

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

AMERICAN CIVIL LIBERTIES UNION OF
MASSACHUSETTS, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF DEFENSE,

Defendant.

C.A. No. 26-13447-PBS

DECLARATION OF DANIEL L. MCFADDEN
IN SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

I, Daniel L. McFadden, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge and belief:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts. I am counsel for the American Civil Liberties Union of Massachusetts, Inc. ("ACLU") in the above-captioned matter.

2. It is my understanding that the Department of Defense also refers to itself as the "Department of War" and/or "DOW." For clarity, this declaration will refer to this department as "DOD." The other names being used for this department appear in certain of the referenced documents.

3. It is my understanding that DOD's Office of the Secretary of Defense/Joint Staff refers to itself as "OSD/JS," "OSD/Joint Staff," and/or "OSW/JS." For clarity, this declaration will refer to this office as "OSD/JS." The other names being used for this office appear in certain of the referenced documents.

4. This declaration will refer to the Department of the Navy as “DON,” and to the United States Marine Corps as “USMC.”

ACLUM’s FOIA Request to DOD via OSD/JS

5. On October 22, 2025, ACLUM submitted a Freedom of Information Act (“FOIA”) request to DOD via OSD/JS (the “OSD/JS Request”). A true and accurate copy of the OSD/JS Request is attached hereto as Exhibit A.

6. True and accurate copies of two emails from OSD/JS dated October 22, 2025, are attached hereto as Exhibit B.

7. True and accurate copies of an email from OSD/JS dated December 4, 2025, and attached correspondence, with certain individual government employee and/or contractor email addresses and telephone numbers redacted, are attached hereto as Exhibit C.

8. Attached hereto as Exhibit D is a true and accurate copy of the online request status page for Request 26-F-0130 (which I understand to be the designator for the OSD/JS Request) as retrieved from pal.whs.mil on August 14, 2026.

9. As far as I have been able to determine, OSD/JS has not provided a final response to the OSD/JS Request, has not produced any records in response to the OSD/JS Request, and has not asserted that any records responsive to the OSD/JS Request fall within any FOIA exemptions.

ACLUM’s FOIA Request to DON That Was Referred in Part to DOD via OSD/JS

10. On October 22, 2025, ACLUM submitted a FOIA request to DON (the “DON Request”). A true and accurate copy of the DON Request is attached hereto as Exhibit A.

11. A true and accurate copy of an email from DON dated October 22, 2025, is attached hereto as Exhibit E.

12. A true and accurate copy of an email from USMC dated March 11, 2026, with certain individual government employee and/or contractor email addresses and telephone numbers redacted, is attached hereto as Exhibit F.

13. A true and accurate copy of a memorandum from USMC to OSD/JS dated June 11, 2026, as transmitted by USMC to ACLUM on June 11, 2026, is attached hereto as Exhibit G. The three documents referred to in this memorandum as Enclosures (2), (3), and (4) will be referred to in this declaration as the “Referred Records.”

14. True and accurate copies of an email sent on behalf of OSD/JS dated June 12, 2026, and attached correspondence, with certain individual government employee and/or contractor email addresses and telephone numbers redacted, is attached hereto as Exhibit H.

15. A true and accurate copy of an email sent on behalf of OSD/JS dated June 29, 2026, and accompanying email chain, with certain individual government employee and/or contractor email addresses and telephone numbers redacted, is attached hereto as Exhibit I.

16. Attached hereto as Exhibit J is a true and accurate copy of the online request status page for Request 26-F-2511 (which I understand to be the designator for the OSD/JS’s processing of the Referred Records) as retrieved from pal.whs.mil on August 14, 2026.

17. As far as I have been able to determine, OSD/JS has not provided a final response regarding the Referred Records, has not produced the Referred Records, and has not asserted that the Referred Records fall within any FOIA exemptions.

Other Records

18. Attached hereto as Exhibit K are true and accurate copies of records produced to ACLUM by USMC on June 3, 2026.

19. Attached hereto as Exhibit L are true and accurate copies of records produced to ACLUM by the U.S. Army on August 5, 2026.

Executed: August 14, 2026

/s/ Daniel L. McFadden
Daniel L. McFadden

EXHIBIT A



Massachusetts

Daniel L. McFadden
Managing Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

October 22, 2025

Via Electronic Submission

Re: FOIA Request

To whom it may concern:

This letter is a request by the American Civil Liberties Union of Massachusetts (“ACLU”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for documents in the possession of the U.S. Department of Justice (“DOJ”) and the U.S. Department of Defense (“DOD”).¹

The Immigration Court is a component of the Executive Office for Immigration Review, which is itself a component of DOJ. *See* 8 C.F.R. § 1003.0. The Immigration Court is staffed by Immigration Judges (“IJs”), as well as various administrative and clerical personnel. *See* 8 C.F.R. § 1003.10. Although referred to as “judges,” IJs are executive branch employees ultimately subject to the direction and supervision of the Attorney General. *See, e.g.*, 8 C.F.R. 1003.1(h).

DOJ’s regulations provide for the appointment of Temporary IJs (“TIJs”). *See* 8 C.F.R. § 1003.10(e). Until recently, those regulations required that TIJs possess certain prior experience, such as former IJs, DOJ attorneys with at least 10 years of legal experience in the field of immigration law, and current administrative law judges in other agencies. *See* 79 Fed. Reg. 39953 (2014). However, on August 28, 2025, DOJ removed those experience requirements from the regulation, and “any attorney” is now eligible to be a TIJ under DOJ’s rules. *See* 90 Fed. Reg. 41883 (2025).

It has been widely reported that DOJ intends to appoint active duty military service members (including potentially activated reservists) as TIJs, and that DOD

¹ DOD has recently begun referring to itself as the “Department of War”, although this is not its name under law. *Cf., e.g.*, 10 U.S.C. §§ 111(a) & 113 (“There is a Secretary of Defense, who is head of the Department of Defense . . .”). This letter will refer to the Department as DOD in accordance with the law, and any such reference shall encompass and include any responsive records labeled as, generated by, received by, or otherwise associated with any organization calling itself the “Department of War.”

has agreed to order up to 600 military service members to serve in that role.² Our understanding is that at least two military service members have already been ordered to the Immigration Courts in Massachusetts to serve as IJs or TIJs. The apparent use of active duty military personnel to control the domestic civilian population—including to order people to be jailed and potentially expelled from the country—raises a variety of grave legal concerns.³

ACLU requests the following records. Unless otherwise specified, the timeframe for the request is May 1, 2025, until the present. Requests for records include all appended documents and attachments, including email attachments. Records should be produced in electronic format to the greatest extent possible. References to DOJ and DOD shall include their constituent agencies, offices, divisions, departments, and other components.

1. All contracts, memoranda of understanding (“MOUs”), and other agreements between DOJ and DOD concerning military personnel serving as IJs and/or TIJs;
2. All DOJ and DOD rules, policies, and procedures concerning military personnel serving as IJs and/or TIJs;
3. All records of any funding for military personnel serving as IJs and/or TIJs, including without limitation any records of transfers of DOJ funds to DOD for such orders, details, or assignments;
4. All letters, emails, text messages, and other correspondence sent or received by the Assistant Attorney General for Administration⁴ and/or her office concerning military personnel serving as IJs and/or TIJs;

² “Pentagon authorizes up to 600 military lawyers to serve as temporary immigration judges,” Konstantin Toropin, Associated Press, Sept. 2, 2025, <https://apnews.com/article/pentagon-immigration-judges-trump-pete-hegseth-b07950833591270b926ad86ede8b961f>.

³ “Trump Administration Appoints Hundreds of Unqualified Military Lawyers to Serve as Immigration Judges,” American Immigration Council, Sept. 5, 2025, <https://www.americanimmigrationcouncil.org/blog/trump-appoints-military-lawyers-to-serve-as-immigration-judges/>; “Using Military Lawyers as Immigration Judges Is Ill-Advised and Potentially Illegal,” The Brennan Center for Justice, Sept. 29, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/using-military-lawyers-immigration-judges-ill-advised-and-potentially>.

