

On Tue, Aug 23, 2022 at 5:25 PM Jason Leopold <jasonleopold@gmail.com> wrote:

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. This request seeks expedited processing.

REQUESTER INFORMATION

Name: Jason Leopold

Position: Investigative Reporter

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

Email: jasonleopold@gmail.com

RECORDS SOUGHT

I request disclosure from the Department of Justice Office of Legal Counsel the following records:

1. Emails, text messages, letters, memos, sent and received by former NARA Director David Ferriero, Acting Director Debra Wall, and NARA counsel Gary Stern, and officials at the Department of Justice Office of Legal Counsel, DOJ's National Security Division, the Office of the attorney General, the White House Counsel's Office relating or referring to the Presidential Records Act, Federal Records Act, Executive Privilege, the Trump White House and records stored at Mar-a-Lago that were recovered by NARA after former President Donald Trump left office.

The timeframe for this request January 20, 2021 through the date the search for responsive records is conducted.

In a letter dated May 10 and publicly released by NARA and currently posted on the agency's website, acting Archivist Debra Wall wrote to Evan Corcoran, one of Donald Trump's attorneys, that she had consulted with "the Assistant Attorney General for the Office of Legal Counsel, regarding whether or not I should uphold the former President's purported "protective assertion of executive privilege."

That letter can be found here: <https://www.archives.gov/files/foia/wall-letter-to-evan-corcoran-re-trump-boxes-05.10.2022.pdf>

EXPEDITED PROCESSING

The circumstances surrounding the FBI search of the former president's Mar-A-Lago residence is unprecedented in our nation's modern history. The unsealing of the search warrant and property records receipt documenting what the FBI removed makes it clear and states explicitly that some of the records were classified top secret/sensitive compartmented information. Now, Archivist Debra Wall's letter goes even further, characterizing the records NARA retrieved as including "classified national security information, up to the level of Top Secret and including Sensitive Compartmented Information and Special Access Program materials." The unsealing, as well as Ms. Wall's letter, also makes clear that federal prosecutors are exploring possible violations of the federal Espionage Act among other allegations. These historic disclosures have dominated the news. There is a clear overwhelming public interest in this matter and now with the disclosure that OLC had provided legal guidance to NARA it is crucial that if any standing order exists that it be released as soon as possible so I can inform the public about what that legal guidance said and how it informed NARA's decisions.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

/s/ _____ JL _____ Jason Leopold

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. . . .

OLC 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 Bloomberg News and formerly senior investigative reporter for BuzzFeed News and 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.

--

Jason Leopold
Senior Investigative Reporter
Bloomberg News
213 270 4334 (signal)
jasonleopold@protonmail.com (secure/encrypted)
@jJasonLeopold

--

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

From: **NARA General Counsel FOIA Office** <foia@nara.gov>

Date: Fri, Aug 26, 2022 at 9:35 AM

Subject: Re: Request for records under the Freedom of Information Act

To: <jasonleopold@gmail.com>

Sent via Email <jasonleopold@gmail.com>

August 26, 2022

BuzzFeed News

Jason Leopold

Senior Investigative Reporter

1669 Benedict Canyon Dr.

Beverly Hills, CA 90210

jasonleopold@gmail.com

RE: Freedom of Information Act Request NGC22-806

Dear Mr. Leopold:

Your FOIA request, dated August 23, 2022, was received by the National Archives and Records Administration's Office of General Counsel on the same day via our foia@nara.gov inbox. We assigned your request tracking number **NGC22-806**. Please provide this number in any future correspondence about your case.

Sincerely,

Ashley A. Bryan

Government Information Specialist

Office of General Counsel (NGC)

National Archives and Records Administration

8601 Adelphi Road

College Park, Maryland, 20740-6001

301-837-3642

Exhibit 2

On Tue, Aug 23, 2022 at 5:25 PM Jason Leopold <jasonleopold@gmail.com> wrote:

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. This request seeks expedited processing.

