

July 17, 2018

VIA EMAIL: [usarmy.jbsa.imcom-hq.mbx.foia-requester-service-center@mail.mil](mailto:usarmy.jbsa.imcom-hq.mbx.foia-requester-service-center@mail.mil)

Adrica D. Dickerson  
INCOM HQ FOIA Officer  
Department of the Army  
US Army Installation Management Command  
2405 Gun Shed Road  
Joint Base San Antonio Fort Sam Houston, TX 78234-1223

RE: IPRA Request case number FP-18-023965/FA-18-0116

Dear Ms. Dickerson,

This law firm represents the Military Religious Freedom Foundation (MRFF) in connection with a Freedom of Information Act (FOIA) request dated May 23, 2018, which seeks “All records of Jewish worship services held on Fort Campbell from January 5, 2018 through May 18, 2018, including but not limited to the Chaplain’s Fund Offering Control Sheets (DA Form 7396) and Religious Services Detailed Income Records for these services.” On July 15, 2018, you sent MRFF an acknowledgment letter explaining that the request would require more than 20 days to process because of “unusual circumstance.” According to your letter the unusual circumstance is “the need for consultation with another DoD component regarding the subject matter of the records.” As explained below your purported reason for delaying the production of responsive documents is unreasonable, contrary to law, and reeks of retaliation.

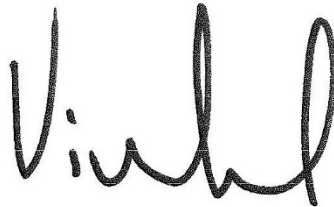
*First*, you are patently ignoring the fact that the documents have already been reviewed and were made available for production by FOIA Officer Val Florez on July 2, 2018. *See* Exhibit A (“I would like to know if you will accept a releasable copy of the documents requested? I have the documents and I have redacted names per FOIA Exemption 6. If you agree to a releasable copy, then I can release this to you now. If not, then I will need to send this to the Initial Denial Authority for their release to you. I will be out of the office starting tomorrow and will return on Mon.”). A MRFF representative, Chris Rodda, promptly responded to Florez the same day. *See id.* (“Yes, a releasable copy would be fine.”). Therefore, the alleged reason for delay is unnecessary and unreasonable.

*Second*, the delayed production is contrary to law. MRFF’s request was narrowly tailored to seek easily identifiable, non-controversial documents created during a limited time frame. Other than redacting names for privacy considerations, the records are clearly public records that should be made available to MRFF. *See Long v. I.R.S.*, 693 F.2d 907, 910 (9th Cir. 1982) (“Unreasonable delays in disclosing non-exempt documents violate the intent and purpose of the FOIA, and the courts have a duty to prevent these abuses.”).

*Third and finally*, the delayed production reeks of retaliation. MRFF's advocacy with respect to this issue has garnered a significant amount of public attention and sympathy. The unusual nature of the handling of this request strongly suggests the delay is retaliatory in nature and therefore in violation of the First Amendment. *See Mimics, Inc. v. Vill. of Angel Fire*, 394 F.3d 836, 848 (10th Cir. 2005) ("It has long been clearly established that the First Amendment bars retaliation for protected speech and association.").

For these reasons, we respectfully ask that you reconsider your decision to delay producing the documents that were already identified, reviewed, and deemed to be releasable to the public. Otherwise we will explore all available legal options to secure the release of the records.

Very truly yours,

A handwritten signature in black ink, appearing to read "Vincent J. Ward". The signature is fluid and cursive, with a large initial "V" and a long, sweeping tail.

VINCENT J. WARD

Enclosure

----- Forwarded message -----

From: **Chris Rodda** <[research@militaryreligiousfreedom.org](mailto:research@militaryreligiousfreedom.org)>

Date: Mon, Jul 9, 2018 at 10:47 AM

Subject: Re: FOIA Case 18-0627

To: "Florez, Valerie M CIV USARMY IMCOM ATLANTIC (US)" <[valerie.m.florez.civ@mail.mil](mailto:valerie.m.florez.civ@mail.mil)>

Cc: Mikey Weinstein <[mikey@militaryreligiousfreedom.org](mailto:mikey@militaryreligiousfreedom.org)>

Hi Ms. Florez ...

I should have asked in my last email how you were going to be sending me the requested documents. Since it's now been a week, am I correct in assuming that you were sending them as hard copies via snail mail rather than sending them to me electronically?

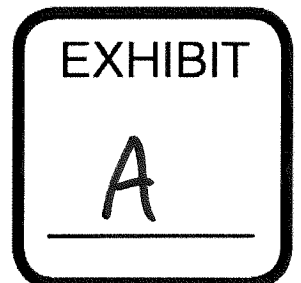
Can you please let me know so that I have an idea of when I should expect to receive them?

Thank you,

Chris Rodda  
Senior Research Director  
Military Religious Freedom Foundation

On Mon, Jul 2, 2018 at 1:37 PM, Chris Rodda <[research@militaryreligiousfreedom.org](mailto:research@militaryreligiousfreedom.org)> wrote:  
Hi Ms. Florez ...

Yes, a releasable copy would be fine.



Thank you,

Chris Rodda  
Senior Research Director  
Military Religious Freedom Foundation

On Mon, Jul 2, 2018 at 1:22 PM, Florez, Valerie M CIV USARMY IMCOM ATLANTIC (US) <[valerie.m.florez.civ@mail.mil](mailto:valerie.m.florez.civ@mail.mil)> wrote:

Sir,

I would like to know if you will accept a releasable copy of the documents requested? I have the documents and I have redacted names per FOIA Exemption 6. If you agree to a releasable copy then I can release this to you now. If not then I will need to send this to the Initial Denial Authority for their release to you.

I will be out of the office starting tomorrow and will return on Mon.

v/r, Val Florez

Valerie M. Florez  
Freedom Of Information/Privacy Act/PII Officer  
2702 Michigan Avenue  
Fort Campbell, KY 42223  
FAX: 270-412-0007  
Telephone: 270-798-2469

[https://ice.disa.mil/index.cfm?fa=card&sp=104533&s=339&dep=\\*DoD&sc=35](https://ice.disa.mil/index.cfm?fa=card&sp=104533&s=339&dep=*DoD&sc=35)

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