

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

CENTER TO ADVANCE SECURITY IN
AMERICA
1802 Vernon Street NW
PMB 2095
Washington, D.C. 20009,

Plaintiff,

v.

UNITED STATES MILITARY ACADEMY
AT WEST POINT,
Office of the Staff Judge Advocate
Official Mail and Distribution
646 Swift Road
West Point, NY 10996-1095,

Defendant.

Civil Case No.

COMPLAINT

1. Plaintiff Center to Advance Security in America (“CASA”) brings this action against the United States Military Academy at West Point (“West Point”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking declaratory and injunctive relief to compel West Point’s compliance with FOIA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331.

3. Venue is proper in this Court pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff CASA is an unincorporated association dedicated to improving the safety and security of the American people. CASA educates and informs the American people about the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

5. Defendant West Point is a military service academy created under federal law and operating under the command and supervision of the Department of the Army and Department of Defense. Defendant West Point is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1) and has possession, custody, and control of records responsive to Plaintiff's FOIA request.

STATEMENT OF FACTS

6. On December 12, 2024, CASA submitted one FOIA request (attached as Exhibit A) to West Point pertaining to West Point's denial that Secretary of Defense Peter Hegseth was accepted for admission in the class of 2003 by West Point. CASA requested expedited processing. Ex. A.

7. On December 12, 2024, West Point unofficially acknowledged receipt of the request. Exhibit B.

8. On December 17, 2024, West Point asked for complete email addresses for relevant custodians, and also asked for purported "clarifications." Exhibit C.

9. On January 13, 2025, West Point requested a "wet signature" on the FOIA request. Exhibit D.

10. On January 13, 2025, West Point officially acknowledged receipt of the request and assigned it control number FP-25-006989. Exhibit E.

11. On January 15, 2025, West Point denied Plaintiff its request for expedited processing. Exhibit F.

12. Release of these records is in the public interest because it will contribute to the public's understanding of the circumstances that led officials to give false information—twice stating that Mr. Hegseth did not even apply to West Point—about Mr. Hegseth, the current Secretary of Defense.

13. FOIA is “a vital tool for ensuring transparency, accessibility, and accountability in government” whose “‘basic purpose . . . is to ensure an informed citizenry,’ which is ‘vital to the functioning of a democratic society [and] needed to check against corruption and to hold the governors accountable to the governed.’” Merrick Garland, *Memorandum for Heads of Executive Departments and Agencies: Freedom of Information Act Guidelines* 1 (Mar. 15, 2022), <https://www.justice.gov/ag/page/file/1483516/download> (quoting *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978)) (“DOJ Memo”).

14. The DOJ Memo makes clear, “Timely disclosure of records is also essential to the core purpose of FOIA.” DOJ Memo at 3. Under 6 CFR § 5.5(e)(1)(iv), expedited processing is required in cases of “widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.”

15. There is widespread and exceptional media interest surrounding the activities of the Secretary of Defense and the integrity of government officials at West Point has come into question. The information given to the media by West Point officials about Mr. Hegseth was false. Given that this false statement may violate federal law, the public quickly needs to be informed of the communications, circumstances, and facts surrounding the conversations between the media

and the relevant officials at West Point involved in this incident. This incident clearly could affect the public's confidence in the integrity of government officials at West Point.

16. Over 53 days have elapsed since West Point received CASA's request, yet West Point still has not made determinations with respect to them. *See Citizens for Responsibility and Ethics in Washington v. FEC*, 711 F.3d 180 (D.C. Cir. 2013). West Point has not produced responsive documents to CASA, has not communicated the scope of the documents it intends to produce or withhold—along with the reasons for any withholding—and has not informed CASA of its ability to appeal any adverse portion of its determinations.

17. Given these facts, West Point has not met its statutory obligations to provide the requested records.

18. Through West Point's failure to make determinations within the time period required by law, CASA has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I

Violation of FOIA, 5 U.S.C. § 552 Wrongful Withholding of Non-Exempt Responsive Records

19. CASA repeats and incorporates by reference paragraphs each of the foregoing paragraphs as if fully set forth herein.

20. CASA properly submitted a request for records within the possession, custody, and control of West Point.

21. West Point is an agency subject to FOIA and, therefore, has an obligation to release any non-exempt records and provide a lawful reason for withholding any materials in response to a proper FOIA request.