REQUESTER INFORMATION

Name: Jason Leopold

Position: Investigative Reporter

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

Email: jasonleopold@gmail.com

RECORDS SOUGHT

I request disclosure from the Department of Justice Office of Legal Counsel the following records:

1. Emails, text messages, letters, memos, sent and received by former NARA Director David Ferriero, Acting Director Debra Wall, and NARA counsel Gary Stern, and officials at the Department of Justice Office of Legal Counsel, DOJ's National Security Division, the Office of the attorney General, the White House Counsel's Office relating or referring to the Presidential Records Act, Federal Records Act, Executive Privilege, the Trump White House and records stored at Mar-a-Lago that were recovered by NARA after former President Donald Trump left office.

The timeframe for this request January 20, 2021 through the date the search for responsive records is conducted.

In a letter dated May 10 and publicly released by NARA and currently posted on the agency's website, acting Archivist Debra Wall wrote to Evan Corcoran, one of Donald Trump's attorneys, that she had consulted with "the Assistant Attorney General for the Office of Legal Counsel, regarding whether or not I should uphold the former President's purported "protective assertion of executive privilege."

That letter can be found here: <https://www.archives.gov/files/foia/wall-letter-to-evan-corcoran-re-trump-boxes-05.10.2022.pdf>

EXPEDITED PROCESSING

The circumstances surrounding the FBI search of the former president's Mar-A-Lago residence is unprecedented in our nation's modern history. The unsealing of the search warrant and property records receipt documenting what the FBI removed makes it clear and states explicitly that some of the records were classified top secret/sensitive compartmented information. Now, Archivist Debra Wall's letter goes even further, characterizing the records NARA retrieved as including "classified national security information, up to the level of Top Secret and including Sensitive Compartmented Information and Special Access Program materials." The unsealing, as well as Ms. Wall's letter, also makes clear that federal prosecutors are exploring possible violations of the federal Espionage Act among other allegations. These historic disclosures have dominated the news. There is a clear overwhelming public interest in this matter and now with the disclosure that OLC had provided legal guidance to NARA it is crucial that if any standing order exists that it be released as soon as possible so I can inform the public about what that legal guidance said and how it informed NARA's decisions.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

_____/s/ _____ JL _____ Jason Leopold

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. . . .

OLC 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 Bloomberg News and formerly senior investigative reporter for BuzzFeed News and 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.

--

Jason Leopold

Senior Investigative Reporter

Bloomberg News

213 270 4334 (signal)

jasonleopold@protonmail.com (secure/encrypted)

@jJasonLeopold



Sent via Email

September 08, 2022

Jason Leopold
Investigative Reporter
Bloomberg News
1669 Benedict Canyon Drive
Beverly Hills, CA 90210
jasonleopold@gmail.com

RE: Freedom of Information Act Request NGC22-806 and NGC22-807

Dear Mr. Leopold:

This is in response to your request dated August 23, 2022, for expedited processing of your Freedom of Information Act (FOIA) request assigned internal tracking numbers NGC22-806 and NGC22-807. Your request was received by NARA's Office of General Counsel via foia@nara.gov on the same day. It seeks records related to NARA's efforts to retrieve Presidential records stored at former President Donald Trump's residence at Mar-A-Lago.

NARA processes FOIA requests on an expedited basis if it is determined that the request meets one or more of the following criteria described in its FOIA Regulation, at 36 C.F.R. § 1250.28(a):

- (1) A reasonable expectation of an imminent threat to an individual's life or physical safety;
- (2) A reasonable expectation of an imminent loss of a substantial due process right;
- (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.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

Exhibit 3

After carefully reviewing your request, we have determined that expedition is warranted under 36 C.F.R. § 1250.28(a)(3). Your request has been added to NARA's expedited queue. We will process your request as soon as practicable and will let you know when we have any further updates.