⁴ ACLU understands that the Assistant Attorney General for Administration is presently Assistant Attorney General Jolene Ann Lauria, who has held that position

5. All letters, emails, text messages, and other correspondence sent or received by the Director of the Executive Office for Immigration Review (“EOIR”) and/or his office concerning military personnel serving as IJs and/or TIJs;
6. All letters, emails, text messages, and other correspondence sent or received by the Chief Immigration Judge and/or her office concerning military personnel serving as IJs and/or TIJs;
7. All letters, emails, text messages, and other correspondence sent or received by the Judge Advocates General of the Department of the Army, the Department of the Navy, and the Department of the Air Force, and/or their respective offices, concerning military personnel serving as IJs and/or TIJs;
8. All orders to military personnel to serve as IJs and/or TIJs, including without limitation any orders activating reserve personnel for such assignment;
9. All applications by any active or reserve military personnel to serve as IJs and/or TIJs;
10. The resume and curriculum vitae (“CV”) for every IJ and TIJ assigned to an Immigration Court in Massachusetts from January 2025 to the present.

ACLUM is entitled to a fee waiver under the FOIA and the relevant regulations because ACLUM qualifies as a representative of the news media and because release of the records requested is in the public interest and not in any commercial interest of the requester.

ACLUM is entitled to a fee waiver because it is a representative of the news media as defined by the FOIA statute. Representatives of the news media include any organization “that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience,” where “news” is defined as “information that is about current events or that would be of current interest to the public.” 5 U.S.C. § 552(a)(4)(A)(ii).

ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, also a not-for-profit, non-partisan organization, ACLUM distributes

since 2023. See <https://www.justice.gov/jmd/staff-profile/meet-assistant-attorney-general>.

Page 4

information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a substantial component of ACLUM's mission and work. ACLUM publishes reports and other written materials that are disseminated to the public, including on its website and through internet sites such as Facebook, and Instagram. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, and institutions of higher learning at no cost. Accordingly, ACLUM is a representative of the news media within the meaning of the statute and is entitled to a fee waiver. *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *see also Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003).

ACLUM is further entitled to a waiver or reduction of fees because disclosure of the requested information is in the public interest, as it is likely to contribute significantly to public understanding of the operations or activities of the government and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). This request seeks records that will inform the public's understanding of the government's policies and activities regarding immigration enforcement and military/civil affairs, matters of substantial public concern. As a not-for-profit organization dedicated to protecting the civil rights and civil liberties of all persons in Massachusetts, including those of noncitizens, ACLUM has no commercial interests in the requested information. ACLUM therefore is entitled to a fee waiver or reduction of fees based on the public's interest in disclosure of the documents requested herein. *See Long v. Dep't of Homeland Sec.*, 113 F. Supp. 3d 100, 107 (D.D.C. 2015) ("The Court has little difficulty concluding that information about enforcement of our immigration laws would be of interest to the public.").

To the extent you contend that any of the requested records are exempt from disclosure, we ask that you justify all asserted exemptions by reference to specific provisions of the FOIA. Please release all segregable portions of otherwise exempt material. We reserve all rights to appeal or otherwise contest any decision to withhold any information or to deny a waiver of fees.

We look forward to your reply to our request within twenty (20) business days, as required by the FOIA. 5 U.S.C. § 552(a)(6)(A)(i). Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden
Managing Attorney
ACLU Foundation of Massachusetts
dmcfadden@aclum.org

EXHIBIT B



Outlook

PAL Acknowledgement by FOIA Office

From donotreply@mail.mil <donotreply@mail.mil>

Date Wed 10/22/2025 2:35 PM

To Daniel McFadden <DmcFadden@aclum.org>

Dear Daniel McFadden,

Case Number 26-F-0130 has been assigned to the request you submitted. In all future correspondence regarding this request please reference case number 26-F-0130.

Regards,
OSD/JS or DLA FOIA Requester Service Center



Outlook

Status Update for Request #26-F-0130

From donotreply@mail.mil <donotreply@mail.mil>

Date Wed 10/22/2025 2:35 PM

To Daniel McFadden <DmcFadden@aclum.org>

Dear Daniel McFadden,

The status of your FOIA request #26-F-0130 has been updated to the following status 'Received'. To log into the PAL Application click on the Application URL below.

<https://pal.whs.mil>

Sincerely,
OSD/JS or DLA FOIA Requester Service Center

EXHIBIT C



Outlook

OSD/JS FOIA 26-F-0130 Interim Response

From WHS MC ALEX ESD Mailbox OSD JS FOIA Requester Service Center [REDACTED]
[REDACTED]
Date Thu 12/4/2025 8:40 AM
To Daniel McFadden <DmcFadden@aclum.org>
Cc Harper, Madalyn J CIV WHS ESD (USA) [REDACTED]; Ernest Johnson, Ann J CIV WHS ESD (USA) [REDACTED]; Jordan, Jessica R CTR WHS ESD (USA) [REDACTED]

2 attachments (815 KB)

26 F 0130 Request Description.pdf; 26 F 0130 Interim.pdf;

Good morning McFadden,

Please find the interim response attached for your FOIA Request that was requested on October 22, 2025. The case number for this request is 26-F-0130, please refer to this number and the action officer mentioned in the interim response in any future correspondence regarding this case.

V/r,

Jessica Jordan
FOIA Analyst
Freedom of Information Division
OSD / JS FOIA Office
[REDACTED]



DEPARTMENT OF DEFENSE
OFFICE OF THE SECRETARY OF DEFENSE/JOINT STAFF
FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

Ref: 26-F-0130
December 3, 2025

Mr. Daniel McFadden
ACLU
One Center Plaza
Suite 850
Boston, MA 02108

Dear Mr. McFadden:

This is an interim response to your October 22, 2025 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. The Office of the Secretary of Defense/Joint Staff (OSD/JS) FOIA Requester Service Center received your request on October 22, 2025, and assigned it FOIA case number 26-F-0130. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for OSD, JS, and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required record searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 3,838 open requests.

If you have requested a fee waiver, please note that decisions to waive or reduce fees are made on a case-by-case basis, and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or if the responsive records total more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

In some instances, we have found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests. If you wish to narrow the scope of your request or have questions about the foregoing, please do not hesitate to contact your Action Officer, Katelyn Brennan, at [REDACTED] or [REDACTED]. Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSD/JS FOIA Public Liaison, Virginia Burke, by email at osd.mc-alex.oatsd-pclt.mbx.foia-liaison@mail.mil or by phone at 571-372-0462. You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Katelyn Brennan, and reference FOIA case number 26-F-0130, if you have any questions or concerns.

Sincerely,

Madalyn Harper
for
Pamela Andrews
Chief, FOIA

Enclosure:
As stated

FOIA Request 2467456

26-F-0130

October 23, 2025

The following list contains the entire submission submitted October 22, 2025 02:30:18pm ET, and is formatted for ease of viewing and printing.

Contact information

First name	Daniel
Last name	McFadden
Country	United States
Phone	617-482-3170 x171
Company/Organization	ACLU of Massachusetts
Email	dmcfadden@aclum.org

Request

Request ID	2467456
Confirmation ID	2470836
Request description	Please see attached request.

Supporting documentation

Additional Information	Military IJs FOIA 10 22 25.pdf
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Fees

Request category ID	media
Fee waiver	yes
Explanation	Please see attached request.
Willing to pay	\$25

Expedited processing

Expedited Processing	no
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Daniel L. McFadden
Managing Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

October 22, 2025

Via Electronic Submission

Re: FOIA Request

To whom it may concern:

This letter is a request by the American Civil Liberties Union of Massachusetts (“ACLU”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for documents in the possession of the U.S. Department of Justice (“DOJ”) and the U.S. Department of Defense (“DOD”).¹

The Immigration Court is a component of the Executive Office for Immigration Review, which is itself a component of DOJ. *See* 8 C.F.R. § 1003.0. The Immigration Court is staffed by Immigration Judges (“IJs”), as well as various administrative and clerical personnel. *See* 8 C.F.R. § 1003.10. Although referred to as “judges,” IJs are executive branch employees ultimately subject to the direction and supervision of the Attorney General. *See, e.g.*, 8 C.F.R. 1003.1(h).

DOJ’s regulations provide for the appointment of Temporary IJs (“TIJs”). *See* 8 C.F.R. § 1003.10(e). Until recently, those regulations required that TIJs possess certain prior experience, such as former IJs, DOJ attorneys with at least 10 years of legal experience in the field of immigration law, and current administrative law judges in other agencies. *See* 79 Fed. Reg. 39953 (2014). However, on August 28, 2025, DOJ removed those experience requirements from the regulation, and “any attorney” is now eligible to be a TIJ under DOJ’s rules. *See* 90 Fed. Reg. 41883 (2025).