22. West Point is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.

23. West Point's failure to provide all non-exempt responsive records violates FOIA.

24. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring West Point to promptly produce all non-exempt records responsive to its FOIA request and provide an index justifying the withholding of any responsive records withheld under claim of exemption.

REQUESTED RELIEF

Plaintiff CASA respectfully requests this Court:

- (1) Assume jurisdiction in this matter and maintain jurisdiction until Defendant West Point complies with the requirements of FOIA and any and all orders of this Court.
- (2) Order West Point to produce, within ten days of the Court's order, or by other such date as the Court deems appropriate, any and all non-exempt records responsive to CASA's request and an index justifying withholding all or part of any responsive records that are withheld under claim of exemption.
- (3) Award CASA the costs of this proceeding, including reasonable attorney's fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E).
- (4) Grant CASA other such relief as the Court deems just and proper.

Dated: February 4, 2025

Respectfully submitted,

CENTER TO ADVANCE SECURITY IN
AMERICA

By Counsel:

/s/ Karin M. Sweigart _____

Karin Moore Sweigart
D.D.C. Bar ID: CA00145
DHILLON LAW GROUP, INC.
177 Post Street, Suite 700
San Francisco, CA 94108
Telephone: 415-433-1700
KSweigart@Dhillonlaw.com

Jacob William Roth
D.D.C. Bar ID: 1673038
DHILLON LAW GROUP, INC.
1601 Forum Plaza, Suite 403
West Palm Beach, Florida 33401
Telephone: 561-227-4959
JRoth@Dhillonlaw.com

Counsel for the Plaintiff



December 12, 2024

United States Military Academy
Office of Public Affairs

RE: FREEDOM OF INFORMATION ACT REQUEST

BACKGROUND:

Dear FOIA Officer:

This letter constitutes a request under the federal Freedom of Information Act (FOIA), 5 U.S.C. § 552. The recent nomination of Pete Hegseth to become the Secretary of Defense has generated significant media attention. It has been reported that Pete Hegseth was not accepted into the United States Military Academy at West Point, despite documentation that he was offered admission into the class of 2003. A [journalist on X](#) reached out to the Office of Public Affairs, but was told “twice on the record that he hadn’t even applied there.”

The information obtained is necessary to provide oversight concerning the officials that gave false information about Pete Hegseth, President Trump’s nominee for Secretary of Defense.

RECORDS REQUEST:

CASA requests records created from November 13, 2024, to December 11, 2024:

1. Communications to, from, or received by Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs containing the following phrases and/or words: “Pete”, “Hegseth”, “admission”, “apply”, “1999”, “Class of 2003”, “Trump”, “Fox News”, “appointment”, “Secretary of Defense”, “SecDef”, “Eisinger”, “ProPublica” “on the record”, “off the record”, and “on background”.
2. Records possessed or created by Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs including records of meeting requests, virtual meeting invitations, call logs and any chats in the relevant virtual platforms (e.g., Microsoft Teams, Zoom, Webex, etc.), related to Pete Hegseth’s acceptance into the United States Military Academy at West Point.
3. Communications regarding Pete Hegseth’s acceptance into the United States Military Academy at West Point by and between one or more of the following people: Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs and any of the following email domains:
 - ProPublica (@propublica.org)
 - Politico (@politico.com)



- New York Times (@nytimes.com)
- Washington Post (@washingtonpost.com)
- NBC News (@nbcnews.com)
- ABC News (@abcnews.com)
- CBS News (@cbsnews.com)
- CNN (@cnn.com)
- Associated Press (@ap.com)

“Records” means any item, collection, or grouping of information. For purposes of this request, this includes any personal email messages, telephone voice mails or text messages, and internet ‘chat’ or social media messages, as well as any attachments to such documents or information.

We prefer to receive the report and all records in electronic format. To the extent practicable, we seek electronic copies of the records in native file format, or, if that is not practicable, with full metadata for all fields. 5 U.S.C. § 552(a)(3)(B) (agency shall provide records in any form or format if the record is readily reproducible in that form or format).

REQUEST FOR EXPEDITED PROCESSING:

Pursuant to 6 CFR § 5.5(e)(1)(iv), The Center to Advance Security in America (CASA) requests expedited processing of this request. This regulation states that “Requests and appeals will be processed on an expedited basis whenever the component determines that they involve: (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.”