Sincerely,

Joseph A. Scanlon

Joseph A. Scanlon
FOIA & Privacy Act Officer
Office of General Counsel
National Archives and Records Administration



October 3, 2022

Bloomberg News
Jason Leopold
Senior Investigative Reporter

Via Email: jasonleopold@gmail.com

RE: Freedom of Information Act Request NGC22-806

Dear Jason Leopold:

This responds to your Freedom of Information Act (FOIA) request you submitted to the National Archives and Records Administration (NARA) on August 23, 2022, assigned the tracking number NGC22-806.

Request No. NGC22-806 seeks,

Emails, text messages, letters, memos, sent and received by former NARA Director David Ferriero, Acting Director Debra Wall, and NARA counsel Gary Stern, and officials at the Department of Justice Office of Legal Counsel, DOJ's National Security Division, the Office of the Attorney General, the White House Counsel's Office relating or referring to the Presidential Records Act, Federal Records Act, Executive Privilege, the Trump White House and records stored at Mar-a-Lago that were recovered by NARA after former President Donald Trump left office.

NARA has received more than 50 FOIA requests seeking records related to the 15 boxes of materials received from former President Trump's residence in Mar-A-Lago. To respond most efficiently to these overlapping requests, NARA is processing all related requests in the same manner: identifying categories of records that are commonly requested and organizing its searches and responses by those categories of records. When NARA completes processing of a category of records, it will simultaneously issue a response to all requesters who asked for records pertaining to that subject matter and will post any non-exempt records or discretionary releases in NARA's Electronic FOIA Library/Reading Room (the "Reading Room"), at the landing page located at <https://archives.gov/foia/15boxes>.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

Exhibit 4

“Category 1,” as organized by NARA, refers to all emails between NARA officials and representatives of former President Trump related to the 15 boxes as of March 31, 2022. “Category 2” refers to emails from NARA to external entities other than Trump representatives related to the 15 boxes as of March 31, 2022.

NARA located 309 pages of records responsive to Category 1. Without conceding that the materials are non-exempt, NARA is making a discretionary decision to release 11 of those pages to you and other applicable requesters. Of those 11 pages, NARA is releasing 9 in full and two in part (with information redacted under exemption (b)(6)). The 11 pages have been posted today in the Reading Room. The rest of the pages are being withheld in full, subject to exemptions (b)(5)(287 pages), (b)(6)(298 pages), (b)(7)(A)(295 pages), (b)(7)(C)(295 pages), and (b)(7)(E)(21 pages).

NARA located 1,303 pages of emails responsive to Category 2. Without conceding that the materials are non-exempt, NARA is making a discretionary decision to release 54 of those pages to you and other applicable requesters. Of those 54 pages, 39 are being released in full, and 15 are in part with redactions under (b)(6) and (b)(7)(E) of the FOIA. The 54 pages have been posted today in the Reading Room. The rest of the pages are shielded from disclosure under exemptions (b)(5)(1,249 pages), (b)(6)(1,187 pages), (b)(7)(A)(1,073 pages), (b)(7)(C)(966 pages), and (b)(7)(E)(386 pages).

Exemption (b)(5) was asserted to protect NARA’s deliberations with Trump’s representatives, Congress, and other federal agencies. Release would have a chilling effect on those deliberations, inhibiting the relationships and cooperation needed for compliance with the Presidential Records Act, 44 U.S.C. §§ 2202-2209.

Exemption (b)(6) was asserted to protect the release of information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Many of the records you requested were compiled in relation to active law enforcement proceedings and efforts.

Exemption (b)(7)(A) was asserted to withhold records compiled for law enforcement purposes, the disclosure of which could reasonably be expected to interfere with enforcement proceedings.

Exemption (b)(7)(C) was asserted to withhold records compiled for law enforcement purposes, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Exemption (b)(7)(E) was asserted to protect law enforcement information related to techniques and procedures that, if disclosed, could reasonably be expected to risk circumvention of the law.

