



**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION DIVISION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

Ref: 20-F-0840
September 30, 2024

Ms. Melanie Sloan
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

Dear Ms. Sloan:

This is a final response to your March 9, 2020, 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 office received your request on March 9, 2020, and assigned it FOIA case number 20-F-0840. We ask that you use this number when referring to your request.

The Secretary of Defense Communications (SDC), a component of the Office of the Secretary of Defense, conducted a search of their records systems and located seven pages determined to be responsive to your request. Ms. Debra Shockley, Deputy Director, Policy Executive Secretariat, Ms. Tonya Rose, Program Manager, Assistant Secretary of Defense for Public Affairs, and Mr. David Bennett, Director, Office of General Counsel in their capacities as an Initial Denial Authorities, have determined that portions of the seven responsive pages are exempt from release pursuant to:

5 U.S.C. § 552 (b)(5), inter- and intra- agency memoranda which are deliberative in nature; this exemption is appropriate for internal documents which are part of the decision-making process, and contain subjective evaluations, opinions and recommendations; and

5 U.S.C. § 552 (b)(6), information which, if disclosed, would constitute a clearly unwarranted invasion of the personal privacy of individuals.

Please note that we have considered the foreseeable harm standard when reviewing records and applying exemptions under the FOIA in the processing of this request.

In this instance, fees for processing your request were below the threshold for requiring payment. Please note that fees may be assessed on future requests.

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, Brianna Johnson, at brianna.n.johnson2.civ@mail.mil or 571-372-0409. 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, Toni Fuentes, at 571-372-0462, or by email at OSD.FOIALiaison@mail.mil. You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. 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

You have the right to appeal to the appellate authority, Ms. Joo Chung, Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency (PCLT), Office of the Secretary of Defense, at the following address: 4800 Mark Center Drive, ATTN: PCLFD, FOIA Appeals, Mailbox #24, Alexandria, VA 22350-1700.

Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively, you may email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference FOIA case number 20-F-0840 in any appeal correspondence.

We appreciate your patience in the processing of your request. As stated previously, please contact the Action Officer assigned to your request, Brianna Johnson, and reference FOIA case number 20-F-0840, if you have any questions or concerns.

Sincerely,

Stephen L. Fisher
For Stephanie L. Carr
Chief

Enclosures:
As stated



From:	(b)(6)
To:	Hughes, Dane SES SD (b)(6) (b)(6)
Subject:	DOD Resignation Letter - John Rood, USD(P)
Date:	2020/02/19 10:56:43
Priority:	Normal
Type:	Note

Email
addressed
to John
McIntee

(b)(6)

John,

Attached for your awareness is the resignation letter submitted today by Mr. John Rood, Under Secretary of Defense for Policy. I am available at (b)(6) if you have any questions.

Regards,
Dane Hughes
DOD White House Liaison

Sender:	(b)(6)
Recipient:	Hughes, Dane SES SD (b)(6) (b)(6)
Sent Date:	2020/02/19 10:56:43



POLICY

UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2000

February 19, 2020

Mr. President,

It's my understanding from Secretary Esper that you requested my resignation from serving as Under Secretary of Defense for Policy. Senior administration officials appointed by the President serve at the pleasure of the President, and therefore, as you have requested, I am providing my resignation effective February 28, 2020.

I have been drawn to serve our country and contribute to America's security since the time I first entered on duty at the Central Intelligence Agency in 1988. I was fortunate to serve at that Agency, the Defense Department, State Department, National Security Council staff, and as a staffer in the U.S. Senate for more than 20 years.

After roughly a decade in the private sector, I was again drawn by the opportunity to serve our country at an incredibly challenging and consequential time. I felt I could not sit on the sidelines knowing I could contribute to the defense of the country I love deeply. I thank you for giving me the privilege of again contributing in service to our Nation.

I am grateful for the opportunity to serve with the many talented and devoted professionals in the military and civilian ranks of the Defense Department. While much work remains to be done, I am proud of the many accomplishments we have made instituting and implementing the National Defense Strategy, which reshapes U.S. security priorities.