This request satisfies the above requirement. There is widespread and exceptional media interest surrounding the confirmation of Mr. Hegseth to serve as Secretary of Defense and the integrity of government officials at the United States Military Academy has come into question. The information given to the reporter by Academy officials about Mr. Hegseth was false. Given that this false statement may violate federal law and have a negative impact on Mr. Hegseth’s nomination, the public quickly needs to be informed of the communications, circumstances, and facts surrounding the conversations between the media and the relevant officials at the Academy involved in this incident. This incident clearly could affect the public’s confidence in the integrity of government officials at the United States Military Academy.

CASA is a nonpartisan organization dedicated to improving the safety and security of the American people. CASA educates and informs the American people about the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

CASA is focused on public education, and all materials and information requested will be disseminated to the public for this purpose. Thus, the disclosure of the requested records would not be to our primary benefit but would be to the primary benefit of the general public. Further,



these records focus on a matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affect public confidence: the facts surrounding reports that a U.S. Military Academy official has provided false information to a reporter writing a derogatory article about Pete Hegseth, President Trump's nominee for Secretary of Defense.

CASA primarily engages in information dissemination. CASA takes the information it gathers and uses its editorial skills to turn it into distinct works, which are then distributed to an audience. For example, CASA has already produced several op-eds, see *CASA Op-eds*, <https://advancing-america.org/category/op-eds/>, and has provided editorial commentary that has been cited in multiple media reports. See *CASA Media*, <https://advancing-america.org/category/media/>. Going forward, CASA intends to continue to gather information, use its editorial skill to turn that information into distinct works, including, but not limited to, press releases, editorial comments to other publications, op-eds and other written works, and social media engagement. See *Cause of Action*, 799 F.3d at 1122 (“A substantive press release or editorial comment can be a distinct work based on the underlying material, just as a newspaper article about the same documents would be — and its composition can involve ‘a significant degree of editorial discretion.’”) (quoting *Nat. Sec. Archive v. U.S. Dept. of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989)). At minimum, CASA will post distinct works on its website and email them to email list subscribers. CASA will also work with an ever-growing list of journalists to reach its audience. For these reasons, at minimum CASA qualifies for a waiver from search and production costs as a representative of the news media.

Moreover, CASA is a representative of the news media for purposes of FOIA. See 5 U.S.C. § 552(a)(4)(A)(ii); see also *Cause of Action v. Federal Trade Commission*, 799 F.3d 1108, 1120 (D.C. Cir. 2015). To wit, CASA is an entity that gathers information, including through FOIA requests such as this one, that is of interest to at least a segment of the population. For example, CASA has launched investigations into the Department of Homeland Security's reference to “false or misleading narratives,” which is of interest to Americans concerned about civil liberties, and the meaning of a “diplomatic boycott” of the 2022 Olympic Games, which is of interest to people concerned about human rights and America's relationship with China. See *CASA Press Releases*, <https://advancing-america.org/category/press-releases/>.

Any delay in release of this information could greatly compromise the public trust in the United States Military Academy. The quick release of these requested records will directly address many urgent concerns the media and American public currently have about the communication between the United States Military Academy and certain members of the media from November 13, 2024 through December 11, 2024.

Due to the above facts and circumstances, The United States Military Academy must make the requested records immediately available to CASA on an expedited basis for review and dissemination to the public.



FEE WAIVER REQUEST:

Additionally for the reasons above, we request a fee waiver pursuant to the FOIA Act, which provides for fee waivers when: (1) “disclosure of the requested 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 (2) disclosure “is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); see also see 40 C.F.R. § 2.107(l)(1).

If this request is denied in whole or part, please justify all such denials by reference to specific exemptions and provide an explanation of why the United States Military Academy “reasonably foresees that disclosure would harm an interest” protected by that exemption or why “disclosure is prohibited by law[.]” 5 U.S.C. § 552(a)(8). Please also ensure that all segregable portions of otherwise exempt material are released.

If you have any questions regarding this request, please feel free to contact me at james@advancing-america.org.

CASA looks forward to your determination within 20 working days of this request, as is required by FOIA. 5 U.S.C. § 552(a)(6)(A)(i). Thank you in advance for your assistance in this matter.