It has been widely reported that DOJ intends to appoint active duty military service members (including potentially activated reservists) as TIJs, and that DOD

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has agreed to order up to 600 military service members to serve in that role.² Our understanding is that at least two military service members have already been ordered to the Immigration Courts in Massachusetts to serve as IJs or TIJs. The apparent use of active duty military personnel to control the domestic civilian population—including to order people to be jailed and potentially expelled from the country—raises a variety of grave legal concerns.³

ACLUM requests the following records. Unless otherwise specified, the timeframe for the request is May 1, 2025, until the present. Requests for records include all appended documents and attachments, including email attachments. Records should be produced in electronic format to the greatest extent possible. References to DOJ and DOD shall include their constituent agencies, offices, divisions, departments, and other components.

1. All contracts, memoranda of understanding (“MOUs”), and other agreements between DOJ and DOD concerning military personnel serving as IJs and/or TIJs;
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3. All records of any funding for military personnel serving as IJs and/or TIJs, including without limitation any records of transfers of DOJ funds to DOD for such orders, details, or assignments;
4. All letters, emails, text messages, and other correspondence sent or received by the Assistant Attorney General for Administration⁴ and/or her office concerning military personnel serving as IJs and/or TIJs;

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³ “Trump Administration Appoints Hundreds of Unqualified Military Lawyers to Serve as Immigration Judges,” American Immigration Council, Sept. 5, 2025, <https://www.americanimmigrationcouncil.org/blog/trump-appoints-military-lawyers-to-serve-as-immigration-judges/>; “Using Military Lawyers as Immigration Judges Is Ill-Advised and Potentially Illegal,” The Brennan Center for Justice, Sept. 29, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/using-military-lawyers-immigration-judges-ill-advised-and-potentially>.

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5. All letters, emails, text messages, and other correspondence sent or received by the Director of the Executive Office for Immigration Review (“EOIR”) and/or his office concerning military personnel serving as IJs and/or TIJs;
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7. All letters, emails, text messages, and other correspondence sent or received by the Judge Advocates General of the Department of the Army, the Department of the Navy, and the Department of the Air Force, and/or their respective offices, concerning military personnel serving as IJs and/or TIJs;
8. All orders to military personnel to serve as IJs and/or TIJs, including without limitation any orders activating reserve personnel for such assignment;
9. All applications by any active or reserve military personnel to serve as IJs and/or TIJs;
10. The resume and curriculum vitae (“CV”) for every IJ and TIJ assigned to an Immigration Court in Massachusetts from January 2025 to the present.

ACLUM is entitled to a fee waiver under the FOIA and the relevant regulations because ACLUM qualifies as a representative of the news media and because release of the records requested is in the public interest and not in any commercial interest of the requester.

ACLUM is entitled to a fee waiver because it is a representative of the news media as defined by the FOIA statute. Representatives of the news media include any organization “that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience,” where “news” is defined as “information that is about current events or that would be of current interest to the public.” 5 U.S.C. § 552(a)(4)(A)(ii).

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since 2023. See <https://www.justice.gov/jmd/staff-profile/meet-assistant-attorney-general>.

Page 4

information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a substantial component of ACLUM's mission and work. ACLUM publishes reports and other written materials that are disseminated to the public, including on its website and through internet sites such as Facebook, and Instagram. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, and institutions of higher learning at no cost. Accordingly, ACLUM is a representative of the news media within the meaning of the statute and is entitled to a fee waiver. *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *see also Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003).

ACLUM is further entitled to a waiver or reduction of fees because disclosure of the requested information is in the public interest, as it is likely to contribute significantly to public understanding of the operations or activities of the government and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). This request seeks records that will inform the public's understanding of the government's policies and activities regarding immigration enforcement and military/civil affairs, matters of substantial public concern. As a not-for-profit organization dedicated to protecting the civil rights and civil liberties of all persons in Massachusetts, including those of noncitizens, ACLUM has no commercial interests in the requested information. ACLUM therefore is entitled to a fee waiver or reduction of fees based on the public's interest in disclosure of the documents requested herein. *See Long v. Dep't of Homeland Sec.*, 113 F. Supp. 3d 100, 107 (D.D.C. 2015) ("The Court has little difficulty concluding that information about enforcement of our immigration laws would be of interest to the public.").

To the extent you contend that any of the requested records are exempt from disclosure, we ask that you justify all asserted exemptions by reference to specific provisions of the FOIA. Please release all segregable portions of otherwise exempt material. We reserve all rights to appeal or otherwise contest any decision to withhold any information or to deny a waiver of fees.

We look forward to your reply to our request within twenty (20) business days, as required by the FOIA. 5 U.S.C. § 552(a)(6)(A)(i). Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden
Managing Attorney
ACLU Foundation of Massachusetts
dmcfadden@aclum.org

EXHIBIT D

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

Daniel McFadden
ACLU
One Center Plaza,
Suite 850
Boston,, MA 02108
Phone 617.482.3170 x171
dmcfadden@aclum.org

Requester Default Category: Other

Custom Fields

Requester Control # :
Previous Address 2 :

Request Details

Date Requested	10/22/2025
Received Date	10/22/2025
Estimate Delivery Date	03/14/2026
Status	In Process

General Information

If you experience an error while submitting your FOIA request, please submit via FOIA.gov at <https://www.foia.gov/>

**For FOIA requests to OSD/JS: 1. Select ACTION OFFICE: OSD-JS FOIA Office
2. Select REQUEST TYPE: FOIA**

**For FOIA requests to DLA: 1. Select ACTION OFFICE: DLA FOIA Office
2. Select REQUEST TYPE: DLA-FOIA**

If selecting DLA FOIA Office, you MUST select Request Type: DLA-FOIA

Failure to follow instructions WILL result in delays to the processing of your request.

Action Office	OSD-JS FOIA Office
Request Type	FOIA
Requester Category	News Media

Shipping Address

Street1	One Center Plaza,	Street2	Suite 850
---------	-------------------	---------	-----------

City	Boston,	State	Massachusetts
State (Other)		Country	United States
Zip Code	02108		

Request Information

Description	ACLUM requests the following records. Unless otherwise specified, the timeframe for the request is May 1, 2025, until the present. Requests for records include all appended documents and attachments, including email		
Date Range for Record Search: From(mm/dd/yyyy)		To (mm/dd/yyyy)	
Description Document	 Add Attachment		

Fee Information

Willing Amount (\$)	25.00
Fee Waiver Requested	☒  Add Attachment
Fee Waiver Request Reason	ACLUM is entitled to a fee waiver under the FOIA and the relevant regulations because ACLUM qualifies as a representative of the news media and

Billing Address

State (Other)

Other Information

State (Other)

Custom Fields

Requester #	
-------------	----------------------

Only Click "Submit" Once

Expedite Information

Expedite Requested	☐  Add Attachment
Expedite Reason	

EXHIBIT E



Outlook

FOIA Submission Acknowledgment for 2026-NavyFOIA-001117

From noreply@securerelease.us <noreply@securerelease.us>

Date Wed 10/22/2025 7:20 PM

To Daniel McFadden <DmcFadden@aclum.org>

10/22/2025

Daniel McFadden

ACLU Foundation of Massachusetts

One Center Plaza

Suite 850

Boston, Massachusetts, 02492

2026-NavyFOIA-001117

Dear Daniel McFadden:

This is an acknowledgment of receipt of your Freedom of Information Act (FOIA) request dated 10/22/2025, and seeking records pertaining to "Please see enclosed letter.". Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per FOIA, 5 U.S.C. §552 we process FOIA requests according to their order of receipt. Although the goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time-period. We will make every effort to comply with your request in a timely manner.

We will construe the submission of your request as an agreement to pay up to \$25.00 in processing costs. You will be contacted before any additional fees accrue.

If you have any questions or wish to discuss reformulation or an alternative time-period for the processing of your request, please contact the FOIA office. Your request has been assigned reference number 2026-NavyFOIA-001117. Please refer to this identifier in any future correspondence.

