

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

FREEDOM OF THE PRESS FOUNDATION,  
*et al.*,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

Case No. 26-cv-1402-JDB

**DECLARATION OF LAUREN HARPER**

I, Lauren Harper, hereby declare as follows:

1. I am the Daniel Ellsberg Chair on Government Secrecy at Freedom of the Press Foundation (“FPF”). I make this declaration based on my personal knowledge and thorough consultation with my colleagues at FPF and review of FPF’s files.

2. FPF is a national non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code. FPF was co-founded in 2012 by Daniel Ellsberg, a whistleblower who was unlawfully targeted and unsuccessfully prosecuted by the Nixon administration for facilitating the public disclosure of the “Pentagon Papers,” which exposed more than a decade of Executive Branch deception of Congress, the public, and the press regarding the conduct and scope of the Vietnam War.

3. FPF is dedicated to press freedom, government accountability, and the public’s right to know. It regularly relies on federal and Presidential records to gather information and educate the public about matters key to its mission, including government corruption and secrecy.

FPF also regularly publishes a newsletter which details updates and news related to its mission, including stories related to the federal and Presidential records it obtains.

4. To advance its mission, FPF uses Presidential and federal records to test the veracity of the information that the government provides to the public and the press regarding its conduct, to publish and disseminate those records to advance the ability of the press to report on the actions of the government, to identify when and how government systems are misapplied or misused to conceal records or information from public view (such as through the persistent overuse of the classification and control system), and to identify and understand the extent to which the government is engaged in conduct that is intended to chill freedom of the press, such as efforts to intimidate members of press and individual reporters, surveil sources, and deny press access without justification.

5. In addition to distributing the Presidential and federal records that it obtains to journalists, FPF uses the information described above to publish its own reports and trackers to threats to freedom of the press and to advocate for more and better safeguards for press freedom.

6. Because of its pervasive reliance on government records, FPF has a strong operational interest in ensuring government compliance with recordkeeping laws, including the Presidential Records Act (“PRA”) and Federal Records Act (“FRA”). The unlawful destruction, alienation, or removal of Presidential and federal records relevant to FPF’s work impedes its ability to fulfill its mission and its informational rights under FOIA.

7. FPF has made multiple FOIA requests to the National Archives and Records Administration (“NARA”) for Presidential records, and FPF currently has 15 pending FOIA requests to NARA for Presidential records from President Trump’s first term on a variety of topics, including compliance with the PRA, handling and storage of classified materials, meetings with

foreign heads of state, election integrity, immigration enforcement, and the January 6, 2021 attack on the Capitol.

8. FPF has likewise made numerous FOIA requests to components of the Executive Office of the President (“EOP”) that are subject to the FRA rather than the PRA, including the Office of Management and Budget. FPF’s pending FOIA requests to OMB include records related to reports submitted by agency heads in response to the March 20, 2025, executive order entitled, “Stopping Waste, Fraud, and Abuse by Eliminating Information Silos,” and communications concerning the House of Representative’s proposal to make the Office of the Director of National Intelligence the lead counterintelligence agency for the federal government.

9. FPF intends to submit additional FOIA requests for Presidential records from the first Trump administration, the Biden administration, the second Trump administration, and other administrations, if and when they become available pursuant to FOIA and the PRA.

10. FPF further intends to submit additional FOIA requests for agency records from EOP components subject to the FRA, including OMB.

11. FPF’s ability to obtain the requested public records promptly and without undue delay is essential to its mission to protect, defend, and facilitate the freedom of the press. Absent timely production of relevant records, FPF is unable to satisfy its mission to fight against unlawful secrecy, surveillance, censorship measures, threats to whistleblowers, and other conduct by the government that threatens the freedom of the press of the United States.

