



October 3, 2022

Judicial Watch, Inc.
Chris Nelson
425 3rd St. SW, Suite 800
Washington, DC 20024

Via Email: cnelson@judicialwatch.org

RE: Freedom of Information Act Request NGC22-754

Dear Chris Nelson:

This responds to your Freedom of Information Act (FOIA) request you submitted to the National Archives and Records Administration (NARA) on August 15, 2022, assigned the tracking number NGC22-754 and *FOIAonline* tracking number NARA-NGC-2022-001559.

Request No. NGC22-754 seeks:

Records and / or communications from David S. Ferriero (Retired), 10th Archivist of the United States, NARA, Washington, DC, or any NARA person acting on his behalf, regarding:

(a) Communications with any representative(s) of former President Trump concerning the transfer of 15 boxes of material to NARA in January 2022, that were allegedly subject to the Presidential Records Act.

(b) Inventories conducted by NARA concerning the type of documents and / or materials of the 15 boxes obtained from former President Trump by NARA in January 2022. This request is NOT asking for contents contained within the documents.

(c) Communications with any member of the Department of Justice concerning any alleged documents or materials in the possession of former President Trump that is allegedly subject to the Presidential Records Act.

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(d) Communications with any member of the U.S. Senate or Congress concerning any alleged documents or materials in the possession of former President Trump that is allegedly subject to the Presidential Records Act.

(e) Communications with the White House Office of Records Management concerning any boxes, documents, records, or materials that should have been transferred to NARA upon former President Trump leaving the White House.

(f) Communications with any representative(s) of former President Trump concerning any additional documents or materials remaining in his possession after January 2022 that is allegedly subject to the Presidential Records Act.

(g) Communications with anyone concerning social media records, non-official electronic messaging accounts, or other records that allegedly remain in the possession of former President Trump or any member of the former Trump Administration that may be subject to the Presidential Records Act.

(h) Communications concerning the January 6, 2021, Washington, DC march, protest, rally, demonstration that took place at the U.S. Capitol.

(i) Communications concerning the January 6, 2021, speech delivered by former President Donald Trump.

(j) Communications with any person, representing any media organization concerning records in the possession of former President Trump.

The period of this request is January 1, 2021, to present.

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>.

"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



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