



August 16, 2022

VIA E-MAIL

Arnetta Mallory
Government Information Specialist
National Security Division
Department of Justice
3 Constitution Square
175 N Street N.E., 12th Floor
Washington, DC 20530-0001

Freedom of Information Act Request: Video and Audio Recordings from Mar-a-Lago Raid on August 8, 2022

Dear Ms. Mallory:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, prevent executive overreach, protect due process and equal protection, and educate Americans about the individual rights guaranteed under the Constitution and laws of the United States. Our mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and media, including social media platforms, all to educate the public and to keep government officials accountable for their duty to faithfully execute, protect, and defend the Constitution and laws of the United States.

To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute information to a national audience through traditional and social media platforms. For example, AFL’s employees regularly appear on radio and on cable and broadcast news programs; our email list contains over 34,000 unique addresses; our Twitter page has over 19,000 followers; our Facebook page has over 44,000 followers; the Twitter page of our Founder and President has over 202,000 followers; and we have another 30,900 followers on GETTR.

611 Pennsylvania Ave SE #231
Washington, DC 20003

I. Custodians

- A. All employees of the Federal Bureau of Investigation (FBI) who participated in the execution of the search warrant at Mar-a-Lago (1100 S. Ocean Boulevard, Palm Beach, FL 33480), Case No. 22-mj-8332-BER, on August 8, 2020.
- B. All employees in the Criminal Division, the National Security Division, and/or the Office of the United States Attorney for the Southern District of Florida who participated in the execution of the search warrant at Mar-a-Lago (1100 S. Ocean Boulevard, Palm Beach, FL 33480), Case No. 22-mj-8332-BER, on August 8, 2020.

II. Requested Records

We request all records from the above-listed custodians from August 8, 2022, to the date this request is processed.

- A. All body camera footage recorded during or related to the execution of the search warrant at Mar-a-Lago (1100 S. Ocean Boulevard, Palm Beach, FL 33480), Case No. 22-mj-8332-BER.
- B. All other video footage recorded during or related to the execution of the search warrant at Mar-a-Lago (1100 S. Ocean Boulevard, Palm Beach, FL 33480), Case No. 22-mj-8332-BER.
- C. All audio recordings made during or related to the execution of the search warrant at Mar-a-Lago (1100 S. Ocean Boulevard, Palm Beach, FL 33480), Case No. 22-mj-8332-BER.
- D. All records of or regarding the processing of this request.

III. Processing

The Department of Justice (“DOJ”) must comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.¹ If you have any questions or believe further discussions regarding search and processing will facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org.

Also, AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing under 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e), which provides in relevant part:

¹ U.S. Dep’t of Just. (Mar. 15, 2022), <https://tinyurl.com/4duy4r5k>.

(e) Expedited processing. (1) Requests and appeals shall be processed on an expedited basis whenever it is determined that they involve... (ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information: or (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence.

As many federal agencies have acknowledged in granting AFL expedited processing, AFL is primarily engaged in disseminating information to the public. Additionally, there is an urgency to inform the public regarding the circumstances surrounding not only the federal government's recent execution of a search warrant against a former President, but also the use of federal law enforcement tools generally. These are matters of pressing national importance.

Our request also meets DOJ's regulatory test for expedited processing based on a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. As already discussed, both requirements are met here, because there has been extensive public interest in the raid on President Trump's residence at Mar-a-Lago, and because the federal government's ability to conduct an impartial investigation clearly impacts the confidence of the public in the government's integrity generally. Attorney General Garland himself also acknowledged the "substantial public interest" in the raid.²

IV. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and applicable regulations, AFL requests a waiver of all search and duplication fees associated with this request. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose and the release of the information requested is not in AFL's financial interest. Accordingly, AFL has been granted fee waivers on this basis by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, and the Office of the Director of National Intelligence. Second, waiver is proper as disclosure of the requested information is "in the public interest

² *Attorney General Merrick Garland Delivers Remarks*, DEPARTMENT OF JUSTICE (Aug. 11, 2022), <https://tinyurl.com/yyf5seuz>.

because it is likely to contribute significantly to public understanding of the operations or activities of the government.”³

V. Production

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ John A. Zadrozny
John A. Zadrozny
America First Legal Foundation

³ 5 U.S.C. § 552(a)(4)(A)(iii).