Sincerely,

SECNAV/CNO FOIA/PA Program Office

Department of Navy

Office email: usn.ncr.dns.mbx.don-foia-pa@us.navy.mil

Office Phone: (202) 685-0412

EXHIBIT F



Your FOIA Referral, 2026-USMCFOIA-002677 (Acknowledgment)

From Peters CIV Michael L [REDACTED]
Date Wed 3/11/2026 1:49 PM
To Daniel McFadden <DmcFadden@aclum.org>
Cc Hughes CIV Sally A [REDACTED]

Good afternoon Mr. McFadden,

This correspondence serves to acknowledge receipt of the referral of your October 22, 2025, FOIA request, which was originally sent to the Department of the Navy (DON) via the National FOIA Portal at FOIA.gov. We received the subject referral from DON yesterday, March 10th, and have assigned it file number **2026-USMCFOIA-002677**. We will be initiating a search of the files maintained by our Judge Advocate Division for responsive records very soon.

Please note that when FOIA requesters have not received a determination within the 20-day statutory period, they may challenge the delay on appeal within the SecureRelease system at www.securerelease.us or by writing to the Department of the Navy, Office of the Judge Advocate General (Code 14), 1322 Patterson Ave SE, Suite 3000, Washington Navy Yard, DC 20374-5066. If you prefer, you can also submit it via e-mail to Navy-OJAG-C14-FOIA-PA-ADMINAPPEALS@us.navy.mil. Your appeal, if any, should include a statement indicating why you believe it should be granted.

You also have the right to seek assistance and/or dispute resolution services from the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at ogis@nara.gov or (877) 684-6448. For more information online about services provided by OGIS, please visit their website at www.archives.gov/ogis.

As the analyst assigned to your request, should you have any questions or concerns, please feel free to contact me at [REDACTED] or [REDACTED]. Reference the file number in the subject in any correspondence.

Michael L. Peters
Deputy, FOIA/PA Programs

FOIA/PA Phone: [REDACTED]
FOIA E-mail: hqmcfoia@usmc.mil

Commandant of the Marine Corps (ARSF)
Headquarters US Marine Corps
3000 Marine Corps Pentagon Rm 2B289
Washington DC 20350-3000

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential and/or privileged (attorney work product/attorney-client). Any unauthorized review, use, disclosure or distribution may result in civil

and/or criminal penalties. If you are not the intended recipient, please contact the sender by reply e-mail and destroy any copies of the original message.

If you wish to submit a FOIA/PA request to the Marine Corps, please do so via our online portal at www.securerelease.us. This is the fastest and most reliable way to send us your request, and it ensures that all requests are properly and accurately tracked from the date/time of submission.

Controlled Unclassified Information

We value your comments please take time complete the Management Comment Card via the ICE Tool <https://ice.disa.mil/index.cfm?fa=card&sp=130985&s=341>

EXHIBIT G



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

5720
ARSF-MP
June 11, 2026

SENT VIA E-MAIL TO: WHS.MC-ALEX.ESD.MBX.OSD-JS-FOIA-REQUESTER-SERVICE-CENTER@MAIL.MIL

MEMORANDUM

From: Deputy, FOIA/PA Programs (ARSF)
To: OSD/JS FOIA Request Service Center

Subj: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF AMERICAN CIVIL
LIBERTIES UNION OF MASSACHUSETTS (ACLUM), FILE NUMBER 2026-
USMCFOIA-002677

Ref: (a) DoD 5400.7-R

Encl: (1) SecureRelease printout request ID 2026-USMCFOIA-002677
(2) Memorandum "Identification of Judge Advocate General Officers and Civilian
Attorneys for Potential Detail to the Department of Justice" of 27 AUG 25
(3) Memorandum "Potential Department of Defense Support for Immigration
Adjudication" of 27 AUG 25
(4) Memorandum of Agreement Between The Department of Justice Executive Office for
Immigration Review and The Department of War For the Detailing of Temporary
Immigration Judges
(5) E-mail of 11 JUN 26 from Michael Peters to Darren McFadden of ACLUM

1. By enclosure (1), ACLUM has requested various records related to the appointment of
Marines as Immigration Judges (IJs) or Temporary Immigration Judges (TIJs).

2. Per reference (a), enclosures (2) through (4) are referred as a matter under your cognizance
for release determination and direct response to the requester. Per enclosure (5), the requester
has been notified of this referral action.

3. Questions concerning this action should be directed to me at michael.l.peters3@usmc.mil
or (703) 614-4008. Please reference the file number in the subject line above when
corresponding with our office on this matter.

A handwritten signature in blue ink, appearing to read "M. L. PETERS", is located below the text of the memorandum.

M. L. PETERS

Enclosures

Copy to: D. McFadden (w/out enclosures)

EXHIBIT H



OSW/JS FOIA26-F-2511 Interim Response

From WHS MC ALEX ESD Mailbox OSD JS FOIA Requester Service Center [REDACTED]
Date Fri 6/12/2026 1:33 PM
To Daniel McFadden <DmcFadden@aclum.org>
Cc Harper, Madalyn J CIV WHS ESD (USA) [REDACTED]; Ernest Johnson, Ann J CIV WHS ESD (USA) [REDACTED]; Tuncer, Talha B CTR (USA) [REDACTED]; Howard, Tyra D CIV WHS ESD (USA) [REDACTED]; Fisher, Stephen L CIV WHS ESD (USA) [REDACTED]

2 attachments (421 KB)

26-F-2511_Request_Description.pdf; 26-F-2511_Interim.pdf;

Good afternoon Mr. McFadden

Please find the enclosed interim response to your FOIA request that was received by the OSW/JS FOIA office on June 11, 2026 and assigned FOIA case number 26-F-2511. Additionally, please refer to the case number and include the FOIA Action Officer cited in the interim response in any future correspondence regarding your FOIA request. Thank you.

V/r,



TALHA B. TUNCER
FOIA Analyst (**Contractor**), Qualx LLC
Executive Services Directorate,
Records & Declassification Division,
Freedom Of Information Branch
Washington Headquarters Services (WHS)
Mark Center | 02F09

NIPR: [REDACTED]
SIPR: [REDACTED] [il](mailto:[REDACTED]@mil)
<https://www.whs.mil>

Let us know how we are doing: <https://ice.disa.mil/index.cfm?fa=card&sp=125562>



**DEPARTMENT OF WAR
OFFICE OF THE SECRETARY OF WAR/JOINT STAFF
FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

Ref: 26-F-2511
USMC: 2026-USMCFOIA-002677
June 12, 2026

Mr. Daniel McFadden
ACLU
One Center Plaza
Suite 850
Boston, MA 02108

Dear Mr. McFadden:

This is an interim response to your October 22, 2025 Freedom of Information Act (FOIA) request to the U.S Marine Corps (USMC). For your convenience, I have enclosed a copy of your request. The Office of the Secretary of War/Joint Staff (OSW/JS) FOIA Requester Service Center received your request from USMC on June 11, 2026, and assigned it FOIA case number 26-F-2511. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoW components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for OSW, JS, and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required record searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 3,534 open requests.

If you have requested a fee waiver, please note that decisions to waive or reduce fees are made on a case-by-case basis, and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or if the responsive records total more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact the Action Officer assigned to your request, Tyra Howard, at [REDACTED] or [REDACTED]. Additionally, if you have concerns about service received by our office, please contact a member of our Leadership Team at 571-372-0498 or Toll Free at 866-574-4970.

Should you wish to inquire about mediation services, you may contact the OSW/JS FOIA Public Liaison, Virginia Burke, by email at osd.mc-alex.oatsd-pclt.mbx.foia-liaison@mail.mil or by phone at 571-372-0462, or the Office of Government Information Services (OGIS) at the National Archives and Records Administration. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

We regret the delay in responding to your request and appreciate your patience. As previously stated, please contact the Action Officer assigned to your request, Tyra Howard, and reference FOIA case number 26-F-2511, if you have any questions or concerns.

Sincerely,

for Ann Ernest Johnson
Pamela Andrews
Chief, FOIA

Enclosure:
As stated

The following list contains the entire submission submitted 10/22/2025 and is formatted for ease of viewing and printing.

Contact information

First name: Daniel
Last name: McFadden
Address: One Center Plaza
Suite 850
City: Boston
State: Massachusetts
Postal Code: 02492
Country: United States of America (USA)
Phone: +16174823170
Organization: ACLU Foundation of Massachusetts
Email: dmcfadden@aclum.org

Request information

Request ID: 2026-USMCFOIA-002677
Request description: Please see enclosed letter.

