



**DEPARTMENT OF WAR  
OFFICE OF GENERAL COUNSEL  
1600 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-1600**

Ref: 26-F-0465  
Case: 1:26-cv-825

*Benjamin B. Klubes and Adam B. Miller*  
Klubes Law Group  
*Daniel J. Freeman*  
Democratic National Committee

Via Email

September 4, 2026

Dear Counsel:

This is our first supplemental response to your Freedom of Information Act (FOIA) request, dated October 17, 2025. This request, now in litigation before Judge Howell, was assigned Department FOIA case number 26-F-0465. It generally seeks records related to the deployment of uniformed personnel near polling places, ballot drop boxes, or election offices during voting or certification periods.

Enclosed please find 132 pages of records determined to be responsive which are being released in full and are Bates stamped for your reference. We have conducted a foreseeable harm analysis under the FOIA Improvement Act of 2016 and, after consulting with appropriate subject matter experts, 1) we do not reasonably foresee that disclosure of this information would harm an interest that the FOIA's exemptions were designed to protect and/or 2) disclosure would not be prohibited by law. Therefore, we are releasing this information in full. Please be aware that our decision to release this information does not mean that we have waived our ability to invoke applicable FOIA exemptions for similar or related information in the future.

As this FOIA is in litigation, your appellate rights and fee waiver determination are moot. We will continue to release non-exempt material as processing is finalized. Please direct any questions to AUSA Andrew J. Vaden at [Andrew.Vaden@usdoj.gov](mailto:Andrew.Vaden@usdoj.gov). Thank you.

Sincerely,

/s/ Kimberly Gainey

Kimberly Gainey  
Associate Deputy General Counsel  
U.S. Department of War

Enclosure: As stated