IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION
125 Broad Street – 18th Floor,
New York, NY 10004,

AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street – 18th Floor,
New York, NY 10004,

NATIONAL WOMEN'S LAW CENTER
1350 I Street NW, Suite 700,
Washington, D.C. 20005,

SERVICE WOMEN'S ACTION NETWORK
1015 15th Street NW, Suite 600
Washington, DC 20005,

Plaintiffs,

v.

U.S. DEPARTMENT OF DEFENSE
1400 Defense Pentagon
Washington, DC 20301-1155,

Defendant.

Civil No.:

COMPLAINT

INTRODUCTION

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), for injunctive and appropriate relief. Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation (together, the "ACLU"), National Women's Law Center ("NWLC"), and Service Women's Action Network ("SWAN") seek the immediate processing and timely release of records from Defendant Department of Defense ("DOD") and component entities.

2. On August 19, 2026, Plaintiffs submitted a FOIA request ("Request") to Defendant DOD seeking records related to DOD's commissioning a formal review of women's "effectiveness" in combat roles (the "Formal Review") and drafting of internal plans for modifying the physical eligibility standards for combat jobs. *See* Exhibit 1. These actions are widely interpreted as preludes to the implementation of policies intended to curtail women's decade-long integration in ground combat arms by providing dubious "science" to confirm the biased rhetoric of Secretary of Defense Pete Hegseth.

3. The FOIA Request seeks three categories of records. First, it seeks records relating to DOD's initial assignment of the Formal Review to the Institute for Defense Analyses ("IDA"), believed to have occurred on or around December 18, 2025. Second, the Request seeks records relating to DOD's subsequent reassignment of the Formal Review to the Johns Hopkins University Applied Physics Laboratory ("JHU/APL"), believed to have occurred in or around April 2026. Third, the Request seeks records related to DOD's directive to the Military Departments, by Memorandum issued by Secretary Hegseth on March 30, 2025 (the "March 30 Memorandum"), to develop plans outlining the physical fitness standards for combat arms and non-combat arms occupations.

4. The requested information is of particular concern in light of Secretary Hegseth's documented hostility to servicewomen in general, and to those in combat roles specifically. In his roughly eighteen-month tenure, Secretary Hegseth has openly denigrated the service of active-duty women and veterans and undertaken a series of actions to limit—or even terminate—the careers of dedicated, accomplished, senior women military leaders. He also has initiated a wide range of changes in the physical eligibility criteria for servicemembers in each of the military branches, based at least in part on an asserted notion that existing standards subject

women to lower fitness requirements, and on archaic stereotypes that testosterone and brute strength are the chief predictors of military "lethality."

5. With respect to women serving in combat roles, Secretary Hegseth repeatedly has opined that "standards" have been lowered to accommodate women—despite the public rejection of that contention by senior military leaders from every service branch and despite the fact that occupational standards for combat jobs have been gender-neutral, by statute, for over thirty years.

6. Moreover, Secretary Hegseth and other government officials have failed to provide a substantive explanation about the Formal Review's purpose, methodology, and scope—even in response to questioning by Members of Congress. Nor has he cited any evidence casting doubt on women's "effectiveness" in combat jobs or explained why the extensive studies of women's service in combat roles and the relevant occupational standards for those roles—conducted before, during, and after the 2016 rescission of the Pentagon's policy barring women from serving in ground combat jobs (the "Ground Combat Exclusion Policy")—are insufficient to answer any questions he may still harbor.

7. Further contributing to the FOIA Request's urgency is DOD's decision to impose unduly strict timelines for completion of the Formal Review, and to reassign it from IDA to JHU/APL. Experts also have questioned the selection of JHU/APL because it is not known to have expertise in the study of occupation-specific performance components. Moreover, the lead researcher at JHU/APL, Jane Pinelis, Ph.D., conducted a 2015 Marine Corps study finding negative effects of mixed-gender units, which was widely criticized for its flawed design and biased analysis.

8. In addition to potentially violating the U.S. Constitution, derailing the careers of thousands of incumbent servicewomen, and limiting opportunities for future recruits, rolling back women's ability to serve in combat impairs our national security by disrupting current operations and depriving our military of the personnel best equipped to combat the myriad complex threats around the world.

9. Given these stakes, members of Congress have introduced legislation to, among other provisions, codify women's continued ability to serve in ground combat roles, and mandate that military occupational standards reflect actual job requirements and be developed through a scientifically rigorous process.[1]

10. For all of these reasons, disclosure of the requested records therefore relates to matters of widespread and exceptional public interest and would contribute significantly to the public's understanding of DOD's efforts to curtail women's ability to participate equally in the military.