Supporting documentation

- General Documentation
- Military IJs FOIA 10 22 25.pdf

Fees related information

Request category ID: All Other
Fee Waiver: Yes
Explanation: Please see enclosed letter.
Willing to pay: \$0.00

Expedited processing

Expedited Processing: No
Explanation:



Daniel L. McFadden
Managing Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

October 22, 2025

Via Electronic Submission

Re: FOIA Request

To whom it may concern:

This letter is a request by the American Civil Liberties Union of Massachusetts (“ACLU”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for documents in the possession of the U.S. Department of Justice (“DOJ”) and the U.S. Department of Defense (“DOD”).¹

The Immigration Court is a component of the Executive Office for Immigration Review, which is itself a component of DOJ. *See* 8 C.F.R. § 1003.0. The Immigration Court is staffed by Immigration Judges (“IJs”), as well as various administrative and clerical personnel. *See* 8 C.F.R. § 1003.10. Although referred to as “judges,” IJs are executive branch employees ultimately subject to the direction and supervision of the Attorney General. *See, e.g.*, 8 C.F.R. 1003.1(h).

DOJ’s regulations provide for the appointment of Temporary IJs (“TIJs”). *See* 8 C.F.R. § 1003.10(e). Until recently, those regulations required that TIJs possess certain prior experience, such as former IJs, DOJ attorneys with at least 10 years of legal experience in the field of immigration law, and current administrative law judges in other agencies. *See* 79 Fed. Reg. 39953 (2014). However, on August 28, 2025, DOJ removed those experience requirements from the regulation, and “any attorney” is now eligible to be a TIJ under DOJ’s rules. *See* 90 Fed. Reg. 41883 (2025).

It has been widely reported that DOJ intends to appoint active duty military service members (including potentially activated reservists) as TIJs, and that DOD

¹ DOD has recently begun referring to itself as the “Department of War”, although this is not its name under law. *Cf., e.g.*, 10 U.S.C. §§ 111(a) & 113 (“There is a Secretary of Defense, who is head of the Department of Defense . . .”). This letter will refer to the Department as DOD in accordance with the law, and any such reference shall encompass and include any responsive records labeled as, generated by, received by, or otherwise associated with any organization calling itself the “Department of War.”

has agreed to order up to 600 military service members to serve in that role.² Our understanding is that at least two military service members have already been ordered to the Immigration Courts in Massachusetts to serve as IJs or TIJs. The apparent use of active duty military personnel to control the domestic civilian population—including to order people to be jailed and potentially expelled from the country—raises a variety of grave legal concerns.³

ACLU requests the following records. Unless otherwise specified, the timeframe for the request is May 1, 2025, until the present. Requests for records include all appended documents and attachments, including email attachments. Records should be produced in electronic format to the greatest extent possible. References to DOJ and DOD shall include their constituent agencies, offices, divisions, departments, and other components.

1. All contracts, memoranda of understanding (“MOUs”), and other agreements between DOJ and DOD concerning military personnel serving as IJs and/or TIJs;
2. All DOJ and DOD rules, policies, and procedures concerning military personnel serving as IJs and/or TIJs;
3. All records of any funding for military personnel serving as IJs and/or TIJs, including without limitation any records of transfers of DOJ funds to DOD for such orders, details, or assignments;
4. All letters, emails, text messages, and other correspondence sent or received by the Assistant Attorney General for Administration⁴ and/or her office concerning military personnel serving as IJs and/or TIJs;

² “Pentagon authorizes up to 600 military lawyers to serve as temporary immigration judges,” Konstantin Toropin, Associated Press, Sept. 2, 2025, <https://apnews.com/article/pentagon-immigration-judges-trump-pete-hegseth-b07950833591270b926ad86ede8b961f>.

³ “Trump Administration Appoints Hundreds of Unqualified Military Lawyers to Serve as Immigration Judges,” American Immigration Council, Sept. 5, 2025, <https://www.americanimmigrationcouncil.org/blog/trump-appoints-military-lawyers-to-serve-as-immigration-judges/>; “Using Military Lawyers as Immigration Judges Is Ill-Advised and Potentially Illegal,” The Brennan Center for Justice, Sept. 29, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/using-military-lawyers-immigration-judges-ill-advised-and-potentially>.

⁴ ACLU understands that the Assistant Attorney General for Administration is presently Assistant Attorney General Jolene Ann Lauria, who has held that position

5. All letters, emails, text messages, and other correspondence sent or received by the Director of the Executive Office for Immigration Review (“EOIR”) and/or his office concerning military personnel serving as IJs and/or TIJs;
6. All letters, emails, text messages, and other correspondence sent or received by the Chief Immigration Judge and/or her office concerning military personnel serving as IJs and/or TIJs;
7. All letters, emails, text messages, and other correspondence sent or received by the Judge Advocates General of the Department of the Army, the Department of the Navy, and the Department of the Air Force, and/or their respective offices, concerning military personnel serving as IJs and/or TIJs;
8. All orders to military personnel to serve as IJs and/or TIJs, including without limitation any orders activating reserve personnel for such assignment;
9. All applications by any active or reserve military personnel to serve as IJs and/or TIJs;
10. The resume and curriculum vitae (“CV”) for every IJ and TIJ assigned to an Immigration Court in Massachusetts from January 2025 to the present.

ACLUM is entitled to a fee waiver under the FOIA and the relevant regulations because ACLUM qualifies as a representative of the news media and because release of the records requested is in the public interest and not in any commercial interest of the requester.

ACLUM is entitled to a fee waiver because it is a representative of the news media as defined by the FOIA statute. Representatives of the news media include any organization “that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience,” where “news” is defined as “information that is about current events or that would be of current interest to the public.” 5 U.S.C. § 552(a)(4)(A)(ii).

ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, also a not-for-profit, non-partisan organization, ACLUM distributes

since 2023. See <https://www.justice.gov/jmd/staff-profile/meet-assistant-attorney-general>.

Page 4

information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a substantial component of ACLUM's mission and work. ACLUM publishes reports and other written materials that are disseminated to the public, including on its website and through internet sites such as Facebook, and Instagram. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, and institutions of higher learning at no cost. Accordingly, ACLUM is a representative of the news media within the meaning of the statute and is entitled to a fee waiver. *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *see also Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003).

ACLUM is further entitled to a waiver or reduction of fees because disclosure of the requested information is in the public interest, as it is likely to contribute significantly to public understanding of the operations or activities of the government and disclosure of the information is not primarily in the commercial interest of the requester. *See* 5 U.S.C. § 552(a)(4)(A)(iii). This request seeks records that will inform the public's understanding of the government's policies and activities regarding immigration enforcement and military/civil affairs, matters of substantial public concern. As a not-for-profit organization dedicated to protecting the civil rights and civil liberties of all persons in Massachusetts, including those of noncitizens, ACLUM has no commercial interests in the requested information. ACLUM therefore is entitled to a fee waiver or reduction of fees based on the public's interest in disclosure of the documents requested herein. *See Long v. Dep't of Homeland Sec.*, 113 F. Supp. 3d 100, 107 (D.D.C. 2015) ("The Court has little difficulty concluding that information about enforcement of our immigration laws would be of interest to the public.").

To the extent you contend that any of the requested records are exempt from disclosure, we ask that you justify all asserted exemptions by reference to specific provisions of the FOIA. Please release all segregable portions of otherwise exempt material. We reserve all rights to appeal or otherwise contest any decision to withhold any information or to deny a waiver of fees.

We look forward to your reply to our request within twenty (20) business days, as required by the FOIA. 5 U.S.C. § 552(a)(6)(A)(i). Thank you for your prompt attention to this matter.

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden
Managing Attorney
ACLU Foundation of Massachusetts
dmcfadden@aclum.org

EXHIBIT I



RE: OSW/JS FOIA26-F-2511 Interim Response

From Howard, Tyra D CIV WHS ESD (USA) [REDACTED]
Date Mon 6/29/2026 11:25 AM
To Daniel McFadden <DmcFadden@aclum.org>
Cc Harper, Madalyn J CIV WHS ESD (USA) [REDACTED]; Ernest-Johnson, Ann J CIV WHS ESD (USA) [REDACTED]
 [REDACTED]; Tuncer, Talha B CTR (USA) [REDACTED]; Fisher, Stephen L CIV WHS ESD (USA) [REDACTED]
 [REDACTED]; WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center [REDACTED]

Good day
 Mr. McFadden,

Thank you for your email, and please accept my apologies for the delay in responding. Yes, we received your FOIA request and the referred three records from the USMC. The referred records are currently being processed. Please not that all requests are processed in the order received and are handled as expeditiously as possible while ensuring that all requesters are treated fairly and consistently. In addition, all responsive documents must be reviewed before a final response can be issued. At this time, your request requires consultation with one or more components that have an interest in the records or subject matter. This consultation process is impacting the processing time for your request. I will contact the components currently reviewing the records to obtain an update status. As soon as I receive additional information, I will notify you via email and provide an estimated completion date, if one is available.

