



Jason Leopold &lt;jasonleopold@gmail.com&gt;

## Request for records under the Freedom of Information Act

2 messages

Jason Leopold &lt;jasonleopold@gmail.com&gt;

Tue, Feb 15, 2022 at 8:37 AM

Reply-To: jasonleopold@gmail.com

To: CRM FOIA &lt;CRM.FOIA@usdoj.gov&gt;, CRM FOIA &lt;CRM.FOIA@crm.usdoj.gov&gt;, "NSDFOIA (NSD)" &lt;NSDFOIA@usdoj.gov&gt;

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

### REQUESTER INFORMATION

Name: Jason Leopold

Position: Investigative Reporter

Address: 1669 Benedict Canyon Dr., Beverly Hills, CA 90210

Email: [jasonleopold@gmail.com](mailto:jasonleopold@gmail.com)

### RECORDS SOUGHT

I request disclosure from the Department of Justice the following records:

1. Emails, text messages, letters, memos, mentioning or referring to the presence of classified information contained in Presidential records removed from the Trump White House and stored at Mar-a-Lago.
2. All emails, memos, reports, text messages, letters, exchanged between Justice Department officials and officials at the National Archives and the FBI relating or referring to the presence of classified information contained in presidential records NARA officials retrieved from Mar-a-Lago.
3. All records, such as letters, memos, reports, exchanged with any Congressional committee relating or referring to the presence of classified information contained in all presidential records retrieved from Mar-a-Lago by NARA officials.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

NARA should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

### INSTRUCTIONS REGARDING SEARCH

1. Request for Public Records:

Please search for any records even if they are already publicly available.

2. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its

“soft files” as well as files in its locked cabinets.

3. Request regarding Photographs and other Visual Materials:

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. Request for Duplicate Pages:

I request disclosure of any and all supposedly “duplicate” pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all “duplicate” pages.

5. Request to Search Emails:

Please search for emails relating to the subject matter of my request.

6. Request for Search of Records Transferred to Other Agencies:

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I am the senior investigative reporter for BuzzFeed News and formerly senior investigative reporter and on-air correspondent for VICE News. Additionally, my reporting has been published in The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English and Al Jazeera America.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought to detail the operations and activities of the government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

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**BuzzFeed News**

Jason Leopold | BuzzFeed News | Senior Investigative Reporter | (213) 270-4334 | @jasonleopold

6824 Lexington Avenue, Los Angeles, CA 90038

Signal: (213) 270-4334 and (646) 379-1975

Send me documents and tips, anonymously and securely: [tips.buzzfeed.com](https://tips.buzzfeed.com)

My personal PGP

My BuzzFeed PGP fingerprint: 46DB 0712 284B 8C6E 40FF 7A1B D3CD 5720 694B 16F0

----- Forwarded message -----

From: Jason Leopold <jasonleopold@gmail.com>

To: CRM FOIA <CRM.FOIA@usdoj.gov>, CRM FOIA <CRM.FOIA@crm.usdoj.gov>, "NSDFOIA (NSD)" <NSDFOIA@usdoj.gov>

Cc:

Bcc:

Date: Tue, 15 Feb 2022 08:37:40 -0800

Subject: Request for records under the Freedom of Information Act

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## U.S. Department of Justice

Criminal Division

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*Office of Enforcement Operations**Washington, D.C. 20530***VIA Electronic Mail**

February 25, 2022

Mr. Jason Leopold  
BuzzFeed News  
1669 Benedict Canyon Drive  
Beverly Hills, CA 90210  
[jasonleopold@gmail.com](mailto:jasonleopold@gmail.com)

Request No. CRM-301701482  
Subject: Classified Presidential Records at  
Mar-a-Lago

Dear Mr. Leopold:

This acknowledges receipt of your Freedom of Information Act request dated February 15, 2022, seeking records maintained by the Criminal Division. Your request was received in this Office on February 15, 2022. The request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

- Your request has been received by the Freedom of Information Act/Privacy Act Unit and we are searching the section(s) most likely to maintain responsive records.
- Because your request presents “unusual circumstances” (See 5 U.S.C. § 552(a)(6)(B)(i)-(iii)), we are extending the time limit to respond to your request an additional ten days as provided by the statute.
- We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether the processing of your request will result in any assessable fees.
- Your request for preferred fee status is granted.
- Your request for expedited treatment has been:
  - Granted. Accordingly, your request has been assigned to a Government Information Specialist in this Office and we will respond to your request as soon as practicable.
  - Denied. You have not established that your request fits within any of the four U.S. Department of Justice standards for expedited treatment. If you are not satisfied with the Criminal Division’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States

Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Please be advised that due to necessary operational changes as a result of the national emergency concerning the novel coronavirus disease (COVID-19) outbreak, there may be some delay in the processing of your request.

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

FOIA/PA Unit  
Criminal Division  
U.S. Department of Justice



Jason Leopold &lt;jasonleopold@gmail.com&gt;

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**NSD FOIA #22-123**

2 messages

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**Mallory, Arnetta (NSD)** <Arnetta.Mallory@usdoj.gov>  
To: "jasonleopold@gmail.com" <jasonleopold@gmail.com>

Wed, Mar 16, 2022 at 2:03 PM

Jason Leopold

[6824 Lexington Avenue](#)[Los Angeles, CA 90038-1106](#)[jasonleopold@gmail.com](mailto:jasonleopold@gmail.com)

Re: FOIA/PA #22-123

Dear Mr. Leopold:

This is to acknowledge your email dated February 15, 2022 for information pertaining to 1. Emails, text messages, letters, memos, mentioning or referring to the presence of classified

information contained in Presidential records removed from the Trump White House and stored at Mar-a-Lago.