This response completes processing of all 1,612 pages of records responsive to Categories 1 and 2 and is an interim response to your FOIA request. NARA will reach out to you when it completes processing of the other records you are seeking.

Sincerely,

Jodi Foor
Deputy FOIA Officer/Archivist
Office of General Counsel
301-837-2099 work
Jodi.Foor@nara.gov

On Thu, Aug 25, 2022 at 4:52 PM Jason Leopold <jasonleopold@gmail.com> wrote:

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

RECORDS SOUGHT

I request disclosure from the National Archives and Records Administration the following records:

1. All records, such as talking points, emails (including attachments), memos, letters, text messages, relating to the drafting by the Archives of a statement the Archives released on Friday, August 12, 2022, apparently in response to former President Donald Trump's claim on his social media platform Truth Social, that former President Obama "kept 33 million pages of documents, much of them classified" and that they were "taken to Chicago by President Obama."

NARA's statement went on to say it had "exclusive legal and physical custody" of former President Obama's presidential records when he left office in 2017 and that "about 30 million pages of unclassified records were transferred to a NARA facility in the Chicago area and that they continue to be maintained "exclusively by NARA.

"As required by the [Presidential Records Act], former President Obama has no control over where and how NARA stores the Presidential records of his Administration," the statement said.

2. All records, such as emails, memos, letters, text messages, mentioning or referring to social media posts by former President Donald Trump alleging that former President Barack Obama took 33 million pages of records with him to his home in Chicago when he left office in 2017.

EXPEDITED PROCESSING

The circumstances surrounding the FBI search of the former president's Mar-A-Lago residence last week to recover documents, some marked as top secret and classified, is unprecedented in our nation's modern history. The decisions that led to the search have dominated the news cycle for the past week and have raised important questions about the government's decision making process that led to it as well as what role the various government agencies, such as NARA, in facilitating or this unprecedented decision or the role the agency played in the matter and the responses to numerous inquiries from lawmakers, the public and journalists that have followed. There is widespread and exceptional media interest in this matter and many questions have been raised concerning the government's integrity in conducting this investigation. These records are needed on an urgent, expedited basis so that I may inform the public about actual government activity about this matter.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

Exhibit 5

_____/s/_____/_____/ JL _____ Jason Leopold

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.

--

Jason Leopold
Senior Investigative Reporter
Bloomberg News
213 270 4334 (signal)
jasonleopold@protonmail.com (secure/encrypted)
@jJasonLeopold

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

From: **NARA General Counsel FOIA Office** <foia@nara.gov>
Date: Fri, Aug 26, 2022 at 9:54 AM
Subject: Re: Request for records under the Freedom of Information Act
To: <jasonleopold@gmail.com>
Cc: FOIA <FOIA@nara.gov>

Sent via Email <jasonleopold@gmail.com>

August 26, 2022

BuzzFeed News

Jason Leopold

Senior Investigative Reporter

1669 Benedict Canyon Dr.

Beverly Hills, CA 90210

jasonleopold@gmail.com

RE: Freedom of Information Act Request NGC22-837

Dear Mr. Leopold:

Your FOIA request, dated August 25, 2022, was received by the National Archives and Records Administration's Office of General Counsel on the same day via our foia@nara.gov inbox. We assigned your request tracking number **NGC22-837**. Please provide this number in any future correspondence about your case.

Sincerely,

Ashley A. Bryan

Government Information Specialist

Office of General Counsel (NGC)

National Archives and Records Administration

8601 Adelphi Road

College Park, Maryland, 20740-6001

Exhibit 6

301-837-3642

On Thu, Aug 25, 2022 at 4:52 PM Jason Leopold <jasonleopold@gmail.com> wrote:

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

RECORDS SOUGHT

I request disclosure from the National Archives and Records Administration the following records:

1. All records, such as talking points, emails (including attachments), memos, letters, text messages, relating to the drafting by the Archives of a statement the Archives released on Friday, August 12, 2022, apparently in response to former President Donald Trump's claim on his social media platform Truth Social, that former President Obama "kept 33 million pages of documents, much of them classified" and that they were "taken to Chicago by President Obama."