Thank you for your patience and understanding.

V/r,



Tyra Howard

Government Information Specialist, Executive Services Directorate,
 Records and Declassification Division, Freedom of Information Branch,
 Washington Headquarters Services (WHS)
 Mark Center | 02-F-09
 [REDACTED]
 Main Office: (571) 372-0498
 NIPR: [REDACTED]

From: Daniel McFadden <DmcFadden@aclum.org>
Sent: Monday, June 29, 2026 10:58 AM
To: Howard, Tyra D CIV WHS ESD (USA) [REDACTED]
Cc: Harper, Madalyn J CIV WHS ESD (USA) [REDACTED]; Ernest-Johnson, Ann J CIV WHS ESD (USA) [REDACTED]
 [REDACTED]; Tuncer, Talha B CTR (USA) [REDACTED]; Fisher, Stephen L CIV WHS ESD (USA) [REDACTED]
 [REDACTED]; WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center [REDACTED]
Subject: Re: OSW/JS FOIA26-F-2511 Interim Response

You don't often get email from dmcfadden@aclum.org. [Learn why this is important](#)
 Dear Ms. Howard,

I am writing to follow up again on the inquiry below. Please let me know.

Best regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Managing Attorney

American Civil Liberties Union Foundation of Massachusetts

617.482.3170 x171 | dmcfadden@aclum.org

aclum.org

From: Daniel McFadden <DmcFadden@aclum.org>

Sent: Sunday, June 21, 2026 7:20 PM

To: Howard, Tyra D CIV WHS ESD (USA) [REDACTED]

Cc: Harper, Madalyn J CIV WHS ESD (USA) [REDACTED]; Ernest-Johnson, Ann J CIV WHS ESD (USA) [REDACTED]
[REDACTED] Tuncer, Talha B CTR (USA) [REDACTED] Fisher, Stephen L CIV WHS ESD (USA) [REDACTED]
[REDACTED] WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center <[REDACTED]>
[REDACTED]

Subject: Re: OSW/JS FOIA26-F-2511 Interim Response

Dear Ms. Howard,

I am writing to follow up on the inquiry below. Please let me know.

Best regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Managing Attorney

American Civil Liberties Union Foundation of Massachusetts

617.482.3170 x171 | dmcfadden@aclum.org

aclum.org

From: Daniel McFadden <DmcFadden@aclum.org>

Sent: Friday, June 12, 2026 1:50 PM

To: Howard, Tyra D CIV WHS ESD (USA) [REDACTED]

Cc: Harper, Madalyn J CIV WHS ESD (USA) <[REDACTED]>; Ernest-Johnson, Ann J CIV WHS ESD (USA) [REDACTED]
[REDACTED] Tuncer, Talha B CTR (USA) [REDACTED] Fisher, Stephen L CIV WHS ESD (USA) [REDACTED]
[REDACTED] WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center [REDACTED]
[REDACTED]

Subject: Re: OSW/JS FOIA26-F-2511 Interim Response

Dear Ms. Howard,

I understand that you are the action officer for this request. Thank you for this update. May I ask for a clarification? It is my understanding that USMC identified three specific responsive documents that it felt must be referred to your office for decision on releasability, specifically three memoranda:

- "Identification of Judge Advocate General Officers and Civilian Attorneys for Potential Detail to the Department of Justice";
- "Potential Department of Defense Support for Immigration Adjudication"; and
- A Memorandum of Agreement between DOJ EOIR and your department for the detailing of Temporary Immigration Judges.

Can you please confirm that USMC transmitted these three records to your office and that they are being reviewed as part of 26-F-2511? And, while I understand your letter to indicate that it may take longer than 20 business days to adjudicate the request as a whole, is there a timeframe to complete the processing of these three records which have already been identified as responsive and segregated for review?

Best regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Managing Attorney

American Civil Liberties Union Foundation of Massachusetts

617.482.3170 x171 | dmcfadden@aclum.org

aclum.org

From: WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center

Sent: Friday, June 12, 2026 1:30 PM

To: Daniel McFadden

Cc: Harper, Madalyn J CIV WHS ESD (USA); Ernest-Johnson, Ann J CIV WHS ESD (USA); Tuncer, Talha B CTR (USA); Howard, Tyra D CIV WHS ESD (USA); Fisher, Stephen L CIV WHS ESD (USA)

Subject: OSW/JS FOIA26-F-2511 Interim Response

Good afternoon Mr. McFadden

Please find the enclosed interim response to your FOIA request that was received by the OSW/JS FOIA office on June 11, 2026 and assigned FOIA case number 26-F-2511. Additionally, please refer to the case number and include the FOIA Action Officer cited in the interim response in any future correspondence regarding your FOIA request. Thank you.

V/r,



TALHA B. TUNCER

FOIA Analyst (**Contractor**), Qualx LLC

Executive Services Directorate,

Records & Declassification Division,

Freedom Of Information Branch

Washington Headquarters Services (WHS)

Mark Center | 02F09

[REDACTED]

[REDACTED]

[REDACTED]

<https://www.whs.mil>

Let us know how we are doing: <https://ice.disa.mil/index.cfm?fa=card&sp=125562>

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EXHIBIT J

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

Daniel McFadden
ACLU
One Center Plaza,
Suite 850
Boston,, MA 02108
Phone 617.482.3170 x171
dmcfadden@aclum.org

Requester Default Category: Other

Custom Fields

Requester Control # :
Previous Address 2 :

Request Details

Date Requested	10/22/2025
Received Date	06/11/2026
Estimate Delivery Date	11/03/2026
Status	In Process

General Information

If you experience an error while submitting your FOIA request, please submit via FOIA.gov at <https://www.foia.gov/>

**For FOIA requests to OSD/JS: 1. Select ACTION OFFICE: OSD-JS FOIA Office
2. Select REQUEST TYPE: FOIA**

**For FOIA requests to DLA: 1. Select ACTION OFFICE: DLA FOIA Office
2. Select REQUEST TYPE: DLA-FOIA**

If selecting DLA FOIA Office, you MUST select Request Type: DLA-FOIA

Failure to follow instructions WILL result in delays to the processing of your request.

Action Office	OSD-JS FOIA Office
Request Type	FOIA
Requester Category	News Media

Shipping Address

Street1	One Center Plaza,	Street2	Suite 850
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City	Boston,	State	Massachusetts
State (Other)		Country	United States
Zip Code	02108		

Request Information

Description	ACLUM requests the following records. Unless otherwise specified, the timeframe for the request is May 1, 2025, until the present. Requests for records include all appended documents and attachments,		
Date Range for Record Search: From(mm/dd/yyyy)		To (mm/dd/yyyy)	
Description Document	 Add Attachment		

Fee Information

Willing Amount (\$)	25.00
Fee Waiver Requested	☒  Add Attachment
Fee Waiver Request Reason	ACLUM is entitled to a fee waiver under the FOIA and the relevant regulations because ACLUM qualifies as a representative of the news media and because release of the records requested is in the public interest and not in

Billing Address

State (Other)

Other Information

State (Other)

