



214 Massachusetts Avenue, NE
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heritage.org

SENT VIA EMAIL (FOIA@NARA.GOV) AND FOIAONLINE

August 11, 2022

NARA FOIA Officer (NGC)
Room 3110
National Archives and Records Administration
8601 Adelphi Road, College Park, MD 20740-6001

Dear NARA FOIA Officer,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the National Archives (NARA), 36 CFR Part 1250, I respectfully request the following records created by NARA and its employees in the process of carrying out its mission and responsibilities as an executive branch agency:

1. All records and communications of the Archivist and (Acting) Archivist; Deputy Archivist; Office of General Counsel; and the Office of the Chief of Staff (including the Chief of Staff, Communications and Marketing Division, and the Executive Secretariat) with any individuals from the domain [(@doj.gov) OR (@fbi.gov) OR (@who.eop.gov) OR (@ovp.eop.gov) OR (@nsc.eop.gov)] AND [(Bedminster) OR (Bedminster Golf Club) OR (Trump Tower) OR (Tower) OR (Mar-a-Lago Club) OR (Mar-a-Lago)].
2. All records and communications of the Archivist and (Acting) Archivist; Deputy Archivist; Office of General Counsel; and the Office of the Chief of Staff (including the Chief of Staff, Communications and Marketing Division, and the Executive Secretariat) regarding [(Bedminster) OR (Bedminster Golf Club) OR (Trump Tower) OR (Tower) OR (Mar-a-Lago Club) OR (Mar-a-Lago)] AND [boxes].
3. All records and communications of the Archivist and (Acting) Archivist; Deputy Archivist; Office of General Counsel; and the Office of the Chief of Staff (including the Chief of Staff, Communications and Marketing Division, and the Executive Secretariat) regarding [(Bedminster) OR (Bedminster Golf Club) OR (Trump Tower) OR (Tower) OR (Mar-a-Lago Club) OR (Mar-a-Lago)] AND [(PRA) OR (Presidential Records Act)].
4. All records and communications of the Archivist and (Acting) Archivist; Deputy Archivist; Office of General Counsel; and the Office of the Chief of Staff (including the Chief of Staff, Communications and Marketing Division, and the Executive Secretariat) regarding [(Bedminster) OR (Bedminster Golf Club) OR (Trump Tower) OR (Tower) OR (Mar-a-Lago Club) OR (Mar-a-Lago)] AND [(felony) OR (Misdemeanor)].

5. All records communications of the Archivist and (Acting) Archivist; Deputy Archivist; Office of General Counsel; and the Office of the Chief of Staff (including the Chief of Staff, Communications and Marketing Division, and the Executive Secretariat) regarding [election] AND [(DOJ) OR (Dept of Justice) OR (Federal Bureau of Investigation) OR (FBI)].
6. All records and communications of the Archivist and (Acting) Archivist; Deputy Archivist; Office of General Counsel; and the Office of the Chief of Staff (including the Chief of Staff, Communications and Marketing Division, and the Executive Secretariat) regarding Title 44 Section 3106.
7. All records and communications between any employee or agent of NARA and the FBI or Department of Justice, including the Offices of the United States Attorneys, regarding former President Trump.
8. All records and communications between or among employees or agents of NARA regarding any documents in the possession of former President Trump.
9. All records produced or contributed to by any employee or agent of NARA and submitted to a U.S. federal district court, magistrate, or judge.
10. All records and communications sufficient to show the process by which NARA collects documents after a presidential transition.