Sincerely,



James Fitzpatrick
Director
Center to Advance Security in America
1802 Vernon Street NW
PMB2095
Washington, DC 20009
United States

EXHIBIT B

Read: FOIA Request - Center to Advance Security in America - Request for Expedited Processing



From USARMY West Point ID-Training Mailbox FOIA-PA <usarmy.westpoint.id-training.mbx.foia-pa@army.mil>
To james@advancing-america.org <james@advancing-america.org>
Date 2024-12-12 12:44
Priority Highest

Your message

To: USARMY West Point ID-Training Mailbox FOIA-PA
Subject: FOIA Request - Center to Advance Security in America - Request for Expedited Processing
Sent: Thursday, December 12, 2024 10:47:35 AM (UTC+00:00) Monrovia, Reykjavik

was read on Thursday, December 12, 2024 12:44:58 PM (UTC+00:00) Monrovia, Reykjavik.

Final-recipient: RFC822; usarmy.westpoint.id-training.mbx.foia-pa@army.mil
Disposition: automatic-action/MDN-sent-automatically; displayed
X-MSEch-Correlation-Key: 78ZLiIAPGkiRmU92vIWhfA==
Original-Message-ID: <ae8c201fd6a47672d2d38dd5aae2ea76@advancing-america.org>
X-Display-Name: USARMY West Point ID-Training Mailbox FOIA-PA

EXHIBIT C

RE: FOIA Request - Center to Advance Security in America - Request for Expedited Processing

From USARMY West Point ID-Training Mailbox FOIA-PA <usarmy.westpoint.id-training.mbx.foia-pa@army.mil>
To <james@advancing-america.org>
Date 2025-01-02 16:50

Good morning Sir,

The FOIA office has received the necessary clarification and forwarded onto possible record retainers in order to search for potentially responsive records. If the FOIA office has any further questions or if you have any questions or concerns, please don't hesitate to contact us.

V/Respectfully,

The West Point FOIA Office
Installation Management Command
Building 646, Room 1
West Point, NY
MS Teams: 520-717-9478

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ATTENTION: The information contained in this communication and any accompanying attachments is intended for the sole use of the named addressees/recipients to whom it is addressed in their conduct of official business of the United States Government. This communication may contain information that is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act, 5 U.S.C. 552a. Addressees/recipients are not to disseminate this communication to individuals other than those who have an official need to know the information in the course of their official government duties. If you received this communication in error, any disclosure, copying, distribution, or the taking of any action on this information is prohibited. If you received this confidential electronic mailing in error, please notify the sender by a "reply to sender only" message, delete this email immediately and destroy all electronic and hard copies of the communication, including attachments.

From: james@advancing-america.org <james@advancing-america.org>

Sent: Tuesday, December 31, 2024 12:30 PM

To: USARMY West Point ID-Training Mailbox FOIA-PA <usarmy.westpoint.id-training.mbx.foia-pa@army.mil>

Subject: Re: FOIA Request - Center to Advance Security in America - Request for Expedited Processing

Dear Sir or Ma'am,

Requested emails here:

theresa.brinkerhoff@usma.edu

theresa.brinkerhoff@westpoint.edu

cheryl.boujnida@usma.edu

The FOIA request speaks for itself but we are seeking records and communications from the Westpoint Public Affairs Office related to Pete Hegseth's acceptance to the United States Military Academy or any records and communications whatsoever discussing Pete Hegseth from November 13, 2024, to December 11, 2024.

Thank you,

V/r,

James Fitzpatrick

Director

Center to Advance Security in America

On 2024-12-17 02:51, USARMY West Point ID-Training Mailbox FOIA-PA wrote:

EXHIBIT C

Good afternoon,

With regard to the recently submitted FOIA request, this office requests clarifications that need to be actualized prior to the opening.

Please clarify the highlighted and return at your earliest convenience. Please also send a signed copy of your FOIA request. Thank you.

1. Communications to, from, or received by Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs containing the following phrases and/or words:

"Pete", "Hegseth", "admission", "apply", "1999", "Class of 2003", "Trump", "Fox News", "appointment", "Secretary of Defense", "SecDef", "Eisinger", "ProPublica" "on the record", "off the record", and "on background". Please provide the complete email address for Theresa Brinkerhoff, Cheryl L. Boujnida, and the name/s and email address of any other official in the Office of Public Affairs. What type of communications? Please be specific on which specific documents you are seeking. Also, the search terms provided are too broad and vague.