11. In violation of FOIA, Defendant DOD and virtually all component entities served with the Request have failed to issue a determination, and none has released any responsive records.

[1] On March 27, 2026, Rep. Chrissy Houlahan (PA-06) and Rep. Maggie Goodlander (NH-01)—an Air Force veteran and Navy Reserve veteran, respectively—introduced H.R. 8175, the Women Add Resourcefulness and Resilience to Improve Operational Readiness ("WARRIOR") Act, along with 33 original co-sponsors. *See* Press Release, Chrissy Houlahan, Houlahan Introduces WARRIOR Act to Protect Military Women in Combat (Mar. 27, 2026), https://houlahan.house.gov/news/documentsingle.aspx?DocumentID=4962. On July 30, 2026, Senator Tammy Duckworth, an Army National Guard veteran and Purple Heart recipient, and Senator Mazie Hirono introduced the WARRIOR Act in the Senate, with 15 original co-sponsors. *See* Press Release, Tammy Duckworth, Duckworth, Hirono Introduce WARRIOR Act to Codify Women's Right to Serve in Combat (July 30, 2026), https://www.duckworth.senate.gov/news/press-releases/duckworth-hirono-introduce-warrior-act-to-codify-womens-right-to-serve-in-combat.

12. Plaintiffs now ask the Court for injunctive and other relief requiring Defendant DOD to immediately process the Request. Plaintiffs also seek an order enjoining Defendant from assessing fees for the processing of the Request.

JURISDICTION AND VENUE

13. This Court has subject-matter jurisdiction over this action pursuant to 5 U.S.C. §§ 552(a)(4)(B) & (a)(6)(E)(iii), 28 U.S.C. § 1331, and 5 U.S.C. §§ 701–706.

14. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

15. Plaintiff American Civil Liberties Union is a nationwide, non-profit, nonpartisan 26 U.S.C. § 501(c)(4) organization, incorporated in the District of Columbia and with its principal place of business in New York, New York. The American Civil Liberties Union's mission is to maintain and advance civil rights and civil liberties and to ensure that the U.S. government acts in compliance with the Constitution and the laws of the United States. The American Civil Liberties Union also is committed to principles of transparency and accountability in government and seeks to ensure that the public is informed about the conduct of its government in matters that affect civil liberties and human rights. Obtaining information about governmental activity, analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial component of the American Civil Liberties Union's work and one of its primary activities.

16. Plaintiff American Civil Liberties Union Foundation is a separate 26 U.S.C. § 501(c)(3) organization that educates the public about civil rights and civil liberties and employs lawyers who provide legal representation free of charge in cases involving civil rights and civil

liberties. It is incorporated in New York State, and its principal place of business is in New York, New York.

17. Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation together are referred to as the "ACLU."

18. Plaintiff National Women's Law Center ("NWLC") is a non-profit, 26 U.S.C § 501(c)(3) organization incorporated under the laws of the District of Columbia with its principal place of business in the District of Columbia. Since 1972, NWLC has worked to advance and protect women's legal rights and to remove barriers faced by women and LGBTQIA+ individuals in core aspects of their lives. One specific area of focus for NWLC is the ability of women to serve in the military with equal opportunities and rights and without sex discrimination.

19. Plaintiff Service Women's Action Network ("SWAN") is a non-profit, 26 U.S.C. § 501(c)(3) organization incorporated under the laws of the District of Columbia with its principal place of business in the District of Columbia. SWAN supports, defends, and empowers servicewomen and women veterans through advocacy initiatives and community programs. Its mission includes transforming military culture by securing equal opportunity and freedom to serve without discrimination, harassment, or assault.

20. Defendant United States Department of Defense ("DOD") is a department of the executive branch of the U.S. government and is responsible for coordinating and supervising government activity relating to national security, the U.S. Armed Forces, and the military service academies; it has failed to comply with Plaintiffs' FOIA Request. DOD is an agency within the meaning of 5 U.S.C. § 552(f)(1) and is in possession and/or control of the requested records that are the subject of this action. DOD controls the following component entities and therefore is the

e Systems Agency, Defense Intelligence Agency, Defense Logistics Agency, Defense Technical Information Center, Department of Defense Office of Inspector General, Joint Personnel Recovery Agency, National Guard Bureau, National Security Agency, Office of the Secretary of Defense and Joint Staff, U.S. Central Command, U.S. Space Force, U.S. Strategic Command, and U.S. Special Operations Command.