12. While Presidential records have always been vital to FPF’s mission, recent history and current circumstances make them especially so, given the White House Counsel’s Office’s

determination that the PRA is unconstitutional, the Department of Justice’s Office of Legal Counsel (“OLC”) April 1 opinion to that effect<sup>1</sup>, and the April 2, 2026 EOP recordkeeping policy.<sup>2</sup>

13. President Trump’s and his Administration’s demonstrated hostility<sup>3</sup> to public records laws has already irreparably harmed, and will continue to harm, FPF’s ability to obtain and utilize Presidential records in performing their mission-critical functions.

14. The importance of the PRA to FPF’s mission is also enhanced by the President’s and his Administration’s overt and unprecedented hostility to the press, which has had a profound chilling effect on press freedom. For example, the White House has launched a chilling “Media Offenders” page on the White House website that targets published stories, and even opinion

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<sup>1</sup> *Constitutionality of the Presidential Records Act*, 50 Op. O.L.C. \_\_\_ at 1, 50 (April 1, 2026), <https://perma.cc/V4M7-NQFA>.

<sup>2</sup> Memorandum from David Alan Warrington, Assistant to the President and Couns. to the President, Records Retention Policy After Office of Legal Counsel Finding that the Presidential Records Act is Unconstitutional (Apr. 2, 2026) (attached to the Complaint as Exhibit A).

<sup>3</sup> During his first term in office, for example, President Trump routinely destroyed notes at the close of meetings. Annie Karni, *Meet the Guys Who Tape Trump’s Papers Back Together*, Politico (June 10, 2018), <https://www.politico.com/story/2018/06/10/trump-papers-filing-system-635164?ref=themorningnews.org>. His disdain for public records laws culminated in an indictment on 40 felony counts for his unlawful retention and obstruction of justice in concealing highly-classified Presidential documents. Superseding Indictment, *United States v. Trump*, 740 F. Supp. 3d 1245 (S.D. Fla. 2024) (No. 23-CR-80101), <https://perma.cc/NA2L-GCPK>. In his second term, the President and other White House officials have conducted sensitive government business on private electronic applications like Truth Social and Signal. Kristen Welker & Rebecca Shabad, *Trump Accidentally Posted Message Pressuring Pam Bondi to Charge His Enemies*, *Source Says*, NBC News (Oct. 10, 2025), <https://perma.cc/LJ28-ZDMV>. Notably, from March 11 to March 15, 2025, Vice President J.D. Vance and other high-ranking national security officials participated in a group chat on Signal, in which the group discussed impending military operations in Yemen. Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, Atlantic (Mar. 24, 2025), <https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>.

pieces, that the White House does not like, identifies journalists by name, and accuses them of an “offense” in often incendiary rhetoric.<sup>4</sup>

15. Among a litany of additional examples of the President’s and his Administration’s hostility to the press during his second term are: the Administration’s unlawful efforts to defund Voice of America, National Public Radio, and the Public Broadcasting Service that have been blocked by judicial orders;<sup>5</sup> an unsuccessful attempt by President Trump to sue the Wall Street Journal for defamation for publishing a letter that President Trump allegedly wrote to Jeffrey Epstein;<sup>6</sup> the White House unlawfully restricting the Associated Press’s access to White House events for failing to refer to the Gulf of Mexico as the “Gulf of America” in its reporting;<sup>7</sup> the White House calling press outlets that accurately reported on high-ranking Administration officials and cabinet secretaries discussing war plans on the private messaging application Signal “propagandists,”<sup>8</sup> and President Trump publicly calling individual reporters “stupid and nasty,” a “terrible person,” “ugly,” “stupid,” “piggy,” “obnoxious,” and “a sleazebag” for asking questions or publishing stories he did not like.<sup>9</sup>

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<sup>4</sup> *Media Offenders*, White House, <https://perma.cc/JDJ4-6GDS> (last visited Apr. 22, 2026).

<sup>5</sup> Michael Kunzelman & Associated Press, *Judge Blocks Trump’s Executive Order to End Federal Funding for PBS and NPR*, PBS News (Mar. 31, 2026), <https://perma.cc/749B-R37U>; Paulin Kola, *US Judge Orders Trump Administration to Reopen Voice of America*, BBC (Mar. 18, 2026), <https://perma.cc/E7A6-BEDD>.

