

## Exhibit 10

August 29, 2023

Secretary of the Army  
ATTN: Office of the General Counsel, Room 3C546  
104 Army Pentagon  
Washington, D.C. 20310-0104

To Whom It May Concern,

On August 25, 2023, I received notification from your office regarding an appeal decision made by your office for an FOIA request originally filed to the USASOC on June 21, 2021. According to the decision from the Office of General Counsel, the case was being remanded to USASOC for "further processing of the responsive documents." The responsive documents were principally the original/initial AR 15-6 investigation ordered by LTG Francis Beaudette on 03/25/2019. The responsive documents were believed to be substantial and were believed to require some time "to process." August 25 was a Friday. On Monday, August 28, I received notice from USAHRC that an FOIA case had been opened by their office based on a referral "to our office from U.S. Army Special Operations Command (USASOC) on August 25, 2023..." It is important to note that this referral occurred on the same day this appeal was remanded to USASOC. If this was the only action taken by USASOC with regard to the remand, this referral suggests that the USASOC was "passing the buck" and ignoring the decision from the Office of General Counsel.

In subsequent email communication with the USAHRC, it was ascertained that command was not the releasing authority for the main disputed casework, the AR 15-6 administrative investigation of the Ethan Carpenter incident. The USAHRC stated the FOIA they had initiated from USASOC referral was for the Line of Duty Investigation. Although this investigation was also missing from the initial USASOC response, it was not the primary investigation I have been requesting. That investigation has always been the original/initial AR 15-6 investigation ordered by LTG Beaudette on 03/25/2019.

On 08/29/2023, I contacted USASOC concerning the events of 08/25 and 08/28 because confusion existed about what was going on. I was told that the request had been forwarded to USAHRC and "no further action" was required from USASOC. I "believe USASOC's response to this remand violates the FOIA" {the remand decision of the Office of General Counsel dated 08/25/2023} and I am again appealing their decision. It is also requested should the Office of General Counsel again remand this appeal to the USASOC, that Christopher Nesbitt, Supervisor, Government Information Specialist, be removed from any further action on this case. Included in the original appeal filed with your office is an email chain demonstrating Mr. Nesbitt's ongoing contention toward fulfilling this request. Further, Mr. Nesbitt was the official making the decisions of August 23, 2023, that appeared to ignore the decision of the Office of General Counsel.

Thank you,

Jack Whitney  
@400mm Productions

Attachments:  
August 28 and 29 email Correspondence with USASOC and USAHRC  
All submitted documentation filed with original appeal.