Please limit the search for this request from January 10, 2021, to present.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind



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(including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), MMS or SMS text message, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

This request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than seven (20) business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552 (b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent the agency believes that responsive records may be withheld in part produce all reasonably segregable portions of those records.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation’s commercial interest. Heritage Foundation’s mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national

defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,¹ broadcast media² (traditional and nontraditional) and press releases.³ The requested information is in the highest public interest since the raid on former President Trump's residence in Florida was supposedly based on the Presidential Records Act,⁴ and in a collection of press statements from February 14, 2022, NARA states, "As required by the Presidential Records Act (PRA), these records should have been transferred to NARA from the White House at the end of the Trump Administration in January 2021."⁵

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the *Daily Signal*⁶ (a major news outlet⁷), I request that you waive all applicable fees associated with this request. As a contributor for the Daily Signal, I intend to use this FOIA request and other investigatory means to gather information of potential public interest regarding the records requested and use my editorial skills to turn the raw materials into a distinct work and distributes that work to my Daily Signal audience.⁸

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

Expedited Processing Request

I am requesting expedited processing as per § 1250.28 (a)(4) "[a] matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity."

As per § 1250.28 (a)(4), on August 8th the FBI executed a search warrant at former President Donald Trump's home in Florida on Monday, and a CBS News source told CBS News on Monday that the search was "related to PRA," or the Presidential Records Act."⁹ As per 44 U.S.C. §3106,

¹ Heritage Foundation. [@Heritage] (Accessed: 2022, February 18). 626.8K Followers Twitter. <https://twitter.com/Heritage>

² Fox News. (Accessed: 2022, February 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

³ Heritage Foundation. (Accessed: 2022, February 18). Press. <https://www.heritage.org/press>.

⁴ BBC. (Accessed: 2022, August 11). Donald Trump says FBI agents raided his Mar-a-Lago Florida home. <https://www.bbc.com/news/world-us-canada-62472908>

⁵ Congressional Research Service. (Accessed: 2022, August 11). Presidential Records Management: Preservation and Disposal. <https://crsreports.congress.gov/product/pdf/IF/IF12056>

⁶ Daily Signal. (Accessed: 2022, August 11). Roman Jankowski. <https://www.dailysignal.com/author/romanj/>

⁷ Daily Signal. [@DailySignal] (Accessed: 2022, February 18). 73.7K Followers Twitter. <https://twitter.com/DailySignal>

⁸ Daily Signal. (Accessed: 2022, July 22). DC's Solution to Illegal Immigrants Bused From Texas: 'Put Them on Train to Miami' <https://www.dailysignal.com/2022/07/22/dcs-solution-to-illegal-immigrants-bused-from-texas-put-them-on-train-to-miami/> (over 100,000 views)

⁹ CBS News. (Accessed: 2022, August 11). FBI took boxes and documents in Trump search, sources say. <https://www.cbsnews.com/news/trump-mar-a-lago-search-fbi-documents-boxes/>



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In the event of unlawful removal, defacing, or erasure of records, the related Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33) requires the Archivist to initiate action through the Attorney General for the recovery of the records.¹⁰ Therefore, if this investigation was part of Presidential records Preservation, then the Archivist had a role in one of the most scrutinized warrant in US History.¹¹ This raid and what transpired before and after it has affected American public confidence. As per the Trafalgar Group poll conducted after the Trump raid,¹² 53.9 percent of likely general election voters believe Trump's political enemies are behind the FBI raid on President Trump's private home, and only 35.3 percent of likely general election voters believe it is due to an impartial justice system. I affirm that this request for expedited processing certified to be true and correct.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at oversightproject@heritage.org.

Sincerely,

Roman Jankowski
Senior Investigative Counsel and Contributor at
The Daily Signal
The Heritage Foundation
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¹⁰ Congressional Research Service. (Accessed: 2022, August 11). Presidential Records Management: Preservation and Disposal. <https://crsreports.congress.gov/product/pdf/IF/IF12056>

¹¹ Fox News. (Accessed: 2022, August 11). Former FBI special agent on Mar-a-Lago raid: This is arguably 'the most scrutinized warrant' in US history. <https://www.foxnews.com/media/former-fbi-special-agent-mar-a-lago-raid-scrutinized-warrant-us-history>

¹² the Trafalgar Group. (Accessed: 2022, August 11). Nationwide Issues Survey Aug 2022. (Conducted 08/09/22 - 08/10/22) <https://www.thetrafalgargroup.org/wp-content/uploads/2022/08/COSA-FBI-Raid-Motivation-Full-Report-0810.pdf>