

UNITED STATES NORTHERN COMMAND

MAY 03 2021

HQ USNORTHCOM/CS
250 Vandenberg Street, Suite B016
Peterson Air Force Base CO 80914-3801

American Oversight
Mr. Austin Evers
1030 15th Street NW, Suite B255
Washington DC 20005

Dear Mr. Evers

United States Northern Command (USNORTHCOM) Freedom of Information Act (FOIA) office assigned case number 20-R-003 to your FOIA request dated 01 May 2019. In the letter, you asked for all records reflecting communications (including emails, calendar entries, and talking points) regarding President Trump's statement on November 1, 2018, that "Anybody throwing stones, rocks [...] we will consider that a firearm because there's not much difference." You further stated American Oversight considers any talking points prepared or coordinated by the Department of Defense for President Trump related to rules of engagement of troops, including in the event of migrants throwing rocks, to be responsive.

As part of the request, you asked we search, at a minimum, the immediate Office of the Commander of U.S. Army North and the immediate Office of the Commander of U.S. Northern Command. You also asked for records describing the processing of the request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of the request.

USNORTHCOM processed a previous version of this request in our case number 19-R-021. In that request, you limited the search to political appointees' communications. For this request (20-R-003), you amended the search criteria to include career officials. In response to the broadened search criteria, we have no additional records to provide. Additionally, we have not provided records describing the processing of this request. The FOIA only requires us to include records in our possession at the time of our search. It does not requires us to produce records to respond to a request.

There are no assessable fees for processing your request. If you have any questions, please contact our FOIA Requester Service Center at the above address or via email at n-nc.peterson.n-ncspecialstaff.mbx.cska-foia-omb@mail.mil.

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If you are not satisfied with this action, you have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance (ODCMO), Office of the Secretary of Defense (OSD). The appellate address is: ODCMO Directorate for Oversight and Compliance, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox #24, Alexandria, VA 22350-1700. As an alternative, you may email your appeal to OSD.FOIA-APPEAL@mail.mil. If you use email, please have the words "FOIA Appeal" in the subject of the email. Your appeal should cite our case number 20-R-003, be postmarked within 90 days of the date of this response, and be clearly marked "Freedom of Information Act Appeal" on the request.

You also have the right to seek dispute resolution services from USNORTHCOM's FOIA Public Liaison, Ms. Tanya Fuentes at (571) 372-0462 or OSD.FOIALiaison@mail.mil. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at (202) 741-5770; toll free at 1-877-684-6448; or facsimile at (202) 741-5769.

Sincerely

MICHAEL P. HOLLAND
Rear Admiral, USN
Chief of Staff

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