I am proud of the Policy team's leadership and accomplishments, including focusing the Defense Department on the growing threat from China; the successful implementation of a new Defense Department strategy, authorities, and approach to cyber activities; a new space strategy befitting the Space Force; the development and execution of the Missile Defense Review; the Nuclear Posture Review and new nuclear capabilities; counter-terrorism work for the enduring defeat of ISIS; rebuilding relationships with our allies in the Middle East, a comprehensive policy governing the Department's activities with detainees on the battlefield; and gaining more burden-sharing commitments, including the agreement you announced with the President of Poland calling for more rotational deployments of U.S. forces in that country.

Around the world, the men and women of the Policy team have worked tirelessly to defend the security of our Nation, and to preserve the system of alliances and relationships with our partners that are critically important to America's security and prosperity.

I leave with the utmost admiration for the outstanding team with which I worked at the Defense Department.

Sincerely,



John Rood

From:	Rood, John C HON OSD OUSD POLICY (USA) </O=SD/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=(b)(6)>
To:	OSD Pentagon OUSD Policy List ALL-Policy </O=SD/OU=First Administrative Group/cn=Recipients/cn=(b)(6)> OSD Pentagon OUSD Policy List ALL-Policy </O=SD/OU=First Administrative Group/cn=Recipients/cn=(b)(6)>
Subject:	My Departure
Date:	2020/02/20 17:06:00
Type:	Note.SMIME.MultipartSigned

Policy Team,

The past couple of days have been a bit of a whirlwind as I announced my resignation from serving as the Under Secretary of Defense for Policy effective February 28. I am grateful for the opportunity to have served with you and the outpouring of support and warm wishes I have received is something I cherish. Once I depart the Pentagon at the end of next week, I know I will look back fondly at the time I spent with our dedicated, talented, and patriotic team. Policy truly is the hardest working team in the Pentagon and we've done some excellent work together.

While I was obviously surprised by the President's request that I resign, I will leave with great memories and satisfaction at our accomplishments. As I write this note, I have already started to look back through the images in my mind of working with our team on the tough problems we have tackled these past two years. I can see the faces of our team fixed with concentration, intensity, laughter, and jet-lag induced exhaustion in so many settings around the world -- from late nights at iconic buildings like the Pentagon to the pyramids of Egypt. From the hundreds of Tandberg calls, to trips in the back of cargo planes, helicopters, boats, armored vehicles, and vans at all hours of the night (both awake and asleep), to the many huddles in hotels, motels, airfields, and buildings around the world working with our foreign partners and our civilian and military teams in the field. From the dusty plains in Syria, to muddy tunnels running underground from Israel to Lebanon, to north of the Arctic Circle at Thule, Greenland, to the steamy Caribbean at Guantanamo Bay, to gilded Ministries and palaces in Europe and the Middle East. I will leave with a full mental photo album of the work our team did together at home and at far-flung locales.

But the more numerous images in my head are the thousands of memos, read-aheads, emails, and briefings you generated on initiatives and numerous topics. Many were used to good effect to prepare the Secretary and other DoD leaders for the countless engagements and reviews we shepherded. Just know your hard work is recognized and made an impact. I will miss the impact of this strong body of work (but not the impact of regular 16 hour days).

Attached is copy of my resignation letter that explains my thinking further. I will be around for another week and I hope to thank you in person.

--John--

Sender:	Rood, John C HON OSD OUSD POLICY (USA) </O=SD/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=(b)(6)>
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Recipient:	OSD Pentagon OUSD Policy List ALL-Policy </O=SD/OU=First Administrative Group/cn=Recipients/cn=(b)(6) OSD Pentagon OUSD Policy List ALL-Policy </O=SD/OU=First Administrative Group/cn=Recipients/cn=(b)(6)
Sent Date:	2020/02/20 17:04:52
Delivered Date:	2020/02/20 17:06:00

3

From:	Farah, Alyssa A SES (USA) </O=SD/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=(b)(6)>
To:	(b)(6)
Subject:	Print please
Date:	2020/02/19 11:27:58
Type:	Note

