



**Judicial
Watch**
*Because no one
is above the law!*

May 5, 2021

VIA EMAIL (USARMY.WESTPOINT.ID-TRAINING.MBX.FOIA-PA@MAIL.MIL)

United States Military Academy
Freedom of Information Act/Privacy Act Office
DHR-Administrative Service Branch
USAG West Point
646 Swift Road
West Point, NY 10996

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Judicial Watch, Inc. (“Judicial Watch”) hereby requests that the United State Military Academy (“USMA”) produce the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”):

1. Any and all emails sent between LTG Darryl A. Williams and any other email recipients with accounts ending in .mil and/or .edu that reference “Critical Race Theory” (or “CRT” when used to represent Critical Race Theory).
2. Any and all emails sent between BG Mark C. Quander and any other email recipients with accounts ending in .mil and/or .edu that reference “Critical Race Theory” (or “CRT” when used to represent Critical Race Theory).
3. Any and all emails sent between CSM Michael J. Coffey and any other email recipients with accounts ending in .mil and/or .edu that reference “Critical Race Theory” (or “CRT” when used to represent Critical Race Theory).
4. All PowerPoint presentations used in any USMA class of instruction since January 2021 referencing “Critical Race Theory” (or “CRT” when used to represent Critical Race Theory.)

The time frame for the above requested records is January 1, 2021 to the present.

Please determine whether to comply with this request within the time period required by FOIA and notify us immediately of your determination, the reasons therefor, and the right to appeal any adverse determination to the head of the agency or his or her designee. 5 U.S.C. § 552(a)(6)(i). Please also produce all responsive records in an electronic format (“pdf” is preferred), if convenient. We also are willing to accept a “rolling production” of responsive records if it will facilitate a more timely production.

Judicial Watch also hereby requests a waiver of both search and duplication fees. We are entitled to a waiver of search fees because we are a “representative of the news media.” *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II); *see also Cause of Action v. Federal Trade Comm.*, 799 F.3d 1108 (D.C. Cir. 2015); *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381 (D.C. Cir. 1989). For more than twenty years, Judicial Watch has used FOIA and other investigative tools to gather information about the operations and activities of government, a subject of undisputed public interest. We submit over 400 FOIA requests annually. Our personnel, which includes experienced journalists and professional writers on staff and under contract, use their editorial skills to turn this raw information into distinct works that are disseminated to the public via our monthly newsletter, which has a circulation of over

300,000, weekly email update, which has over 600,000 subscribers, investigative bulletins, special reports, www.judicialwatch.org website, *Corruption Chronicles* blog, and social media, including Facebook and Twitter, among other distribution channels. We have authored several books, including *Corruption Chronicles* by Tom Fitton (Threshold Editions, July 24, 2012), and another book, *Clean House* by Tom Fitton (Threshold Editions, Aug. 30, 2016), is forthcoming. In 2012, we produced a documentary film, “District of Corruption,” directed by Stephen K. Bannon. Our “news media” status has been confirmed in court rulings. See, e.g., *Judicial Watch, Inc. v. U.S. Dep’t of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006); *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000). As a tax exempt, 501(c)(3) non-profit corporation, we have no commercial interests and do not seek the requested records for any commercial use. Rather, we intend to use the requested records as part of our on-going investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

Judicial Watch also is entitled to a waiver of both search fees and duplication fees because “disclosure of the information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records undoubtedly will shed light on “the operations or activities of the government.” *Cause of Action*, 799 F.3d at 1115 (quoting 5 U.S.C. § 552(a)(4)(A)(iii)). Disclosure also is “likely to contribute significantly to the public understanding” of those operations or activities because, among other reasons, Judicial Watch intends to disseminate both the records and its findings to “a reasonably broad audience of persons interested in the subject” via its newsletter, email updates, investigative bulletins, website, blog, and its other, regular distribution channels. *Cause of Action*, 799 F.3d at 1116 (quoting *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 815 (2d Cir. 1994)). Again, Judicial Watch does not seek the requested records for any commercial benefit or for its own “primary” benefit, but instead seeks them as part of its ongoing investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

In the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch agrees to pay up to \$300.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5172 or bmarshall@judicialwatch.org.

Thank you for your cooperation.

Very respectfully,

/signature/

William F. Marshall
Judicial Watch, Inc.