Custom Fields

Requester #	
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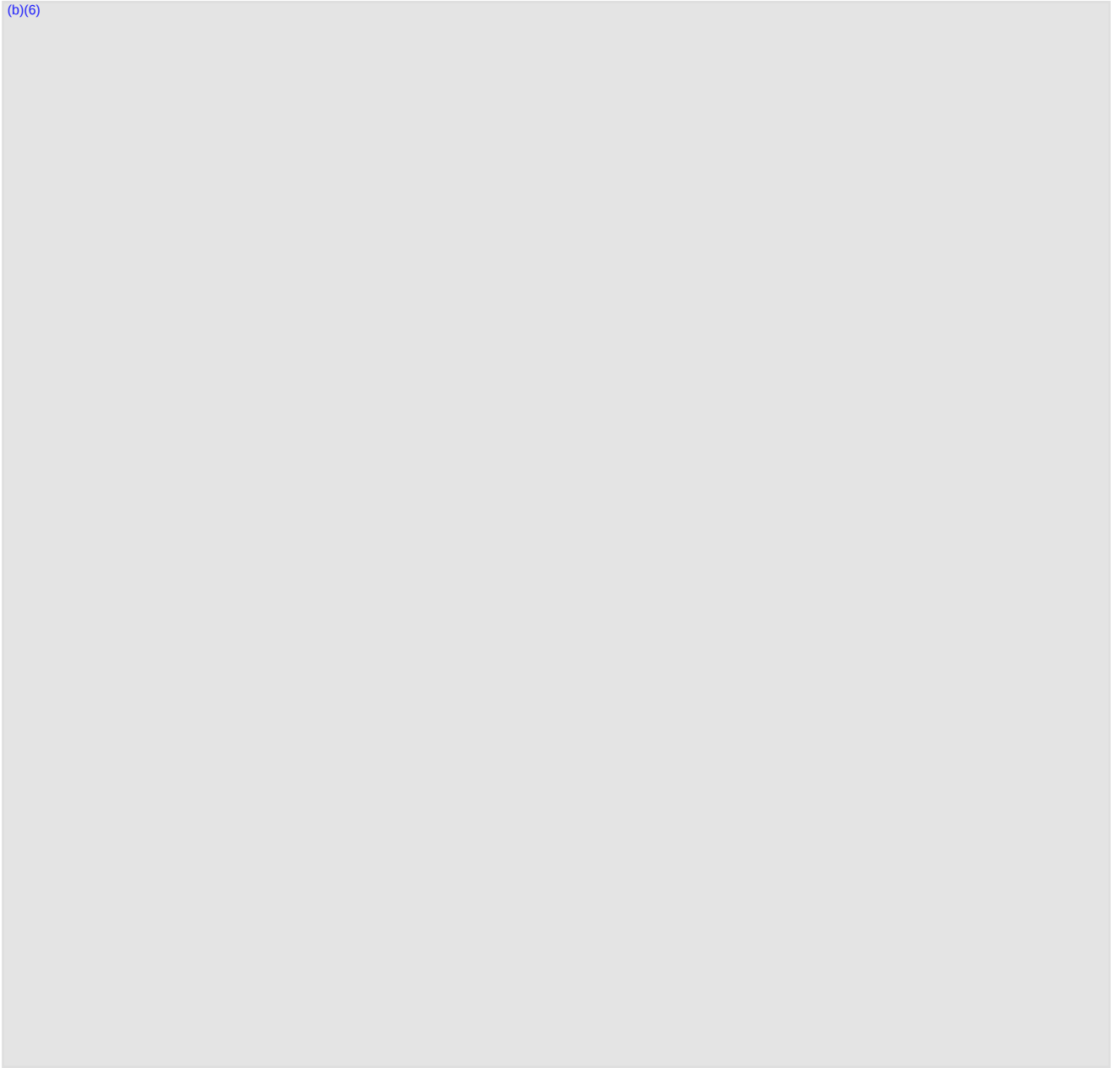
Only Click "Submit" Once

Expedite Information

Expedite Requested	☐  Add Attachment
Expedite Reason	

EXHIBIT K

(b)(6)



From: (b)(6) usmc.mil>

Sent: Tuesday, September 2, 2025 5:18 PM

To: JAD_IMA <JAD_IMA@usmc.mil>

Subject: Voluntary Activation Opportunity

Good Afternoon,

I currently administratively oversee the 4402 Reserve Community at Judge Advocate Division.

Judge Advocate Division is seeking volunteers, beginning this fall, to serve as Temporary Immigration Judges detailed to DOJ. Volunteers will receive all necessary training and

education for the job from DOJ.

We do not yet have information on the exact locations or if virtual is an option, we are simply soliciting interest.

Requirements are that you possess a JD from an accredited law school, are an active member in good standing of a state bar or DC, and ideally that you have experience in administrative law, immigration law, as a judge, or in a related field. However, the absence of this experience is not disqualifying. The most important criteria is a record of sound judgment, legal expertise, analytical ability, wisdom, discernment, professional demeanor, strong written and oral communication skills, and impartiality.

Please respond with your RQS/resume by noon EDT on 4 September if you are interested. I can be reached at the number below or through this email address with any questions.

Respectfully Submitted,

(b)(6)

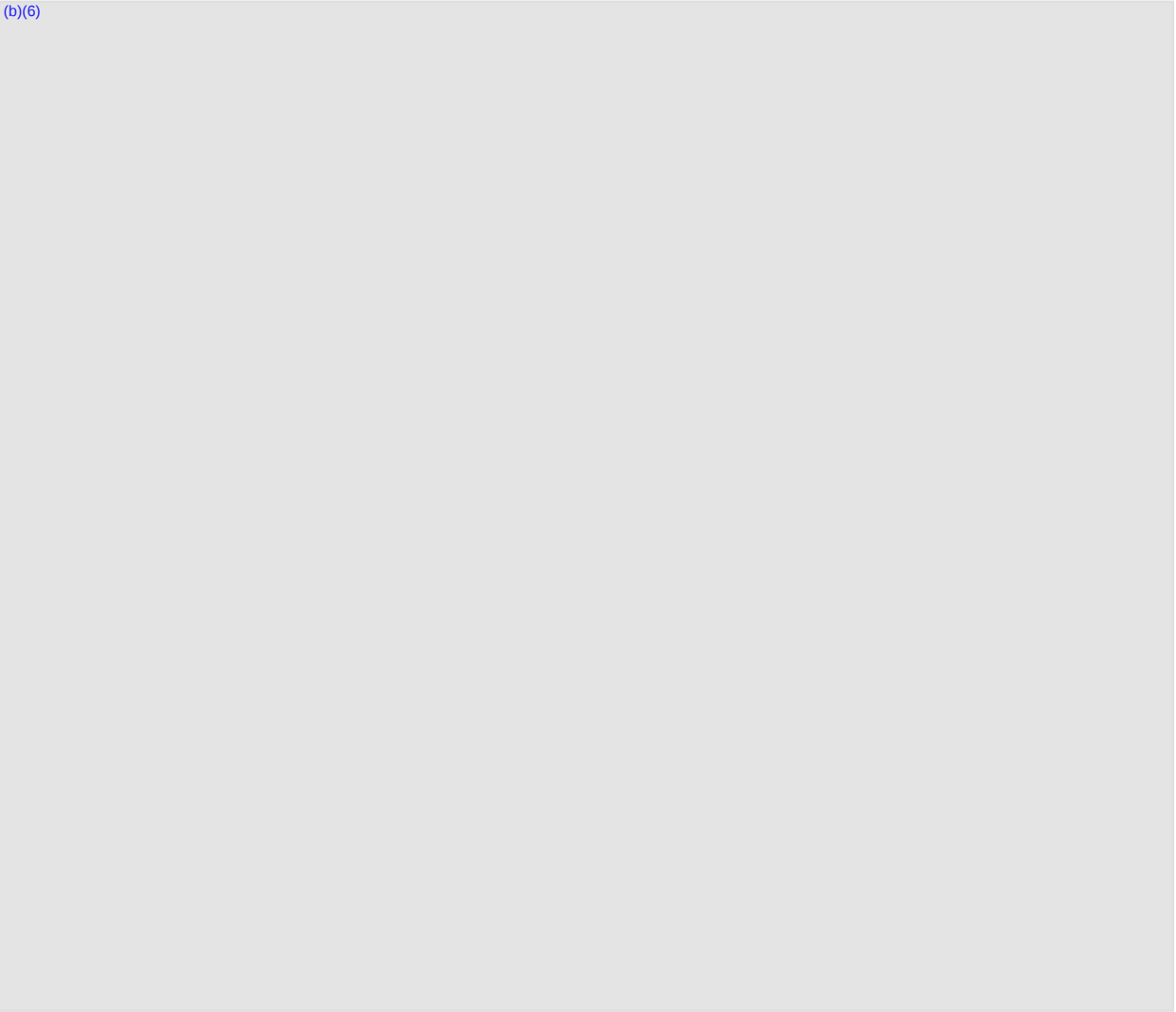
(b)(6)

USMCR

JAD IMA DET OpSponsor

(b)(6)

(b)(6)



From: (b)(6) usmc.mil>
Sent: Thursday, November 6, 2025 11:46 AM
To: JAD_IMA <JAD_IMA@usmc.mil>
Subject: 6 Month Activation Opportunity at Your Home

Good Afternoon,

Judge Advocate Division is seeking three volunteers to activate on 179-day ADOS orders and serve as Temporary Immigration Judges with the Department of Justice. Please see the information below and reply directly to me if you are interested in this activation opportunity.