NARA's statement went on to say it had "exclusive legal and physical custody" of former President Obama's presidential records when he left office in 2017 and that "about 30 million pages of unclassified records were transferred to a NARA facility in the Chicago area and that they continue to be maintained "exclusively by NARA.

"As required by the [Presidential Records Act], former President Obama has no control over where and how NARA stores the Presidential records of his Administration," the statement said.

2. All records, such as emails, memos, letters, text messages, mentioning or referring to social media posts by former President Donald Trump alleging that former President Barack Obama took 33 million pages of records with him to his home in Chicago when he left office in 2017.

EXPEDITED PROCESSING

The circumstances surrounding the FBI search of the former president's Mar-A-Lago residence last week to recover documents, some marked as top secret and classified, is unprecedented in our nation's modern history. The decisions that led to the search have dominated the news cycle for the past week and have raised important questions about the government's decision making process that led to it as well as what role the various government agencies, such as NARA, in facilitating or this unprecedented decision or the role the agency played in the matter and the responses to numerous inquiries from lawmakers, the public and journalists that have followed. There is widespread and exceptional media interest in this matter and many questions have been raised concerning the government's integrity in conducting this investigation. These records are needed on an urgent, expedited basis so that I may inform the public about actual government activity about this matter.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

_____/s/ _____ JL _____ Jason Leopold

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.

--

Jason Leopold
Senior Investigative Reporter
Bloomberg News
213 270 4334 (signal)
jasonleopold@protonmail.com (secure/encrypted)
@jJasonLeopold



Sent via Email

September 08, 2022

Jason Leopold
Investigative Reporter
Bloomberg News
1669 Benedict Canyon Drive
Beverly Hills, CA 90210
jasonleopold@gmail.com

RE: Freedom of Information Act Request NGC22-836, NGC22-837 and NGC22-838

Dear Mr. Leopold:

This is in response to your request dated August 25, 2022, for expedited processing of your Freedom of Information Act (FOIA) request assigned internal tracking numbers NGC22-836, NGC22-837, and NGC22-838. Your request was received by NARA's Office of General Counsel via foia@nara.gov on the same day. It seeks records related to NARA's efforts to retrieve Presidential records stored at former President Donald Trump's residence at Mar-A-Lago.

NARA processes FOIA requests on an expedited basis if it is determined that the request meets one or more of the following criteria described in its FOIA Regulation, at 36 C.F.R. § 1250.28(a):

- (1) A reasonable expectation of an imminent threat to an individual's life or physical safety;
- (2) A reasonable expectation of an imminent loss of a substantial due process right;
- (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.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

Exhibit 7

After carefully reviewing your request, we have determined that expedition is warranted under 36 C.F.R. § 1250.28(a)(3). Your request has been added to NARA's expedited queue. We will process your request as soon as practicable and will let you know when we have any further updates.

Sincerely,

Joseph A. Scanlon

Joseph A. Scanlon
FOIA & Privacy Act Officer
Office of General Counsel
National Archives and Records Administration

On Thu, Aug 25, 2022 at 4:54 PM Jason Leopold <jasonleopold@gmail.com> wrote:

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

RECORDS SOUGHT

I request disclosure from the National Archives and Records Administration the following records:

1. All emails, including attachments, all letters, memos, talking points and text messages, sent and received by former Archivist David Ferriero mentioning or referring to: Mar-a-Lago, Presidential Records Act, PRA, Donald Trump, Kash Patel, John Solomon, classified and top secret records,

The timeframe for this request is January 20, 2021 through May 1, 2022.