2. Records possessed or created by Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs including records of meeting requests, virtual meeting

invitations, call logs and any chats in the relevant virtual platforms (e.g., Microsoft Teams, Zoom, Webex, etc.), related to Pete Hegseth's acceptance into the United States Military Academy at West Point. Please provide the complete email addresses for Theresa Brinkerhoff, Cheryl L. Boujnida, and the name/s and email addresses of any other official in the Office of Public Affairs.

3. Communications regarding Pete Hegseth's acceptance into the United States Military Academy at West Point by and between one or more of the following people:

Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs and any of the following email domains:

- ProPublica (@propublica.org)
- Politico (@politico.com)
- New York Times (@nytimes.com)
- Washington Post (@washingtonpost.com)
- NBC News (@nbcnews.com)
- ABC News (@abcnews.com)
- CBS News (@cbsnews.com)
- CNN (@cnn.com)
- Associated Press (@ap.com)

What communications? Please provide the specific documents you are seeking. Please provide the complete email address for Theresa Brinkerhoff, Cheryl L. Boujnida, and the name/s and email addresses of any other official in the Office of Public Affairs. May you please elaborate further on what you are asking of the domains listed.

Should you have any further questions or concerns, please feel free to contact me.

Thank you and have a nice day!

Respectfully,

The West Point FOIA Office
Installation Management Command
Building 646, Room 1
West Point, NY
Teams: +1-520-717-9436

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Learn more at www.westpoint.army.mil

ATTENTION: The information contained in this communication and any accompanying attachments is intended for the sole use of the named addresses/recipients to whom it is addressed in their conduct of official business of the United States Government. This communication may contain information that is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act, 5 U.S.C. 552a. Addressees/recipients are not to disseminate this communication to individuals other than those who have an official need to know the information in the course of their official

EXHIBIT C

government duties. If you received this communication in error, any disclosure, copying, distribution, or the taking of any action on this information is prohibited. If you received this confidential electronic mailing in error, please notify the sender by a "reply to sender only" message, delete this email immediately and destroy all electronic and hard copies of the communication, including attachments.

From: james@advancing-america.org <james@advancing-america.org>

Sent: Thursday, December 12, 2024 5:48 AM

To: USARMY West Point ID-Training Mailbox FOIA-PA <usarmy.westpoint.id-training.mbx.foia-pa@army.mil>

Subject: FOIA Request - Center to Advance Security in America - Request for Expedited Processing

Importance: High

Dear FOIA Officer,

Please see the attached FOIA request. Please note that the Center to Advance Security in America (CASA) is requesting expedited processing in this matter given that it is in the public interest to have an expedited review of this important information in a timely manner.

Can you please confirm receipt of this request?

Thank you,

V/r,

James Fitzpatrick

Director

Center to Advance Security in America

FOIA



From USARMY West Point ID-Training Mailbox FOIA-PA <usarmy.westpoint.id-training.mbx.foia-pa@army.mil>
To <james@advancing-america.org>
Date 2025-01-13 15:22

ACK LTR (Fitzpatrick) SIGNED.pdf (~126 KB) CASA FOIA West Point Public Affairs Pete Hegseth Acceptance 2024-12-12_.pdf (~128 KB)

Good morning,

Attached is the change of status for your FOIA request. May you please provide a wet signature on your FOIA request and return at your earliest convenience. Thank you.

Should you have any further questions or concerns, please feel free to contact me.

Thank you and have a nice day!

Respectfully,

The West Point FOIA Office
Installation Management Command
Building 646, Room 1
West Point, NY
Teams: +1-520-717-9436

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DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, WEST POINT
646 SWIFT ROAD
WEST POINT, NY 10996-1942

January 13, 2024

AMIM-MLH-F

Via E-mail: james@advancing-america.org

James Fitzpatrick
Center to Advance Security in America
1802 Vernon Street NW
PMB2095
Washington, DC 20009

Dear James Fitzpatrick,

This is to acknowledge receipt of Freedom of Information Act (FOIA) request dated December 12, 2024, seeking copies of the record(s): CASA requests records created from November 13, 2024, to December 11, 2024:

