal “records”, as defined at 44 U.S.C. § 3301(a)(1), at former President Trump’s residence (commonly known as “Mar-a-Lago”) in Palm Beach, Florida. The timeframe for this item is February 7, 2022, to the date this item is fully processed.

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- B. All records of, regarding, or relating to the National Archives and Records Administration's (NARA) belief that "Presidential records", as defined at 44 U.S.C. § 2201(2), and/or federal "records", as defined at 44 U.S.C. § 3301(a)(1), remained at Mar-a-Lago following the transfer of fifteen boxes of White House records to the custody of the National Archives. The timeframe for this item is February 7, 2022, to the date this item is fully processed.
- C. All communications containing the words "Mar-a-Lago," or "Trump," and any of the following: "FBI," "DOJ," "raid," "search warrant," or "classified." The timeframe for this item is June 1, 2022, to the date this item is fully processed.
- D. All communications containing the words "Trump" and "Presidential Records Act," or "PRA," The timeframe for this item is February 7, 2022, to the date this item is fully processed.

III. Processing

The National Archives and Records Administration ("NARA") must comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.¹ If you have any questions or believe further discussions regarding search and processing will facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org.

Also, AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing under 5 U.S.C. § 552(a)(6)(E) and 36 C.F.R. § 1250.28(a), which provides in relevant part:

(a) NARA processes requests and appeals on an expedited basis whenever we determine that one or more of the following criteria exist: ... (3) An urgent need to inform the public about an actual or alleged Federal Government activity (this criterion applies only to those requests made by a person primarily engaged in disseminating information to the public); or (4) A matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity.

As many federal agencies have acknowledged in granting AFL expedited processing, AFL is primarily engaged in disseminating information. Additionally, there is an urgency to inform the public regarding the circumstances surrounding the

¹ U.S. Dep't of Just. (Mar. 15, 2022), <https://tinyurl.com/4duy4r5k>.

government's unprecedented efforts to search and comb through the private residence of a former United States President. This is a matter of pressing national importance.

Our request also meets NARA's regulatory test for expedited processing based on a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.² As already discussed, both requirements are met here, because there has been extensive public interest in the politicization of the Federal Bureau of Investigation ("FBI) and the Department of Justice ("DOJ"), and the government's ability to conduct an impartial investigation clearly impacts the confidence of the public in the government's integrity. The reported actions of NARA, the FBI, and the DOJ under President Biden to target a former President and potential future political opponent raise grave concerns regarding Attorney General Garland's ability to lead DOJ without the interference of partisan politics.³ Indeed, the raid on Mar-a-Lago has raised alarms from both sides of the political aisle, with even Andrew Cuomo (a longtime Trump critic) expressing deep concern.⁴ Beyond the political clamor caused by the raid, experts have said that the "raid is surely one of the most significant the FBI has ever undertaken."⁵ According to the New York Times, the raid was shocking news, even inside the White House itself.⁶ Politico has described the event as "The FBI raid in Florida heard around the world."⁷ To argue that there is not widespread interest in these events, or that they do not pose questions about government integrity would border on the absurd. This request seeks to expose the circumstances of these monumental events to public inspection, before irreparable harm is done to the nation's interest, in violation of the law.

AFL is an organization engaged in gathering, analyzing, and disseminating information, and there is great urgency to inform the public concerning events of intense public interest. Moreover, the allegations at hand go directly to public confidence in the integrity of the government. For these reasons, our expedited processing request should be granted.

IV. Fee Waiver

² Brett Samuels, et al., *Here's what we know about the FBI search of Trump's Mar-a-Lago*, THE HILL (Aug. 9, 2022), <https://tinyurl.com/37chsbpf>.

³ Charles C. W. Cooke, *If the Raid on Mar-a-Lago Was Not Justified, Then What?*, NATIONAL REVIEW (Aug. 9, 2022), <https://tinyurl.com/y3khfzyn>.

⁴ Thomas Kika, *Andrew Cuomo Demands Explanation for Trump Mar-a-Lago Raid*, NEWSWEEK (Aug. 9, 2022), <https://tinyurl.com/36cwu5cr>.

⁵ Allie Griffin & Emily Smith, *Trump Says FBI Raided Mar-a-Lago, Broke Into Safe*, NEW YORK POST (Aug. 8, 2022), <https://tinyurl.com/p6baw42v>.

⁶ Maggie Haberman et al., *The Search Appears to Signal a Major Escalation in the Various Investigations into the Trump Presidency*, THE NEW YORK TIMES (Aug. 8, 2022), <https://tinyurl.com/4bjd3hh2>.

⁷ Gary Fineout, *The FBI Raid in Florida Heard Around the World*, POLITICO (Aug. 9, 2022), <https://tinyurl.com/yntkayb4>.

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 36 C.F.R. § 1250.56, AFL requests a waiver of all search and duplication fees associated with this request. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose and the release of the information requested is not in AFL's financial interest. Accordingly, AFL has been granted fee waivers on this basis by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, and the Office of the Director of National Intelligence. Second, waiver is proper as disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government."⁸

V. Production

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Tyler J. Sanderson

Tyler J. Sanderson

America First Legal Foundation

⁸ 5 U.S.C. § 552(a)(4)(A)(iii).