EXPEDITED PROCESSING

The circumstances surrounding the FBI search of the former president's Mar-A-Lago residence last week to recover documents, some marked as top secret and classified, is unprecedented in our nation's modern history. The decisions that led to the search have dominated the news cycle for the past week and have raised important questions about the government's decision making process that led to it as well as what role the various government agencies, such as NARA, in facilitating or this unprecedented decision or the role the agency played in the matter and the responses to numerous inquiries from lawmakers, the public and journalists that have followed. There is widespread and exceptional media interest in this matter and many questions have been raised concerning the government's integrity in conducting this investigation. These records are needed on an urgent, expedited basis so that I may inform the public about actual government activity about this matter.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

/s/ _____ JL _____ Jason Leopold

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 Bloomberg News and formerly 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.

--

Jason Leopold
Senior Investigative Reporter
Bloomberg News
213 270 4334 (signal)
jasonleopold@protonmail.com (secure/encrypted)
@jJasonLeopold

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

From: **NARA General Counsel FOIA Office** <foia@nara.gov>
Date: Fri, Aug 26, 2022 at 9:58 AM
Subject: Re: Request for records under the Freedom of Information Act
To: <jasonleopold@gmail.com>
Cc: FOIA <FOIA@nara.gov>

Sent via Email <jasonleopold@gmail.com>

August 26, 2022

BuzzFeed News

Jason Leopold
Senior Investigative Reporter
1669 Benedict Canyon Dr.
Beverly Hills, CA 90210
jasonleopold@gmail.com

RE: Freedom of Information Act Request NGC22-838

Dear Mr. Leopold:

Your FOIA request, dated August 25, 2022, was received by the National Archives and Records Administration's Office of General Counsel on the same day via our foia@nara.gov inbox. We assigned your request tracking number **NGC22-838**. Please provide this number in any future correspondence about your case.

Sincerely,

Ashley A. Bryan
Government Information Specialist
Office of General Counsel (NGC)
National Archives and Records Administration
[8601 Adelphi Road](https://www.archives.gov)

Exhibit 9

College Park, Maryland, 20740-6001
301-837-3642

On Thu, Aug 25, 2022 at 4:54 PM Jason Leopold <jasonleopold@gmail.com> wrote:

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

RECORDS SOUGHT

I request disclosure from the National Archives and Records Administration the following records:

1. All emails, including attachments, all letters, memos, talking points and text messages, sent and received by former Archivist David Ferriero mentioning or referring to: Mar-a-Lago, Presidential Records Act, PRA, Donald Trump, Kash Patel, John Solomon, classified and top secret records,

The timeframe for this request is January 20, 2021 through May 1, 2022.

EXPEDITED PROCESSING

The circumstances surrounding the FBI search of the former president's Mar-A-Lago residence last week to recover documents, some marked as top secret and classified, is unprecedented in our nation's modern history. The decisions that led to the search have dominated the news cycle for the past week and have raised important questions about the government's decision making process that led to it as well as what role the various government agencies, such as NARA, in facilitating or this unprecedented decision or the role the agency played in the matter and the responses to numerous inquiries from lawmakers, the public and journalists that have followed. There is widespread and exceptional media interest in this matter and many questions have been raised concerning the government's integrity in conducting this investigation. These records are needed on an urgent, expedited basis so that I may inform the public about actual government activity about this matter.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

/s/ _____ JL _____ Jason Leopold

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 Bloomberg News and formerly 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.

--

Jason Leopold
Senior Investigative Reporter
Bloomberg News
213 270 4334 (signal)
jasonleopold@protonmail.com (secure/encrypted)
@jJasonLeopold

On Sat, Aug 27, 2022 at 7:21 PM Jason Leopold <jasonleopold@gmail.com> wrote:

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. This request seeks expedited processing.

REQUESTER INFORMATION

Name: Jason Leopold

Position: Investigative Reporter

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

Email: jasonleopold@gmail.com

RECORDS SOUGHT

I request disclosure from the National Archives and Records Administration the following records:

1. All records mailed, emailed, transcribed, found on social media, which also includes any audio recordings such as voicemail messages, documenting threats leveled against NARA, its personnel and archivists, including acting Archivist Debra Steidel Wall by members of the public relating or referring to the agency's role in the retrieval of presidential records from Mar-a-Lago and the FBI search of the location. These messages from the public would include messages accusing the agency and its personnel of "corruption and conspiring against the former President [Donald Trump]..."