<sup>6</sup> Aysha Bagchi, *Trump Lawsuit Against WSJ Over Lewd Epstein Birthday Letter Dismissed*, USA Today (Apr. 13, 2026), <https://perma.cc/TS6S-W8FB>.

<sup>7</sup> David Folkenflik, *Judge Orders White House to Allow AP Access to News Events*, NPR (Apr. 9, 2025), <https://perma.cc/5NYC-5QYJ>.

<sup>8</sup> Bernd Debusmann Jr., *Trump Officials Attack Journalist After Signal Leak Published in Full*, BBC (Mar. 26, 2025), <https://perma.cc/8PAV-BK94>.

<sup>9</sup> Clarissa-Jan Lim, *Trump Insults CNN’s Kaitlan Collins: ‘Stupid and Nasty,’* MS NOW (Dec. 6, 2025), <https://perma.cc/E55E-6ML9>; Melissa Quinn, *Trump Lashes Out at Female Reporters, Calling Them ‘Ugly,’ ‘Stupid,’ and ‘Piggy,’* CBS News (Nov. 28, 2025), <https://perma.cc/P4K8-RHLW>; Brian Flood, *Trump Scolds Reporter as ‘Very Obnoxious’ Over*

16. The PRA's public access and FOIA provisions are also currently more valuable to each FPF's mission because of the non-consecutive nature of President Trump's administrations. Because President Trump's presidential terms have not been consecutive, the records from his first administration are currently subject to FOIA pursuant to the PRA. They therefore shed unique light on President Trump and those with whom he has chosen to surround himself.

17. On April 10, 2026, FPF sent an email to NARA, a true and correct copy of which is attached hereto as Exhibit 1, asking it to confirm by April 15, 2026, whether it has ceased complying with the PRA per the OLC opinion, or whether NARA will continue to process FPF's pending FOIA requests for Presidential records in accordance with the PRA. FPF has received no response to date.

18. Access to Presidential records is essential for FPF to fulfill its core missions. The ongoing failure of the White House Defendants to meet their obligations under the PRA to create, preserve, and eventually transmit to NARA the records of their actions and the performance of their duties, and their failure to treat those records as the property of the United States rather than the personal property of President Trump, has and will continue to prevent FPF from accessing the documentary history of this administration, whether through FOIA or through traditional investigative and journalistic methods.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 27, 2026

Respectfully submitted,

/s/ Lauren Harper

Lauren Harper

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*Question on Air Force One, Blasts 'Most Corrupt' ABC News, Fox News (Mar. 16, 2026), <https://perma.cc/J6Q5-F497>; Debusmann, *supra* note 16.*

# Exhibit 1

# FOIA request enclosed

**From:** Lauren Harper <[REDACTED]>  
**To:** [Trump Library FOIA <trump.library.foia@nara.gov>](mailto:trump.library.foia@nara.gov)  
**Subject:** Re: FOIA request enclosed  
**Date:** Friday, April 10, 2026 8:43 AM  
**Size:** 6 KB

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Dear Amanda and Virginia,

PFF has become aware that on April 1, the Office of Legal Counsel issued an opinion entitled *Constitutionality of the Presidential Records Act* (available at <https://www.justice.gov/olc/media/1434131/dl>), in which it declared that the Presidential Records Act is "invalid in its entirety" because it is unconstitutional. Because the PRA establishes both NARA's obligation to collect and maintain Presidential records and requires NARA to make Presidential records publicly available through FOIA processes, NARA's adoption of OLC's opinion would seem to require NARA to end its compliance with the PRA. As my requests are premised on PRA provisions that OLC has determined to be invalid, **please confirm by April 15** that NARA is still processing (and will continue to process) my requests despite OLC's opinion.

My best,  
Lauren