

February 7, 2025

Via ArkCase FOIA Portal

Federal Communications Commission (“FCC”)  
45 L Street NE  
Washington, D.C. 20554  
ATTN: FOIA Officer

Re: Freedom of Information Act (“FOIA”) request pursuant to 5 U.S.C. § 552  
on behalf of President Donald J. Trump

Dear FOIA Officer:

President Donald J. Trump won the 2024 Presidential Election by historic margins in both the Electoral College and Popular Vote. He was inaugurated as the 47th President of the United States of America on January 20, 2025. This FOIA request relates to unlawful election-interfering broadcast distortion, consumer fraud, false advertising, and unfair competition by FCC-regulated entities Paramount Global d/b/a Paramount, Inc. (“Paramount”), CBS Broadcasting Inc., and CBS Interactive Inc. (CBS entities collectively, “CBS”), all obstacles which President Trump never should have faced during his campaign.

## **I. Background**

On Monday, October 7, 2024, one month before President Trump’s landslide victory, Paramount and CBS broadcast and posted online their CBS News<sup>1</sup> *60 Minutes* “special election edition” (the “Election Special”), which included an interview with then-candidate Kamala Harris (“Harris”). The interview with Harris (the “Interview”) was conducted by Bill Whitaker (“Whitaker”). On February 5, 2025, the FCC publicly released the transcript of the Interview as provided by Paramount and CBS. Federal Communications Commission, Transcript, <https://www.fcc.gov/sites/default/files/Transcript-Transcribed-Unedited-Interview-Footage-6-of-14.pdf> (last visited Feb. 7, 2025).

The day before the Election Special, Sunday, October 6, 2024, Paramount and CBS broadcast and posted online a brief promotional excerpt of the Interview to advertise the Election Special. This occurred during CBS’s *Face the Nation*, when host Margaret Brennan advertised the Election Special with an excerpt from a “special election edition of *60 Minutes*,” with “our Bill Whitaker” who “sat down with Vice President Harris and asked her about U.S. influence with Israeli Prime Minister Benjamin Netanyahu.”

During this excerpt preview, Harris provided a rambling one-minute answer to Whitaker’s question about whether the United States has “sway” over Israeli Prime Minister Benjamin Netanyahu; the exchange then concluded with a follow-up assertion from Whitaker to Harris: “But

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<sup>1</sup> CBS News is the news division of CBS.

it seems that Prime Minister Netanyahu is not listening.” Harris replied to Whitaker: “Well, Bill, the work that we have done has resulted in a number of movements in that region by Israel that were very much prompted by or a result of many things, including our advocacy for what needs to happen in the region.” (The “Advertised Harris Reply”).

The next day, October 7, 2024, Defendants broadcast and posted online their Election Special containing approximately fifteen minutes of manipulated footage from the Interview interspersed with about six minutes of footage related to the topics being addressed. Once again, Whitaker made the same assertion about Prime Minister Netanyahu “not listening,” but this time, Harris’s reply was different: “We are not going to stop pursuing what is necessary for the United States to be clear about where we stand on the need for this war to end.” (The “Manipulated Harris Reply”).

The Interview was also the subject of a powerful broadcast distortion complaint by the Center for American Rights (the “Broadcast Distortion Complaint”) that former FCC Chair Jessica Rosenworcel (“Rosenworcel”) dismissed, only to be reinstated by new FCC Chair Brendan Carr. *See, e.g., Charlie McCarthy, New FCC Chair to Reinstate Complaints Against ABC, CBS, NBC ASSOCIATED PRESS* (Jan. 22, 2025), <https://www.newsmax.com/newsmax-tv/fcc-media-complaints/2025/01/22/id/1196050/> (last visited Feb. 7, 2025).

Accordingly, on behalf of my client, President Donald J. Trump, I request immediate access to the following records under the FOIA, 5 U.S.C. § 552, and in no event longer than twenty (20) business days from the date of this FOIA request.