FACTUAL BACKGROUND

21. Secretary Hegseth's rhetoric impugning women's service in our ground combat forces, and Defendant DOD's apparent effort to build a putatively "scientific" basis for limiting women's participation in those roles, reflect a 180-degree policy reversal that threatens several decades of progress—which culminated, in 2016, in DOD's opening all ground combat jobs to women. Today, roughly 5,000 women have served in ground combat jobs.[2]

The History of Women in Combat in the United States – From Exclusion Toward Integration

22. Women always have participated in our nation's military, dating from the Revolutionary and Civil Wars, when women were nurses, spies, laundry workers, cooks, and—disguised as men—soldiers.[3] Since then, women have served, and died, in every major U.S. military conflict, from World War I through the current war with Iran.

23. For much of that history, women's participation in the armed forces has been limited by law. Although Congress formally recognized women as permanent members of the

[2] Lolita C. Baldor, *Here's a look at the number of women in military combat roles*, Associated Press (Nov. 18, 2024), https://apnews.com/article/women-combat-hegseth-trump-c4ffcbd3de8a62fadb87d8c31ff59118.

[3] Danielle DeSimone, *Over 200 Years of Service: The History of Women in the U.S. Military*, USO (Feb. 28, 2023), https://www.uso.org/stories/3005-over-200-years-of-service-the-history-of-women-in-the-us-military; *Liberty Exhibit Big Idea 4: A Women's War*, Museum of the American Revolution, https://www.amrevmuseum.org/liberty-exhibit-big-idea-4-a-women-s-war (last visited Aug. 14, 2026); HISTORY.com Editors, *Women in the Civil War,* HISTORY.com (Feb. 5, 2010), https://www.history.com/articles/women-in-the-civil-war.

military in the Women's Armed Services Integration Act of 1948,[4] which permitted women to enlist and serve in all branches of the armed services, women remained prohibited from serving in combat positions—by statute, with respect to the Air Force and Navy, and by "established policy," with respect to the Army and Marines Corps.[5] Women also were barred from holding senior ranks and from serving on most ships.[6]

24. In 1988, DOD adopted the "Risk Rule" policy,[7] extending women's combat exclusion to bar their participation in any non-combat unit where the risks of exposure to combat were equal to or greater than the combat units they supported.

25. In January 1994, then-Secretary of Defense Les Aspin rescinded the Risk Rule and replaced it with a blanket policy that excluded women from units below the brigade level whose primary mission was direct ground combat, effectively barring them from more than 250,000 jobs in infantry, armor, artillery, and special operations (the "Ground Combat Exclusion Policy").[8] Because combat service provides a pipeline to elite training and mentorship opportunities and is a prerequisite for ascension to the military's top echelons, the Policy imposed an insurmountable barrier to servicewomen's career advancement.

26. Alongside this history of exclusion, however, were incremental gains that allowed thousands of women to make careers in the military active-duty force and gain footholds at its

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[4] Women's Armed Services Integration Act of 1948, Pub. L. No. 80-625, 62 Stat. 356.
[5] *Rostker v. Goldberg*, 453 U.S. 57, 76 (1981).
[6] *Supra* note 4.
[7] Department of Defense, Report: Task Force on Women in the Military 15, 19 (Jan. 1988), https://www.google.com/books/edition/Report_Task_Force_on_Women_in_the_Milita/X_FGMte09jgC?hl=en&gbpv=1.
[8] Memorandum from the Secretary of Defense on Direct Ground Combat Definition and Assignment Rule to the Secretary of the Army, Secretary of the Navy, Secretary of the Air Force, Chairman, Joint Chiefs of Staff, Assistant Secretary of Defense (Personnel and Readiness) and Assistant Secretary of Defense (Reserve Affairs) (Jan. 13, 1994).

highest levels—and ultimately, achieve rescission of the Ground Combat Exclusion Policy in 2016.

27. In the 1960s and 1970s, for instance, Congress eliminated prohibitions on women serving on ships and at top ranks.[9] In 1972, women became eligible to serve in the Reserve Officers' Training Corps ("ROTC"), and in 1975, Congress enacted legislation permitting women to enter the military service academies.[10] The U.S. Supreme Court also recognized that women servicemembers were entitled to the same dependent benefits as their men colleagues, and that DOD's failure to provide such benefits was a form of unlawful sex discrimination under the U.S. Constitution.[11] Five years later, a federal court struck down as unconstitutional the Navy's ban on servicewomen being assigned to duty aboard ships.[12]

