

**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. )  
 )  
 U.S. ARMY )  
 101 Army Pentagon )  
 Washington, D.C. 20330-1000 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Civil Case No. 1:24-cv-02579

**COMPLAINT**

1. Plaintiff Center to Advance Security in America (“CASA”) brings this action against the U.S. Army (the “Army”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking declaratory and injunctive relief to compel compliance with the requirements of 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 Army is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1). The Army has possession, custody, and control of records responsive to Plaintiff's FOIA request.

### **STATEMENT OF FACTS**

6. In March 2024, CASA submitted two FOIA requests to the Army regarding its decision to alter the United States Military Academy's mission statement.
7. The Army failed to properly respond to either request.

#### *CASA's First Request*

8. On March 19, 2024, CASA submitted its first FOIA request (attached as Exhibit A) to the Army, seeking the following records related to the Army's decision to alter the United States Military Academy's mission statement:

1. All meeting requests, calendar entries, virtual meeting invitations, call logs and any chats in the relevant virtual platforms (e.g., Microsoft Teams, Zoom, Webex, etc.) pertaining to the development of the new West Point and/or United States Military Academy mission statement.

2. We are seeking records on this topic exchanged between and among the relevant following officials:

- Steve Gilland
- Shane Reeves
- Lori L. Robinson
- Mike Buddie
- Tricia Brandenburg
- Khanh Diep
- Kraig Sheetz
- Melanie Wong Dodge
- Robert Craven
- Phil Baretto
- Jordan Swain

- Brad McCoy
- David Van Slambrook
- Michael Kelly

3. We are seeking all emails, text messages, chat sessions, or other forms of written or electronic communication used to discuss the development of the new West Point and/or United States Military Academy mission statement above containing the following phrases and/or words: “mission statement”, “motto”, “values”, “vision”, “assessment”, “reflect changes”, “cohesion”, “unity”, “diversity”, “equity”, “inclusion”, “honor”, “integrity”, “respect”, “duty”, “country”, “loyalty”, “Build, Educate, Train, and Inspire”, “Corps of Cadets”, “Army Values”, “commissioned leaders of character”, “to build, educate, train, and inspire, the Corps of Cadets to be commissioned leaders of character committed to the Army Values and ready for a lifetime of service to the Army and Nation”.

4. All records exchanged by or between any official listed above with any individual working for one of the following media outlets (with suggested email addresses) on the topic of development of the new West Point and/or United States Military Academy’s mission statement:

- Politico (@politico.com)
- Military Times (@militarytimes)
- New York Times (@nytimes.com)
- Washington Post (@washingtonpost.com)
- NBC News (@nbcnews.com)
- ABC News (@abcnews.com)
- LA Times (@latimes.com)
- CBS News (@cbsnews.com)
- Fox News (@foxnews.com)
- Wall Street Journal (@wsj.com)
- USA Today (@usatoday.com)
- Fortune (@fortune.com)
- Forbes (@forbes.com)
- Vanity Fair (@vanityfair.com)
- CNN (@cnn.com)
- Associated Press (@ap.com)
- George Washington University’s Project for Media and National Security
- PBS (@pbs.org)

5. The timeline for the records requested is from January 1, 2023, to the date the search begins.

9. The release of these documents is in the public interest because it will help the public understand the reasons behind the decision to alter the Military Academy’s mission

statement. CASA's explicit purpose in requesting these documents is to inform the public so they can be engaged with their leaders and ensure their decisions are consistent with America's best interests.

10. To date, CASA has not otherwise received any confirmation, acknowledgment, or communication from the Army or any other federal government entity regarding this request, let alone responsive records.