## II. Requested Records

For the time period October 1, 2024 to February 7, 2025:

1. Any communications between Rosenworcel (and/or Staff, including but not limited to Narda Marisa Jones, Alejandro Roark, Peter Hyun, Christopher R. Day, Paloma Isabel Villareyes Perez, Brian Phillips Jr., Holly Sauer, David Strickland, or Rosemary Harold) (hereinafter “Staff”) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Interview;
2. Any communications between Rosenworcel (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Broadcast Distortion Complaint or the decision to dismiss the Broadcast Distortion Complaint;
3. Any communications between Rosenworcel (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about President Trump;
4. Any communications between Rosenworcel (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Advertised Harris Reply or the

- Manipulated Harris Reply;
5. Any communications between Rosenworcel (and/or Staff) on the one hand, and Joe Biden, Kamala Harris, or any of their representatives, about the Broadcast Distortion Complaint or the decision to dismiss the Broadcast Distortion Complaint;
  6. Any communications sent or received by Staff, referring or relating to CBS, the Broadcast Distortion Complaint, the decision to dismiss the Broadcast Distortion Complaint, Kamala Harris, the “Vice President”, Joe Biden, the “President”, the Democratic National Committee, i.e. “DNC”, or Harris for President.
  7. Any communications between Rosenworcel on the one hand, and Staff on the other hand, referring or relating to CBS, the Broadcast Distortion Complaint, the decision to dismiss the Broadcast Distortion Complaint, Kamala Harris, the “Vice President”, Joe Biden, the “President”, the Democratic National Committee, i.e. “DNC”, or Harris for President.
  8. Any communications between Rosenworcel and/or Staff on the other hand, and FCC Commissioner Geoffrey Starks (“Starks”) on the other hand, referring or relating to CBS, the Broadcast Distortion Complaint, the decision to dismiss the Broadcast Distortion Complaint, Kamala Harris, the “Vice President”, Joe Biden, the “President”, the Democratic National Committee, i.e. “DNC”, or Harris for President.
  9. Any communications between Rosenworcel and/or Staff on the other hand, and FCC Commissioner Anna M. Gomez (“Gomez”) on the other hand, referring or relating to CBS, the Broadcast Distortion Complaint, the decision to dismiss the Broadcast Distortion Complaint, Kamala Harris, the “Vice President”, Joe Biden, the “President”, the Democratic National Committee, i.e. “DNC”, or Harris for President.
  10. Any communications between Starks (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Interview;
  11. Any communications between Starks (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Broadcast Distortion Complaint or the decision to dismiss the Broadcast Distortion Complaint;
  12. Any communications between Starks (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about President Trump;
  13. Any communications between Starks (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Advertised Harris Reply or the Manipulated Harris Reply;

14. Any communications between Starks (and/or Staff) on the one hand, and Joe Biden, Kamala Harris, or any of their representatives, about the Broadcast Distortion Complaint or the decision to dismiss the Broadcast Distortion Complaint;
15. Any communications between Starks on the one hand, and Staff on the other hand, referring or relating to CBS, the Broadcast Distortion Complaint, the decision to dismiss the Broadcast Distortion Complaint, Kamala Harris, the “Vice President”, Joe Biden, the “President”, the Democratic National Committee, i.e. “DNC”, or Harris for President.
16. Any communications between Starks and/or Staff on the other hand, and Gomez on the other hand, referring or relating to CBS, the Broadcast Distortion Complaint, the decision to dismiss the Broadcast Distortion Complaint, Kamala Harris, the “Vice President”, Joe Biden, the “President”, the Democratic National Committee, i.e. “DNC”, or Harris for President.
17. Any communications between Gomez (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Interview;
18. Any communications between Gomez (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Broadcast Distortion Complaint or the decision to dismiss the Broadcast Distortion Complaint;
19. Any communications between Gomez (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about President Trump;
20. Any communications between Gomez (and/or Staff) on the one hand, and Paramount, CBS, and their affiliates, parents, subsidiaries, employees, representatives, attorneys, and/or agents on the other hand about the Advertised Harris Reply or the Manipulated Harris Reply;
21. Any communications between Gomez (and/or Staff) on the one hand, and Joe Biden, Kamala Harris, or any of their representatives, about the Broadcast Distortion Complaint or the decision to dismiss the Broadcast Distortion Complaint;
22. Any communications between Gomez on the one hand, and Staff on the other hand, referring or relating to CBS, the Broadcast Distortion Complaint, the decision to dismiss the Broadcast Distortion Complaint, Kamala Harris, the “Vice President”, Joe Biden, the “President”, the Democratic National Committee, i.e. “DNC”, or Harris for President.