NARA may remove any personally identifiable information from the responsive records it processes.

2. The same types of records in which member of the public have sent letters, emails, left voicemail messages, congratulating NARA, its personnel and archivists, including acting Archivist Debra Steidel Wall for "bringing him [former President Donald Trump] down."

3. Any and all responses to the threatening messages NARA had received and any referrals NARA had made to the FBI, DOJ or other law enforcement agency relating to the threats received by the agency.

4. All staff wide messages from former Archivist David Ferriero or Acting Archivist Debra Steidel Wall disseminated to NARA personnel since January 1, 2022 mentioning or referring to the Presidential Records Act, Mar-a-Lago, FBI, Donald Trump, threats against NARA personnel.

EXPEDITED PROCESSING

On Saturday, August 27, 2022, The Washington Post published a news story stating that NARA had been "hit with a wave of threats and vitriol" since the FBI search of Mar-a-Lago to retrieve presidential records stored there. The news story suggests that NARA personnel are in imminent danger simply because the agency was carrying out its duties. The circumstances surrounding the FBI search of the former president's Mar-A-Lago residence to recover documents, many marked as top secret and classified, is unprecedented in our nation's modern history. The decisions that led to the search have dominated the news cycle for the past three weeks and have raised important questions about the government's decision making process that led to it as well as what role the various government agencies, such as NARA, in facilitating or this unprecedented decision or the role the agency played in the matter and the responses to numerous inquiries from lawmakers, the public and journalists that have followed. There is widespread and exceptional media interest in this matter and many questions have been raised concerning the government's integrity in conducting this investigation. There also appears to be an imminent threat to the lives and safety of personnel working for the agency, much of it stoked by the former president.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA

request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

/s/ _____ JL _____ Jason Leopold

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 Bloomberg News and formerly 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.

--

Jason Leopold
Senior Investigative Reporter
Bloomberg News
213 270 4334 (signal)
jasonleopold@protonmail.com (secure/encrypted)
@jJasonLeopold

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

From: **NARA General Counsel FOIA Office** <foia@nara.gov>
Date: Wed, Sep 7, 2022 at 6:13 AM
Subject: RE: Freedom of Information Act Request NGC22-845
To: <jasonleopold@gmail.com>
Cc: FOIA <FOIA@nara.gov>

Sent via Email <jasonleopold@gmail.com>

September 7, 2022

Jason Leopold
Senior Investigative Reporter
Bloomberg News
jasonleopold@gmail.com

RE: Freedom of Information Act Request NGC22-845

Dear Mr. Leopold:

Your FOIA request, dated August 27, 2022, was received by the National Archives and Records Administration's Office of General Counsel on the same day via our foia@nara.gov inbox. We assigned your request tracking number **NGC22-845**. Please provide this number in any future correspondence about your case.

Sincerely,

Ashley A. Bryan
Government Information Specialist
Office of General Counsel (NGC)
National Archives and Records Administration
[8601 Adelphi Road](https://www.archives.gov)
[College Park, Maryland, 20740-6001](https://www.archives.gov)
301-837-3642

Exhibit 11

On Sat, Aug 27, 2022 at 7:21 PM Jason Leopold <jasonleopold@gmail.com> wrote:

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. This request seeks expedited processing.

REQUESTER INFORMATION

Name: Jason Leopold

Position: Investigative Reporter

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

Email: jasonleopold@gmail.com

RECORDS SOUGHT

I request disclosure from the National Archives and Records Administration the following records:

1. All records mailed, emailed, transcribed, found on social media, which also includes any audio recordings such as voicemail messages, documenting threats leveled against NARA, its personnel and archivists, including acting Archivist Debra Steidel Wall by members of the public relating or referring to the agency's role in the retrieval of presidential records from Mar-a-Lago and the FBI search of the location. These messages from the public would include messages accusing the agency and its personnel of "corruption and conspiring against the former President [Donald Trump]..."