WHO: O4-O6 Marine 4402s

WHAT: ADOS activation orders to be Temporary Immigration Judges

WHEN: 1 week of training at nearest DOJ courthouse to your home beginning in mid-January, 2 following weeks in Falls Church Virginia, 5+ months back at home location courthouse with opportunity to extend

WHERE: At the nearest DOJ immigration court to your home, except for the 2 weeks training in Falls Church

WHY: In order to support the Department of Justice in its efforts to reduce the immigration case backlog

If you would like to apply, please send me your location, RQS, and civilian resume NLT COB on 13 November. Also, please feel free to call or email if you have any questions.

V/r

(b)(6)

(b)(6)

USMCR

JAD IMA DET OpSponsor

(b)(6)

(b)(6)



From: (b)(6) <usmc.mil>
Sent: Thursday, January 8, 2026 7:42 AM
Subject: [EXTERNAL] Another Immigration Judge at Home Location Activation Opportunity

Good Morning,

Judge Advocate Division is again seeking three volunteers to activate on 179-day ADOS orders and serve as Temporary Immigration Judges with the Department of Justice. Please see the information below and reply directly to me if you are interested in this activation opportunity.

WHO: O4-O6 Marine 4402s

WHAT: ADOS activation orders to be Temporary Immigration Judges

WHEN: 1 week of training at nearest DOJ courthouse to your home beginning March 23, 2 following weeks in Falls Church Virginia, remainder of 179 days back at home location courthouse with opportunity to extend

WHERE: At the nearest DOJ immigration court to your home, except for the 2 weeks training in Falls Church

WHY: In order to support the Department of Justice in its efforts to reduce the immigration case backlog

If you would like to apply, please send me your location, RQS, and civilian resume before Monday January 12. Also, please feel free to call or email if you have any questions. If you have previously applied, you will need to send me your information and interest

again. Thanks!

V/r

(b)(6)

(b)(6)

USMCR

JAD IMA DET OpSponsor

(b)(6)

EXHIBIT L

From:

JAGCNetAnnouncements

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Sent:

Thur 9/4/2025 7:50:57 PM (UTC)

Subject:

JAGCNet Announcements

1. REMINDER: JALS-WIDE INNOVATION SEMINAR 10-12 SEPT

Mark your calendars! Next week from 10-12 Sept, 1100-1400 EST (daily) tune in to the JALS-wide Innovation Seminar. Agenda and Teams meeting information is attached.

WHAT: Three consecutive days of instruction, three hours each day with breakouts and Q&A time. Each day builds upon the prior.

WHEN: 1100-1400 EST daily from 10-12 September 2025.

WHERE: MS Teams, link attached. Recording posted to the TJAGLCS Contract & Fiscal Law Community Teams Channel, link also attached.

WHO: Conventional operational unit legal advisors are encouraged to attend, including: those from designated Transform in Contact units; FORSCOM BJAs and up; and ASCC legal advisors. Presenters are from the Office of The Judge Advocate General; Army Futures Command; The Judge Advocate General's Legal Center and School; and the Contract Litigation & Intellectual Property Division of USALSA.

WHY: To provide education and training on legal issues and best practices for how conventional operational Army units "Transform in Contact" (TiC) as directed by the Chief of Staff of the Army. Discussion will include:

- Background for TiC,
- Conventional operational units' "inherent" authority to innovate,
- How to approach the analysis for TiC activities, including mission authority, fiscal authority, and agreements authority,
- Additional legal "layers," like Ethics, Intellectual Property, Export Controls, Privacy, Interoperability, and Weapons Reviews, and
- Common TiC activities, best practices, and areas of risk.

This is Iteration 2 of 2 and expands upon Iteration 1 (July 2025) based on attendee feedback. Attendees of Iteration 1 are invited to attend again. All are welcome to submit comments to

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For more information please use the following link:

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2. TEMPORARY IMMIGRATION JUDGES ANNOUNCEMENT

The Department of Defense (DOD) is seeking highly qualified attorneys from all compos to volunteer for

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a detail to the Department of Justice as Temporary Immigration Judges (TIJs) for 179 days. Specific details regarding the location of these assignments are pending.

Ideal candidates will possess experience in administrative law, immigration law, service as a military judge, or in related fields. Applicants must demonstrate a record of sound judgment, legal expertise, analytical ability, exceptional wisdom, discernment, and impartiality, along with a professional demeanor, a suitable temperament for the role of a TIJ, and strong written and oral communication skills. All attorneys with a Juris Doctor (J.D.) degree from an accredited law school and active membership in good standing of a state bar or the D.C. bar are eligible.

For Active-Duty attorneys, after coordinating with your supervisor, contact the TMO team at

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For NG attorneys, after coordinating with your supervisor, contact the NGB-GC SE Mailbox at

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For USAR attorneys assigned to Legal Command, contact your LOD Commander; for all others contact the OTJAG Mobilization team at

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3. CY24 DECEMBER US ARMY RESERVE JUDGE ADVOCATES PROMOTED TO CAPTAIN

On behalf of The Judge Advocate General, please join us in congratulating the following Reserve Component officers promoted to Captain which can found using the following link:

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////END OF ANNOUNCEMENTS////

For assistance with JAGCNet applications, please contact the Information Technology Division by submitting a ticket at:

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ITD Team

From: USARMY Reserve USAR Legal Cmd Mailbox OPS
G3 B6
B6

Sent: Wed 9/3/2025 5:39:17 PM (UTC)

To: USARMY Reserve USAR Legal Cmd List LOD FTS B6
B6 USARMY Reserve USAR Legal Cmd List LC LOD
Commanders B6
USARMY Reserve USAR Legal Cmd List LOD CPLNCOs B6
B6 USARMY Reserve USAR Legal Cmd List
LOD AGR B6 USARMY
Reserve USAR Legal Cmd List LOD Deputy CMDRS B6
B6 USARMY Reserve USAR Legal Cmd List
LC Office Staff B6
USARMY Reserve USAR Legal Cmd List Warrant Officers B6
B6 USARMY Reserve USAR Legal Cmd
List LC CIVILIANS B6

Cc: Johnson, Kyson M BG USARMY USAR LEGAL CMD

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Subject: Volunteer Opportunity – Immigration Judge Mobilization

Legal Professionals,

As you may have heard, the Department of Defense (DOD) and Department of Justice are coordinating a unique mission requiring Judge Advocates (JA) to serve temporarily as Immigration Judges.

DOD is seeking highly qualified uniformed attorneys to volunteer to detail to the Department of Justice as Temporary Immigration Judges (TIJs) for 179 days. While specific details regarding the locations of these assignments are still pending, we are seeking volunteers for this unique opportunity. Ideal candidates will possess experience in administrative law, immigration law, service as a military judge, or in related fields. Applicants must demonstrate a record of sound judgment, legal expertise, analytical ability, wisdom, discernment, and impartiality, along with a professional demeanor, a suitable temperament for the role of a TIJ, and strong written and oral communication skills. All attorneys with a Juris Doctor (J.D.) degree from an accredited law school and active membership in good standing of a state bar or the D.C. bar are eligible to apply.

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Why Volunteer?

Professional Growth: This assignment provides the opportunity to gain judicial experience in a high-tempo, nationally significant setting.

- **Visibility:** You will represent the Army Reserve and the JAG Corps in a mission that is receiving senior leader and public attention.
- **Service Impact:** You will be directly contributing to the resolution of millions of pending immigration cases, reinforcing the Army Reserve's value to the Nation.

Considerations

- Mobilization may be voluntary or involuntary, but the preference is through voluntary participation.
- Details such as duty location and training requirements are being finalized. Updates will be provided as information is confirmed.
- Volunteers will be drawn from an Order of Merit List (OML), and final selections will be influenced by availability, location, experience, and mission requirements.

Please seriously consider this opportunity. If you are interested in volunteering, please inform your LOD chain of command ASAP so we can consolidate names in advance of our suspense.

This is a non-traditional mission, but one in which the Army Reserve JAG Corps is uniquely positioned to excel. By stepping forward, you will demonstrate not only your own commitment to service but also the enduring value of the Army Reserve JAG Corps.

Judge Advocates interested in this unique opportunity are encouraged to express their interest NLT COB 5 September 2025. Additional information will be disseminated upon receipt.

Very Respectfully,

G-3 Operations, Legal Command

✉ Email:

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