1. Communications to, from, or received by Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs containing the following phrases and/or words:

“Pete”, “Hegseth”, “admission”, “apply”, “1999”, “Class of 2003”, “Trump”, “Fox News”, “appointment”, “Secretary of Defense”, “SecDef”, “Eisinger”, “ProPublica” “on the record”, “off the record”, and “on background”.

theresa.brinkerhoff@usma.edu
theresa.brinkerhoff@westpoint.edu
cheryl.boujnida@usma.edu

2. Records possessed or created by Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs including records of meeting requests, virtual meeting invitations, call logs and any chats in the relevant virtual platforms (e.g., Microsoft Teams, Zoom, Webex, etc.), related to Pete Hegseth’s acceptance into the United States Military Academy at West Point.

3. Communications regarding Pete Hegseth’s acceptance into the United States Military Academy at West Point by and between one or more of the following people: Theresa Brinkerhoff, Cheryl L. Boujnida, or any other official in the Office of Public Affairs and any of the following email domains:

- ProPublica (@propublica.org)
- Politico (@politico.com)
- New York Times (@nytimes.com)
- Washington Post (@washingtonpost.com)

EXHIBIT E

FP-25-006989

- NBC News (@nbcnews.com)
- ABC News (@abcnews.com)
- CBS News (@cbsnews.com)
- CNN (@cnn.com)
- Associated Press (@ap.com)

For the purpose of assessing fees, we have classified you as “educational/news media” requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our search or review cost; you are also entitled to up to 100 pages of photocopies (or an equivalent volume) for free.

Your request received by this FOIA office has an assigned case FOIA Control Number of **FP-25-006989**. Please reference this number with any communications with this office. If you have any questions, you may write directly, email usarmy.westpoint.id-training.mbx.foia-pa@army.mil , call the FOIA Coordinator at +1-520-717-9436.

Sincerely,

ANGLADE.SU.K
IM.117964413
0

Digitally signed by
ANGLADE.SU.KIM.117964
4130
Date: 2025.01.13
10:13:20 -05'00'

Su K. Anglade
Freedom of Information/Privacy Act Officer
US Army Garrison-West Point

RE: FOIA

From USARMY West Point ID-Training Mailbox FOIA-PA <usarmy.westpoint.id-training.mbx.foia-pa@army.mil>
To <james@advancing-america.org>
Date 2025-01-15 16:32

Good morning,

With regard to your FOIA request and expedited processing, after review by the FOIA office under 32 C.F.R. §286.8(e), your request does not meet the requirements for expedited processing. FOIA establishes two reasons for expedited processing on initial request. Those being:

(i) **Compelling need.** Expedited processing is granted to a requester upon a specific request for such and when the requester demonstrates a compelling need for the information. A compelling need exists when:

(A) The failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or

(B) The information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged government activity.

The information in your request does not meet section (A) in that the request doesn't pose an imminent threat to the life or physical safety of an individual. The information in your request does not meet section (B) as the primary source of the information in your request has been disseminated as a public retraction/clerical error reported by multiple outlets.

Please do not hesitate to contact the FOIA office if you have any questions or concerns.

V/Respectfully,

The West Point FOIA Office
Installation Management Command
Building 646, Room 1
West Point, NY
MS Teams: 520-717-9478

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From: james@advancing-america.org <james@advancing-america.org>

Sent: Wednesday, January 15, 2025 9:55 AM

To: USARMY West Point ID-Training Mailbox FOIA-PA <usarmy.westpoint.id-training.mbx.foia-pa@army.mil>

Subject: Re: FOIA

Please see attached.

Further, I was never notified on the decision regarding my request for expedited processing for this request.

Can you please advise on that decision?

Thank you,

James Fitzpatrick

Director

Center to Advance Security in America

On 2025-01-13 15:22, USARMY West Point ID-Training Mailbox FOIA-PA wrote:

EXHIBIT F

Good morning,

Attached is the change of status for your FOIA request. May you please provide a wet signature on your FOIA request and return at your earliest convenience. Thank you.

Should you have any further questions or concerns, please feel free to contact me.

Thank you and have a nice day!

Respectfully,

The West Point FOIA Office
Installation Management Command
Building 646, Room 1
West Point, NY
Teams: +1-520-717-9436

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