(b)(5)

Sender:	Farah, Alyssa A SES (USA) </O=SD/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=(b)(6)>
Recipient:	(b)(6)
Sent Date:	2020/02/19 11:27:19
Delivered Date:	2020/02/19 11:27:58

4

From:	(b)(6)
To:	Hughes, Dane SES SD (b)(6) (b)(6)
Subject:	RE: Rood Resignation
Date:	2020/02/19 10:21:45
Priority:	Normal
Type:	Note

(b)(5)

Regards,

(b)(6)

~~PRIVACY ACT of 1974 as Amended applies - this email and/or email attachments may contain information that is protected IAW DoD 5400.11R and is FOR OFFICIAL USE ONLY (FOUO).~~

From: Hughes, Dane SES SD (b)(6)
Sent: Wednesday, February 19, 2020 10:15 AM
To: Colley, Sara CIV SD (b)(6)
Subject: Rood Resignation

(b)(6)

(b)(5)

Dane

Sent from Mobile Device

Sender:	(b)(6)
Recipient:	Hughes, Dane SES SD (b)(6) (b)(6)
Sent Date:	2020/02/19 10:21:44
Delivered Date:	2020/02/19 10:21:45

5

From:	Hughes, Dane SES SD (b)(6)
To:	(b)(6)
Subject:	Rood Resignation
Date:	2020/02/19 10:15:25
Type:	Note

(b)(6)

(b)(5)

Dane

Sent from Mobile Device

Sender:	Hughes, Dane SES SD (b)(6)
Recipient:	(b)(6)
Sent Date:	2020/02/19 10:15:24
Delivered Date:	2020/02/19 10:15:25



March 9, 2020

VIA EMAIL

U.S. Department of Defense
OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil

U.S. Central Command
CCJ6-RDF (FOIA/PA)
7115 South Boundary Boulevard
MacDill AFB, FL 33621-5101
centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil

U.S. Army
Freedom of Information Act Office
Records Management and Declassification Agency
9301 Chapek Rd. Bldg 1458
Fort Belvoir, VA 22060-5605
usarmy.belvoir.hqda-oaa-ahs.mbx.rmda-foia@mail.mil

Re: Freedom of Information Act Request

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

The Trump administration dismissed or reassigned officials who testified in Congress's impeachment inquiry concerning the president's alleged efforts to pressure the Ukrainian government to investigate one of his political opponents immediately following the conclusion of the Senate trial.¹ The dismissal of Lt. Col. Alexander Vindman and his

¹ Philip Rucker & Paul Kane, *Trump Escalates Campaign of Retribution as Republican Senators Shrug*, WASH. POST (Feb. 11, 2020, 6:32 PM), https://www.washingtonpost.com/politics/trump-escalates-campaign-of-retribution-as-republican-senators-shrug/2020/02/11/a386a50c-4ce1-11ea-b721-9f4cdc90bc1c_story.html.

brother Lt. Col. Yevgeny,² the firing of Ambassador Gordon Sondland, the earlier reassignment of Jennifer Williams,³ and the firing of Under Secretary for Policy John Rood,⁴ all give the appearance of retaliation for witness cooperation in Congress's investigation or for being otherwise connected to the impeachment inquiry.

Requested Records

American Oversight requests that the Department of Defense (DOD) produce the following records within twenty business days:

1. All records concerning the detailing, dismissal, or reassignment of Lt. Col. Alexander Vindman from the National Security Council to Army Headquarters and/or the War College (or any other component), including directives, orders, and records reflecting communications.
2. All records concerning the detailing, dismissal, or reassignment of Lt. Col. Yevgeny Vindman from the National Security Council to the U.S. Army's Office of General Counsel, including directives, orders, and records reflecting communications.
3. All records concerning the detailing, dismissal, or reassignment of Jennifer Williams from the Office of the Vice President to U.S. Central Command at DOD (or any other component), including directives, orders, and records reflecting communications.
4. All records concerning the resignation or dismissal, of Undersecretary for Policy John Rood, including directives, orders, and records reflecting communications.

