



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

January 19, 2021

**BY EMAIL:** [garym.stern@nara.gov](mailto:garym.stern@nara.gov)

Gary M. Stern  
Chief FOIA Officer  
National Archives and Records Administration  
8601 Adelphi Road, Room 3110  
College Park, MD 20740-6001

Re: Freedom of Information Act Request

Dear Mr. Stern:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and National Archives and Records Administration (“NARA”) regulations.

First, CREW requests all email communications sent to, copied to, sent by, or received among or between Archivist of the United States David Ferriero, Deputy Archivist of the United States Debra Steidel Wall, Chief of Staff Maria Carosa Stanwich, Chief Records Officer Laurence Brewer, General Counsel Gary Stern, or any NARA employee designated as a point of contact with the White House regarding the preservation and transfer to NARA of President Donald J. Trump’s federal records and presidential records from September 1, 2020 to the present, referring or related to the systems in place for the collection, preservation and management of presidential records created or stored using accounts created on Twitter.

Second, CREW requests all email communications sent to, copied to, sent by, or received by Archivist of the United States David Ferriero, Deputy Archivist of the United States Debra Steidel Wall, Chief of Staff Maria Carosa Stanwich, Chief Records Officer Laurence Brewer, General Counsel Gary Stern, , or any NARA employee designated as a point of contact with the White House regarding the preservation and transfer to NARA of President Donald J. Trump’s presidential records from September 1, 2020 to the present with staff of the Chair or Ranking Member of the House Committee on Oversight and Reform or the Senate Homeland Security and Governmental Affairs Committee referring or related to the systems in place for the collection, preservation and management of federal records and presidential records created or stored using accounts created on Twitter.

Third, CREW requests all email communications sent to, copied to, sent by, or received by Archivist of the United States David Ferriero, Deputy Archivist of the United States Debra Steidel Wall, Chief of Staff Maria Carosa Stanwich, Chief Records Officer Laurence Brewer, General Counsel Gary Stern, or any NARA employee designated as a point of contact with the White House regarding the preservation and transfer to NARA of President Donald J. Trump's presidential records from September 1, 2020 to the present with any employee of Twitter referring or related to the systems in place for the collection, preservation and management of federal records and presidential records created or stored using accounts created on Twitter.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and NARA regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Given the administration's pervasive use of social media platforms for official business, and President Trump's tendency to "govern by tweet," it is important to ensure that these records be properly preserved.<sup>1</sup> Many of President Trump's most significant policy and personnel decisions have been announced using social media including, for example, his announcement in 2019 that he fired Secretary of State Rex Tillerson and the appointments of Mike Pompeo and Gina Haspel as Secretary of State and CIA Director

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<sup>1</sup> Masha Gessen, [How Trump Governs by Tweet: Start with Outrage, Then Escalate](https://www.newyorker.com/news/news-desk/how-trump-governs-by-tweet-start-with-outrage-then-escalate), *The New Yorker*, Oct. 11, 2017, <https://www.newyorker.com/news/news-desk/how-trump-governs-by-tweet-start-with-outrage-then-escalate>.

respectively.<sup>2</sup> Earlier this year, the President directed Congress to follow his Twitter account for notification of potential military action against Iran, adding that “Such legal notice is not required, but is given nevertheless!”<sup>3</sup> In 2017, NARA reported “told the White House to keep each of President Donald Trump’s tweets, even those he deletes or corrects.”<sup>4</sup> While the White House agreed to preserve these records, it remains unclear whether the Trump White House was using the same automated archival system employed by the Obama White House or some other mechanism.<sup>5</sup> On January 8, 2021, Twitter “permanently suspended” Trump’s “@realDonaldTrump” account from the platform after the January 6, 2021 attack on the Capitol based on Twitter’s assessment of “the risk of further incitement of violence” by the president.<sup>6</sup>

The requested records will shed light on NARA’s role in the presidential transition process. In particular, the records are likely to contribute to greater public understanding of how NARA has been working with the White House and social media companies to ensure that relevant federal and presidential records of the Trump administration are appropriately preserved. More than any of his predecessors, President Trump and his administration have routinely used social media in order to communicate directly with the American people and conduct government business. Unfortunately, the president and his staff have also repeatedly abused Twitter and other social media platforms in ways that support unethical, and sometimes illegal, behavior. It is imperative that the public understand what systems the government has in place to automatically preserve presidential records stored or created using Twitter and whether any such systems were fully functioning in the waning months of the Trump administration. The public deserves to know whether NARA is working with private sector social media companies to ensure that the records of the Trump administration are preserved consistent with law.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW’s financial interest.

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<sup>2</sup> Donald J. Trump (@realDonaldTrump), Twitter (Mar. 13, 2018), <https://twitter.com/realDonaldTrump/status/973540316656623616>.

<sup>3</sup> Donald J. Trump (@realDonaldTrump), Twitter (Jan. 5, 2020), <https://twitter.com/realDonaldTrump/status/1213919480574812160>; see also, T.C. Sottek, *Trump Tells Congress to Follow Him on Twitter for Updates on War with Iran*, *The Verge*, Jan. 5, 2020, <https://www.theverge.com/2020/1/5/21050757/trump-iran-qassem-soleimani-attack-congress-twitter-follow-updates>.

<sup>4</sup> Stephen Braun, *National Archives to White House: Save All Trump Tweets*, *Associated Press*, Apr. 4, 2017, <https://apnews.com/article/60fd5d6a7ad942a083d1e6388b0c7b87>.

<sup>5</sup> *Id.*

<sup>6</sup> Twitter, *Permanent Suspension of @realDonaldTrump*, Jan. 8, 2021, [https://blog.twitter.com/en\\_us/topics/company/2020/suspension.html](https://blog.twitter.com/en_us/topics/company/2020/suspension.html).

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts all documents it receives under the FOIA its website, and those documents have been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [foia@citizensforethics.org](mailto:foia@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 1101 K St, N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,



Nikhel Sus  
Senior Counsel