



August 15, 2022

**VIA ELECTRONIC MAIL**

Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, D.C. 20528-065  
[foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, the American Civil Liberties Union of Massachusetts, Inc. (“ACLUM”) requests the records described below.

According to court documents, on August 8, 2022, federal law enforcement agents searched premises located at 1100 South Ocean Boulevard, Palm Beach, Florida, pursuant to a Search and Seizure Warrant issued by the United States District Court for the Southern District of Florida. This property is the Mar-a-Lago Club, which (according to its website) is a club and hotel operated by the Trump Organization, under the control of Former President of the United States Donald J. Trump. Mr. Trump occupied the office of President from January 20, 2017, until January 20, 2021.

According to court documents, the August 8, 2022 search of Mar-a-Lago resulted in the seizure of classified records, including “Various classified/TS/SCI documents,” “Miscellaneous Top Secret Documents,” “Miscellaneous Secret Documents,” and “Miscellaneous Confidential Documents.”

After the search, Mr. Trump reportedly issued a statement, which was read aloud on “Fox News” cable television, asserting that, while President, he “often took documents, including classified documents, to the residence” and “had a standing order that documents removed from the Oval Office and taken to the residence were deemed to be declassified the moment he removed them” (the “Alleged Declassification Standing Order”).<sup>1</sup> Subsequently, John Bolton, who served as National Security Advisor during the Trump administration, reportedly stated that he was “never

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<sup>1</sup> <https://twitter.com/Acyn/status/1558261235883311106>

briefed on any such order, procedure, [or] policy when [he] came in” and that the Alleged Declassification Standing Order is “almost certainly a lie.”<sup>2</sup>

### **Requested Records**

ACLUM requests that the Department of Homeland Security (“DHS”) produce the following records:

1. The Alleged Declassification Standing Order.
2. Any written transmittal of the Alleged Declassification Standing Order from the Executive Office of the President of the United States to DHS, including by letter, memoranda, or email.
3. All records created by DHS that were declassified pursuant to the Alleged Declassification Standing Order.

For Requests 1 & 2, please provide all responsive records from January 20, 2017, through January 20, 2021.

For Request 3, please provide all responsive records declassified from January 20, 2017, through January 20, 2021.

### **Fee Waiver Request**

ACLUM requests a waiver of fees associated with processing this request. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of government. The requested records will help ACLUM and the general public understand the Trump administration’s policies, procedures, and activities in the fields of national security and records management. The Trump administration’s policies, procedures, and activities in this regard are the subject of significant public and press interest, including intense media and public attention following the recent search of Mar-a-Lago by federal law enforcement agents. The requested records (or a response that no such records exist) would meaningfully inform the public as to the truthfulness or falsity of Mr. Trump’s public explanation for the apparent seizure of numerous highly classified records from that location.

This request is also primarily and fundamentally for non-commercial purposes. ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As

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<sup>2</sup> <https://www.nytimes.com/2022/08/14/us/politics/trump-documents-explanations.html?smid=tw-share>

the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other materials that are disseminated to the public, including through ACLUM's website<sup>3</sup> and regular posts on social media sites such as Facebook and Twitter. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, and law students and faculty, at no cost. Accordingly, ACLUM qualifies for a fee waiver.

### **Conclusion**

If you have any questions regarding how to construe this request for records, please do not hesitate to contact me at any time by email at [dmcfadden@aclum.org](mailto:dmcfadden@aclum.org).

Sincerely,

*/s/ Dan McFadden*

Daniel L. McFadden

Staff Attorney

ACLU Foundation of Massachusetts

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<sup>3</sup> [www.aclum.org](http://www.aclum.org)