### III. Construction and Redaction

Redactions are disfavored as the FOIA's exemptions are exclusive and must be narrowly construed. *Am. Immigration Lawyers Ass 'n v. Exec. Office for Immigration Review (AILA)*, 830 F.3d 667, 676-79 (D.C. Cir. 2016). If a record contains information responsive to a FOIA request, then the FCC must disclose the entire record; a single record cannot be split into responsive and non-responsive bits. *Id.*; *see also Parker v. United States DOJ*, 278 F. Supp. 3d 446, 451 (D.D.C. 2017). Consequently, the FCC should produce email and calendar attachments.

In connection with this request, and to comply with your legal obligations:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please construe the term “record” in the broadest possible sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek all records, including electronic records, audiotapes, videotapes, and photographs, as well as texts, letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.
- Our request includes any attachments to those records or other materials enclosed with a record when transmitted. If an email is responsive to our request, then our request includes all prior messages sent or received in that email chain, as well as any attachments.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; President Trump has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to governmentwide requirements to manage agency information electronically, and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; you may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

#### **IV. Fee Waiver Request**

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 5 CFR § 1820.7, President Trump requests a waiver of any and all applicable fees. This statute and regulation provide that the agency shall furnish requested records without or at reduced charge if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also Cause of Action v. Fed. Trade Comm’n*, 799 F.3d 1108, 1115-19 (D.C. Cir. 2015) (discussing proper application of public-interest fee waiver test).

Disclosure of the information is clearly in the public interest as this matter relates directly to improving public understanding of the role of the FCC and manner in which the FCC acts to prevent broadcast distortion and other deception perpetrated by entities within the FCC’s jurisdiction. President Trump will make the records and the FCC’s responses publicly available for the benefit of citizens across the country. Indeed, President Trump is in the best position to decide what it is in the public interest.

#### **V. Record Preservation Requirement**

We request that the disclosure officer responsible for the processing of this request issue an immediate hold on all records responsive, or potentially responsive, to this request, so as to prevent their disposal until such time as a final determination has been issued on the request and any administrative remedies for appeal have been exhausted. It is unlawful for an agency to destroy or dispose of any record subject to a FOIA request. *See* 36 C.F.R. § 1230.3(b) (“Unlawful or accidental destruction (also called unauthorized destruction) means . . . disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records.”); *Chambers v. Dep’t of the Interior*, 568 F.3d 998, 1004-05 (D.C. Cir. 2009) (“[A]n agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under the FOIA or the Privacy Act.”); *Judicial Watch, Inc. v. Dep’t of Commerce*, 34 F. Supp. 2d 28, 41-44 (D.D.C. 1998).

#### **VI. Production**

Please provide the requested records immediately, and in no event later than twenty (20) business days from the date this request is received. If possible, please provide responsive

records in an electronic format, particularly PDF, by email. Alternatively, please provide responsive records on a USB drive. Please send any responsive records via email to [edward@bochner.law](mailto:edward@bochner.law), and if by USB drive, to Bochner PLLC, 1040 Avenue of the Americas, 15th Floor, New York, NY 10018.

If the FCC deems this request to be on the complex track (which it should not), it must reinterpret the request so as to move it into simple track processing. For instance, the FCC may process each individual request (of the 22 requests) as a unique and separate search item so that the search and processing of all requests can occur within the 20-day statutory period (assuming no 10-day extenuating circumstances extension).

## VII. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to President Trump, please do not hesitate to contact me at [REDACTED] or [REDACTED]

Thank you.

Sincerely,

Edward Andrew Paltzik  
*Counsel to President Donald J. Trump*