



October 7, 2020

Michael Baer
U.S. DEPARTMENT OF JUSTICE
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VIA EMAIL ONLY

RE: *ACLJ v. FBI, 19-cv-2643 (D.D.C.); Declassification of records*

Dear Michael:

On October 6, 2020, the President announced to the public, via Twitter:

“All Russia Hoax Scandal information was Declassified by me long ago. Unfortunately for our Country, people have acted very slowly, especially since it is perhaps the biggest political crime in the history of our Country. Act!!!”

<https://twitter.com/realDonaldTrump/status/1313650640699224069>.

And, and on the same date, the President announced to the public:

“I have fully authorized the total Declassification of any & all documents pertaining to the single greatest political CRIME in American History, the Russia Hoax. Likewise, the Hillary Clinton Email Scandal. No redactions!”

<https://twitter.com/realDonaldTrump/status/1313640512025513984>.

A number of redactions and/or withholdings in this case have been based on the ‘classified’ exemption of (b)(1).

It is well established that the President of the United States possesses the authority to declassify any document. *See Department of the Navy v. Egan*, 484 U.S. 518, 527 (1988) (“[The president’s] authority to classify and control access to information bearing on national security . . . flows primarily from this constitutional investment of power in the president and exists quite apart from any explicit congressional grant.”).

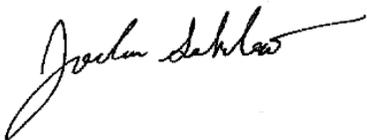
The ACLJ hereby requests that all records previously withheld or redacted based on the (b)(1) classified exemption be produced. As to records withheld or redacted based on (b)(1) as well as one or more additional exemptions, the ACLJ requests that withholdings be reevaluated without the (b)(1) basis, as the record(s) may now be amenable to public release or contain reasonably segregable information, even if, for example, a legitimate (b)(5) or (b)(6) redaction of part of the record may still be appropriate.

The ACLJ also requests an explanation as to why records in this case were withheld or redacted as classified given the President's announcement that he declassified all Russia Hoax Scandal documents "long ago."

We are preparing to advise the Court of our request given the President's very recent public announcement, but desire to accomplish this in good faith with your client first such that Court intervention is not necessary.

We look forward to hearing from you.

Respectfully,



Jordan Sekulow
Executive Director



Benjamin P. Sisney
Senior Litigation Counsel