*CASA's Second Request*

11. On March 20, 2024, CASA submitted its second request to the Army (attached as Exhibit B), seeking the following records:

1. All meeting requests, calendar entries, virtual meeting invitations, call logs and any chats in the relevant virtual platforms (e.g., Microsoft Teams, Zoom, Webex, etc.) pertaining to the development of the new West Point and/or United States Military Academy mission statement.
2. We are seeking records on this topic exchanged between and among the relevant following officials:
  - Christine E. Wormuth
  - Patrick Costello
  - Gabe Camarillo
  - Regina Pistone
  - Randy A. George
  - Joseph Martin
  - James J. Mingus
  - Michael R. Weimer
  - Carrie Ricci
  - Kernovia L. Roberts
  - Mark Averill
  - Amy E. Johnston

- Michael P. Brady
- Ethan Hall
- Paul Funk
- Thea Harvell III
- Darryl A. Williams

3. We are seeking all emails, text messages, chat sessions, or other forms of written or electronic communication used to discuss the development of the new West Point and/or United States Military Academy mission statement above containing the following phrases and/or words: “mission statement”, “motto”, “values”, “vision”, “assessment”, “reflect changes”, “cohesion”, “unity”, “diversity”, “equity”, “inclusion”, “honor”, “integrity”, “respect”, “duty”, “country”, “loyalty”, “Build, Educate, Train, and Inspire”, “Corps of Cadets”, “Army Values”, “commissioned leaders of character”, “to build, educate, train, and inspire, the Corps of Cadets to be commissioned leaders of character committed to the Army Values and ready for a lifetime of service to the Army and Nation”.

4. All records exchanged by or between any official listed above with any individual working for one of the following media outlets (with suggested email addresses) pertaining to the development of the new West Point and/or United States Military Academy mission statement:

- Politico (@politico.com)
- Military Times (@militarytimes)
- New York Times (@nytimes.com)
- Washington Post (@washingtonpost.com)
- NBC News (@nbcnews.com)
- ABC News (@abcnews.com)
- LA Times (@latimes.com)
- CBS News (@cbsnews.com)
- Fox News (@foxnews.com)
- Wall Street Journal (@wsj.com)
- USA Today (@usatoday.com)
- Fortune (@fortune.com)
- Forbes (@forbes.com)
- Vanity Fair (@vanityfair.com)
- CNN (@cnn.com)
- Associated Press (@ap.com)
- George Washington University’s Project for Media and National Security
- PBS (@pbs.org)

5. The timeline for the records requested is from January 1, 2023, to the date the search begins.

12. On March 20, 2024, federal government receipt of CASA's request was acknowledged through a confirmation page on FOIA.gov, reflecting that the request had been received and was "being sent to the Department of the Army."
13. Beyond this confirmation page on FOIA.gov, the Army did not acknowledge or otherwise respond to the request.
14. To date, CASA has received neither a further response nor any other further communication from the Army regarding the request.

*The Army Has Violated Its FOIA Obligations*

15. As the record described above indicates, over 185 days have elapsed since the Army received CASA's requests on March 19 and 20, 2024, yet the Army still has not determined whether it will comply with the requests. *See Citizens for Responsibility and Ethics in Washington v. FEC*, 711 F.3d 180 (D.C. Cir. 2013). The Army has not produced responsive documents to CASA, has not communicated to CASA the scope of the documents it intends to produce or withhold—along with the reasons for any such withholding—and has not informed CASA of its ability to appeal any adverse portion of its determination.
16. Given these facts, it appears that the Army has not met its statutory obligations to provide the requested records, nor intends to meet them absent litigation.
17. Through the Army's failure to make a determination within the time period required by law, CASA has constructively exhausted its administrative remedies and seeks immediate judicial review.

**COUNT I: CASA's First Request**

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

18. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
19. CASA's first request was a properly submitted request for records within the possession, custody, and control of the Army.
20. The Army 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.
21. The Army is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.
22. The Army's failure to provide all non-exempt responsive records violates FOIA.
23. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring Defendant 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.

**COUNT II: CASA's Second Request**

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

24. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
25. CASA's second request was a properly submitted request for records within the possession, custody, and control of the Army.

26. The Army 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.
27. The Army is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.
28. The Army's failure to provide all non-exempt responsive records violates FOIA.
29. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring Defendant 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**

Center to Advance Security in America respectfully requests this Court:

- (1) Assume jurisdiction in this matter and maintain jurisdiction until Defendant complies with the requirements of FOIA and any and all orders of this Court.
- (2) Order Defendant 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 FOIA requests and an index justifying the withholding of all or part of any responsive records 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: September 27, 2024

Respectfully submitted,

CENTER TO ADVANCE SECURITY  
IN AMERICA

By Counsel:

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