**Judicial
Watch**
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September 20, 2021

VIA EMAIL (CHRISTOPHER B. NARDI@MCPSMD.ORG)

Thomas Pyle Middle School
Attn: Christopher B. Nardi, Principal
6311 Wilson Lane
Bethesda, MD 20817

Re: Maryland Public Information Act Request

Dear Mr. Nardi:

Pursuant to Maryland's Public Information Act, Judicial Watch requests the following materials related to the "Social Justice Class" taught at Thomas Pyle Middle School: all handouts, course outlines, syllabi, audio/visual presentations, PowerPoints, and records of assigned texts used, as well as copies of any documents that students are asked to sign.

Public records are any records that are made by, or received by, a covered public agency in connection with the transaction of public business. SG §10-611(h)(1)(i). All "public records" are covered by the PIA. The term "public record" includes not only written material but also computerized records (including, but not limited to emails and digital files), correspondence, photographs, photostats, films, microfilms, recordings, tapes, maps, drawings, and any copy of a public record. SG §10-611(h)(1)(ii).

Within thirty (30) days of receipt of this request, you are required to determine whether the request, in whole or in part, seeks copies of disclosable public records in your possession and to notify us promptly of your determination and the reasons therefore. SG §10-614(b)(2). If this request is denied you are required to provide a written statement of the reasons for the denial, the legal authority for the denial, and notice of the remedies for review of the denial within 10 working days. SG §10-614(b)(3)(ii).

Any reasonably segregable portion of a record otherwise exempt from disclosure is required to be made available after deletion of the portions that are exempted by law. SG §10-618(a).

Finally, Judicial Watch requests a waiver of any direct costs of duplication or statutory fees pursuant to SG §10-621(e) as the request is for noncommercial purposes that serve the public interest. Judicial Watch is a 501(c)(3), not-for-profit, educational organization. Judicial Watch exists to educate the public about the operations and activities of government, as well as

Thomas Pyle Middle School
Maryland Public Information Act Request
September 20, 2021
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to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of state governments and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through open records laws to the public, and we believe a fee waiver in this instance would be in the public interest. In the event that our request for a fee waiver is denied, please notify us in advance if the expected cost is likely to exceed \$150.00.

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-641-4981 or bmarshall@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs. Thank you for your cooperation.

Very respectfully,

William F. Marshall
Judicial Watch, Inc.



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September 20, 2021

VIA EMAIL (MPIA@MCPSMD.ORG)

Montgomery County Public Schools
Department of Public Information and Web Services
850 Hungerford Drive, Room 137
Rockville, Maryland 20850

Re: Maryland Public Information Act Request

Dear Sir/Madam:

Pursuant to Maryland's Public Information Act, Judicial Watch requests a copy of the following records from Montgomery County Public Schools (MCPS):

All records related to the development, implementation, and results of an "Anti-Racist System Audit" reportedly conducted by the Montgomery County Board of Education. Such records shall include, but not be limited to: email communications regarding the audit exchanged between MCPS officials responsible for formulating, implementing, and compiling the audit and its results; planning and policy documents related to the audit; records and reports reflecting the results derived from the audit. The time frame for the requested records is January 1, 2020 to the present.

Public records are any records that are made by, or received by, a covered public agency in connection with the transaction of public business. SG §10-611(h)(1)(i). All "public records" are covered by the PIA. The term "public record" includes not only written material but also computerized records (including, but not limited to emails and digital files), correspondence, photographs, photostats, films, microfilms, recordings, tapes, maps, drawings, and any copy of a public record. SG §10-611(h)(1)(ii).

Within thirty (30) days of receipt of this request, you are required to determine whether the request, in whole or in part, seeks copies of disclosable public records in your possession and to notify us promptly of your determination and the reasons therefore. SG §10-614(b)(2). If this request is denied you are required to provide a written statement of the reasons for the denial, the legal authority for the denial, and notice of the remedies for review of the denial within 10 working days. SG §10-614(b)(3)(ii).

Any reasonably segregable portion of a record otherwise exempt from disclosure is required to be made available after deletion of the portions that are exempted by law. SG §10-618(a).

Finally, Judicial Watch requests a waiver of any direct costs of duplication or statutory fees pursuant to SG §10-621(e) as the request is for noncommercial purposes that serve the public interest. Judicial Watch is a 501(c)(3), not-for-profit, educational

Montgomery County Public Schools
Public Information Act Request
January 29, 2021
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organization. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of state governments and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through open records laws to the public, and we believe a fee waiver in this instance would be in the public interest. In the event that our request for a fee waiver is denied, please notify us in advance if the expected cost is likely to exceed \$150.00.

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-641-4981 or bmarshall@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs. Thank you for your cooperation.

Very respectfully,

William F. Marshall
Judicial Watch, Inc.