2. All emails, memos, reports, text messages, letters, exchanged between Justice Department officials and officials at the National Archives and the FBI relating or referring to the presence of classified information contained in presidential records NARA officials retrieved from Mar-a-Lago.

3. All records, such as letters, memos, reports, exchanged with any Congressional committee relating or referring to the presence of classified information contained in all presidential

records retrieved from Mar-a-Lago by NARA officials. Our FOIA office received your Freedom of Information Act request on February 15, 2022.

In response to the COVID-19 public health emergency, the NSD FOIA staff is teleworking full time. Our FOIA operations have been diminished while we are teleworking and our FOIA intake and FOIA processing will be slower than normal.

Our policy is to process FOIA requests on a first-in, first-out basis. Consistent with this policy, every effort will be made to respond to your request as quickly as possible. The actual processing time will depend upon the complexity of the request, whether it involves sensitive or voluminous records, and whether consultations with other agencies or agency components are appropriate.

You may contact our Government Information Specialist, Arnetta Mallory, for any further assistance and to discuss any aspect of your request at:

U.S. Department of Justice  
Records and FOIA Unit  
3 Constitution Square  
175 N Street N.E. 12th Floor  
Washington, DC 20530  
(202) 233-2639

Sincerely,

Arnetta Mallory  
Government Information Specialist

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**Jason Leopold** <jasonleopold@gmail.com>  
Reply-To: jasonleopold@gmail.com  
To: "Mallory, Arnetta (NSD)" <Arnetta.Mallory@usdoj.gov>

Mon, Jun 6, 2022 at 7:33 PM

Arnetta,  
May I have an estimated date of completion for this request?

Best,  
Jason  
[Quoted text hidden]  
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**BuzzFeed News**

**Jason Leopold** | **BuzzFeed News** | [Senior Investigative Reporter](#) | (213) 270-4334 | [@jasonleopold](#)  
1669 Benedict Canyon Drive, Beverly Hills, CA 90210

**Signal:** (213) 270-4334

**Send me documents and tips, anonymously and securely on Signal or Proton Mail** [jasonleopold@protonmail.com](mailto:jasonleopold@protonmail.com)

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**Fwd: Request for estimated date of completion CRM-301701482**

1 message

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----- Forwarded message -----

From: **Jason Leopold** <jasonleopold@gmail.com>

Date: Tue, Jun 14, 2022, 3:37 PM

Subject: Request for estimated date of completion CRM-301701482

To: FOIA, CRM (CRM) <CRM.FOIA@usdoj.gov>

Hi there,

May I have an estimated date of completion for this request?

Best,  
Jason

On Fri, Feb 25, 2022 at 2:54 PM FOIA, CRM (CRM) <CRM.FOIA@usdoj.gov> wrote:

Dear Mr. Leopold:

Please see the attached, which acknowledges receipt of your Freedom of Information Act and/or Privacy Act request. If you have any questions, please contact the FOIA/PA Unit at 202-616-0307 for further assistance.

Thank you,

FOIA/PA Unit

Criminal Division

U.S. Department of Justice

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**BuzzFeed News**

Jason Leopold | BuzzFeed News | Senior Investigative Reporter | (213) 270-4334 | @jasonleopold



1669 Benedict Canyon Drive, Beverly Hills, CA 90210

**Signal:** (213) 270-4334

**Send me documents and tips, anonymously and securely on Signal or Proton Mail [jasonleopold@protonmail.com](mailto:jasonleopold@protonmail.com)**



U.S. Department of Justice

Criminal Division

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Office of Enforcement Operations

Washington, D.C. 20530

**VIA Electronic Mail**

June 28, 2022

Mr. Jason Leopold  
BuzzFeed News  
1669 Benedict Canyon Drive  
Beverly Hills, CA 90210  
[jasonleopold@gmail.com](mailto:jasonleopold@gmail.com)

Request No. CRM-301701482  
Subject: Classified Presidential Records at  
Mar-a-Lago

Dear Mr. Leopold:

This responds to your status inquiry dated February 15, 2022 concerning your pending Freedom of Information Act request received on February 15, 2022 for records concerning the above-mentioned subject.

Please be advised that your request is being processed on the complex track. On average, it takes the FOIA/PA Unit 853 days to process a complex request. At this time, your request has been pending for 88 business days. A search for responsive records is pending.

You have also requested an estimated date of completion for this request. As stated above, your request has been assigned to the complex track. At this time, we estimate that this request will be completed within one year. Please be advised that this is a preliminary estimate that will likely be modified as we process your request, and the volume and complexity of the material is evaluated. We will be able to provide you with a more specific estimate after we have completed our preliminary review of the material.

Your continued patience is appreciated and we apologize for the delays in the processing of your request. Please feel free to follow up with the FOIA/PA Unit in sixty days if you would like another status update on your request.

Sincerely,

FOIA/PA Unit  
Criminal Division  
U.S. Department of Justice