For parts 1 through 4, American Oversight requests that DOD-OSD search the Offices of the Defense Secretary, the Deputy Secretary, Chairman of the Joint Chiefs, White House Liaison, Assistant Secretary of Legislative Affairs, Assistant

² Lauren Frias, *Trump Also Fired the Twin of Impeachment Witness Lt. Col. Alexander Vindman in Apparent Retaliation for His Brother's Testimony*, BUSINESS INSIDER (Feb. 7, 2020, 6:19 PM), <https://www.businessinsider.com/yevgeny-vindman-ousted-white-house-same-time-as-alex-2020-2>.

³ Natasha Bertrand & Daniel Lippman, *Pence Aide Who Testified in Impeachment Inquiry to Leave VP's Office*, POLITICO (Jan. 30, 2020, 5:12 PM), <https://www.politico.com/news/2020/01/30/pence-jennifer-williams-impeachment-109695>.

⁴ Connor O'Brien & Daniel Lippman, *Pentagon Policy Chief to Step Down in Latest High-Profile Departure*, POLITICO (Updated Feb. 19, 2020, 1:23 PM), <https://www.politico.com/news/2020/02/19/pentagon-policy-chief-step-down-115951>.

Secretary for Public Affairs, Under Secretary for Policy, and Under Secretary for Personnel and Readiness.

The Army is best positioned to identify responsive records in its possession that relate to Parts 1 and 2, concerning Lt. Col. Alex Vindman and Lt. Col. Yevgeny Vindman.

U.S. Central Command is best positioned to identify responsive records in its possession that relate to Part 3, concerning Ms. Williams.

Please provide all responsive records from November 15, 2019, to the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."⁵ The public has a significant interest in understanding whether the Trump administration has retaliated against officials for testifying truthfully to Congress and cooperating with an impeachment investigation through dismissal or reassignment, or retaliated against officials otherwise related to impeachment witnesses or the inquiry. Records with the potential to shed light on this matter would contribute significantly to public understanding of whether the government is taking actions that will prevent government officials and employees from reporting and truthfully testifying about wrongdoing. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.⁶ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the

⁵ 5 U.S.C. § 552(a)(4)(A)(iii).

⁶ See 5 U.S.C. § 552(a)(4)(A)(iii).

public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁷

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.⁸ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;⁹ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹⁰ posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;¹¹ posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;¹² posting records and analysis regarding the Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political

⁷ American Oversight currently has approximately 15,000 page likes on Facebook and 92,500 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Jan. 15, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Jan. 15, 2020).

⁸ News, AMERICAN OVERSIGHT, <https://www.americanoversight.org/blog>.

⁹ DOJ Records Relating to Solicitor General Noel Francisco's Recusal, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; Francisco & the Travel Ban: What We Learned from the DOJ Documents, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

¹⁰ See generally *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

¹¹ *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

¹² *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.¹³

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,¹⁴ and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

¹³ *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/sessions-letter>.

¹⁴ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, "Managing Government Records Directive," M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Dan McGrath at foia@americanoversight.org or 202.897.4213. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,



Melanie Sloan
Senior Advisor
American Oversight

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

From: FOIA <foia@americanoversight.org>
Sent: Monday, March 9, 2020 2:08 PM
To: WHS MC-ALEX ESD Mailbox OSD-JS FOIA Requester Service Center; CENTCOM Macdill AFB CENTCOM HQ Mailbox Freedom of Information Act; USARMY Ft Belvoir HQDA OAA AHS Mailbox RMDA FOIA
Subject: [Non-DoD Source] FOIA Request (DOD-20-0539)
Attachments: DOD-20-0539.pdf

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Dear FOIA Officers:

Please find attached a request for records under the Freedom of Information Act.

Sincerely,

Clay M. Goode

Paralegal

American Oversight

foia@americanoversight.org < Caution-mailto:foia@americanoversight.org >

Caution-www.americanoversight.org < Caution-http://www.americanoversight.org/ > | @weareoversight

FOIA: DOD-20-0539