

EXHIBIT 1

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Via Email and U.S. Postal Service

U.S. Army Freedom of Information Act Office
Records Management Directorate
9301 Chapek Rd. Bldg 1458
Fort Belvoir, VA 22060-5605
usarmy.belvoir.hqda-oaa-ahs.mbx.rmda-foia@army.mil

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and implementing regulations of the U.S. Department of Defense, 32 C.F.R. Parts 285 & 286, I hereby request a copy of the documents below:

1. All Communications between the Secretary of the Army, the Under Secretary of the Army, the Assistant Secretary of the Army (Civil Works), the U.S. Army Corps of Engineers (“USACE”) Commanding General, the USACE Alaska District Commander, the USACE Alaska District Regulatory Division Chief (collectively, “Army Leadership Team”), or any employee, staff, officer, or representative acting under the direction of any member of the Army Leadership Team, and any of the following, including any employee, former employee, staff, or representative of any of the following:
 - a. President Donald J. Trump;
 - b. The Office of the President of the United States;
 - c. Mark Meadows, former Chief of Staff to President Donald J. Trump;
 - d. Jared Kushner, former advisor to President Donald J. Trump;
 - e. Vice President Mike Pence;
 - f. The Office of the Vice President of the United States;
 - g. Nick Ayers, former Chief of Staff to Vice President Mike Pence;
 - h. U.S. Senator Lisa Murkowski;
 - i. U.S. Senator Dan Sullivan;

- j. U.S. Representative Don Young;
- k. The Donald J. Trump 2020 Presidential Reelection Campaign;
- l. Donald J. Trump, Jr.
- m. Andy Sabin, owner of Sabin Metal Corporation; or
- n. Patricia Bauman, chair of Natural Resources Defense Council Action Fund.

This request is limited to the dates July 1, 2020, through January 20, 2021.

- 2. All Communications Logs for the Army Leadership Team for the dates July 1, 2020, through January 20, 2021.

For the purposes of this request, “Communications” refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to correspondence, emails (including those on which a party referenced in the above requests is carbon-copied or blind-carbon-copied), email attachments, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, text messages, telephone message logs or slips, telephone readouts, transcripts, call lists, PowerPoint presentations, spreadsheets, agendas, maps, photographs, data compilations, Vaughn indices, privilege logs, or calendars.

“Communications Logs” refers to telephone records, telephone message logs or slips, call lists, calendar entries, schedules, meetings logs, or any other document identifying the time, location, subject matter, participants, and/or any other information regarding the Communications or meetings.

If any documents or communications covered by this FOIA request have been deleted, destroyed, removed, or cannot be located, please provide all surrounding documents or communications as well as a list of all records that have been deleted, destroyed, removed, or cannot be located, a description of actions taken in response to the unavailable documents or communications, and any documents or communications relevant to or generated in connection with implementing those actions.

FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

- 1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and

2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

I encourage you to release any records, or portions thereof, that may technically be shielded by exemptions if there is no purpose served by withholding the requested records. *Chrysler Corp. v. Brown*, 441 U.S. 281, 294-95 (1979) (holding that FOIA exemptions are discretionary). I note that FOIA provides that an arbitrary and capricious refusal to produce responsive documents will result in investigation initiated by special counsel to determine whether disciplinary action is warranted against the individual at the agency primarily responsible for the withholding. 5 U.S.C. § 552(a)(4)(F).

Timing and Mechanics of Production

I request that in responding to this letter, the Department of the Army comply with all relevant deadlines and other obligations set forth in FOIA and Department of Defense regulations, and I look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 32 C.F.R. Parts 285 & 286. Please produce records on a rolling basis; the search for – and deliberation concerning – certain documents should not delay the production of others that the Department of the Army has already retrieved and could turn over. I am interested in working with the Department to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized productions.

I prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, I request that the Department of the Army provide the requested information in searchable, electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual emails, and their attachments, should be maintained as single msg files. If this is not possible, then emails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachment information.

I understand that there may be fees and costs associated with this request, and I agree to pay any fees or costs up to \$1,000 associated with making these materials available to us. If the costs will be in excess of \$1,000, please advise me before such costs are incurred.

Thank you for your assistance.

Sincerely,



Patricia B. Palacios