NARA may remove any personally identifiable information from the responsive records it processes.

2. The same types of records in which member of the public have sent letters, emails, left voicemail messages, congratulating NARA, its personnel and archivists, including acting Archivist Debra Steidel Wall for "bringing him [former President Donald Trump] down."

3. Any and all responses to the threatening messages NARA had received and any referrals NARA had made to the FBI, DOJ or other law enforcement agency relating to the threats received by the agency.

4. All staff wide messages from former Archivist David Ferriero or Acting Archivist Debra Steidel Wall disseminated to NARA personnel since January 1, 2022 mentioning or referring to the Presidential Records Act, Mar-a-Lago, FBI, Donald Trump, threats against NARA personnel.

EXPEDITED PROCESSING

On Saturday, August 27, 2022, The Washington Post published a news story stating that NARA had been "hit with a wave of threats and vitriol" since the FBI search of Mar-a-Lago to retrieve presidential records stored there. The news story suggests that NARA personnel are in imminent danger simply because the agency was carrying out its duties. The circumstances surrounding the FBI search of the former president's Mar-A-Lago residence to recover documents, many marked as top secret and classified, is unprecedented in our nation's modern history. The decisions that led to the search have dominated the news cycle for the past three weeks and have raised important questions about the government's decision making process that led to it as well as what role the various government agencies, such as NARA, in facilitating or this unprecedented decision or the role the agency played in the matter and the responses to numerous inquiries from lawmakers, the public and journalists that have followed. There is widespread and exceptional media interest in this matter and many questions have been raised concerning the government's integrity in conducting this investigation. There also appears to be an imminent threat to the lives and safety of personnel working for the agency, much of it stoked by the former president.

As senior investigative reporter at Bloomberg News, I am a full-time member of the news media. I therefore qualify as a person primarily engaged in disseminating information. The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA

request is warranted. These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public.

I certify the foregoing to be true and correct to the best of my knowledge and belief.

/s/ _____ JL _____ Jason Leopold

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 Bloomberg News and formerly 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.

--

Jason Leopold
Senior Investigative Reporter
Bloomberg News
213 270 4334 (signal)
jasonleopold@protonmail.com (secure/encrypted)
@jJasonLeopold



Sent via Email

September 08, 2022

Jason Leopold
Investigative Reporter
Bloomberg News
1669 Benedict Canyon Drive
Beverly Hills, CA 90210
jasonleopold@gmail.com

RE: Freedom of Information Act Request NGC22-845

Dear Mr. Leopold:

This is in response to your request dated August 27, 2022, for expedited processing of your Freedom of Information Act (FOIA) request assigned internal tracking number NGC22-845. Your request was received by NARA's Office of General Counsel via foia@nara.gov on the same day. It seeks records related to NARA's efforts to retrieve Presidential records stored at former President Donald Trump's residence at Mar-A-Lago.

NARA processes FOIA requests on an expedited basis if it is determined that the request meets one or more of the following criteria described in its FOIA Regulation, at 36 C.F.R. § 1250.28(a):

- (1) A reasonable expectation of an imminent threat to an individual's life or physical safety;
- (2) A reasonable expectation of an imminent loss of a substantial due process right;
- (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.

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001
www.archives.gov

Exhibit 12

After carefully reviewing your request, we have determined that expedition is warranted under 36 C.F.R. § 1250.28(a)(3). Your request has been added to NARA's expedited queue. We will process your request as soon as practicable and will let you know when we have any further updates.

Sincerely,

Joseph A. Scanlon

Joseph A. Scanlon
FOIA & Privacy Act Officer
Office of General Counsel
National Archives and Records Administration