28. The National Defense Authorization Act ("NDAA") for Fiscal Years 1992 and 1993 repealed the prohibition on the assignment of women to combat aircraft in the Air Force, the Navy, and the Marine Corps.[13] The Act also established the Presidential Commission on the Assignment of Women in the Armed Forces to study the legal, military, and societal implications of amending the exclusionary laws. Notably, the following year, the NDAA for Fiscal Year 1994 repealed remaining prohibitions on women serving on combatant vessels and aircraft; required the Secretary of Defense to ensure that occupational performance standards were gender-neutral;

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[9] *See Diversity, Inclusion, and Equal Opportunity in the Armed Services: Background and Issues for Congress*, Congressional Research Service at 24-25 (June 5, 2019) https://www.congress.gov/crs_external_products/R/PDF/R44321/R44321.12.pdf.
[10] Department of Defense Appropriations Authorization Act of 1976, Pub. L. No. 94-106, 89 Stat. 531, 537-538.
[11] *Frontiero v. Richardson*, 411 U.S. 677 (1973).
[12] *Owens v. Brown*, 455 F. Supp. 291 (D.D.C. 1978).
[13] National Defense Authorization Act for Fiscal Years 1992 and 1993, Pub. L. 102-190, 105 Stat. 1290 (1991).

and required the Secretary of Defense to notify Congress ninety days before any policy changes were made regarding the assignment of women to ground combat roles.[14]

29. In January 1994, even as the new Ground Combat Exclusion Policy kept hundreds of thousands of positions out of women's reach, the rescission of the Risk Rule opened several thousand other jobs to them.[15]

30. The ill-defined frontlines and insurgent attacks of Iraq and Afghanistan wars blurred the distinction between combat and non-combat roles, bringing into sharp relief the unjustifiability of the Ground Combat Exclusion Policy. Nearly 200 women were killed in combat in those conflicts, and another 1,102 were wounded.[16]

31. In February 2012, in recognition of these contributions, DOD opened to women six previously-closed combat job specialties—totaling approximately 14,000 positions.[17]

The Repeal of the Ground Combat Exclusion Policy

32. In 2012, the ACLU represented SWAN and four individual servicewomen in a lawsuit challenging the Ground Combat Exclusion Policy as unconstitutional.

33. Two months later, in January 2013, then-Secretary of Defense Leon Panetta rescinded the Policy, immediately lifting the ban with respect to 110,000 jobs, and directing the

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[14] National Defense Authorization Act for Fiscal Year 1994, Pub. L. 103-160, 107 Stat. 1547, 1659 (1993).
[15] Kristy N. Kamarck, *Women in Combat: Issues for Congress*, Congressional Research Service (Dec. 13, 2016), https://sgp.fas.org/crs/natsec/R42075.pdf.
[16] *Women in the Military Where They Stand*, Service Women's Action Network at 4 (2019), https://static1.squarespace.com/static/5fd0dd21f269f120630260ee/t/6010286a2e34011cb74e907f/1611671658865/SWAN-Where-we-stand-2019-0416revised.pdf.
[17] Elisabeth Bumiller, *Pentagon Allows Women Closer to Combat, but Not Close Enough for Some*, The N.Y. Times (Feb. 9, 2012), https://www.nytimes.com/2012/02/10/us/pentagon-to-loosen-restrictions-on-women-in-combat.html?_r=0; Capt. Judy Marlow, *Department of Defense opens ground combat roles to female servicemembers*, U.S. Army (Feb. 1, 2013), https://www.army.mil/article/95489/department_of_defense_opens_ground_combat_roles_to_female_servicemembers.

military branches to submit plans for implementing this historic change, including whether they would seek exemptions for any military occupational specialties ("MOSs").[18]

34. Over the next two years, DOD and the U.S. Special Operations Command conducted forty-one extensive studies into the implementation issues in opening combat positions to women, including the maintenance of unit cohesion; needed modifications to equipment, gear, uniforms, and facilities; the scope of women's interest in serving in combat roles; how other nations' militaries have integrated women into combat roles; sexual assault prevention and response; and potential adaptations to servicemembers' living arrangements.[19] The Army, Navy, Air Force, and Commander of Special Operations ultimately recommended opening to women all positions in their components, including combat positions; the Marine Corps was the only service that requested exemptions from integration, seeking to retain men-only status for nearly 50,000 positions.[20] Notably, the Marines relied on the findings of a study conducted by Jane Pinelis, Ph.D., which found that mixed-gender units did not perform as well as all-men units. Critics have characterized the study as biased in its selective reporting of results,[21] and too flawed—including in its design, the size of its participant pool, and the process

[18] Department of Defense, Memorandum for Secretaries of the Military Departments Acting Under Secretary of Defense for Personnel and Readiness, Chiefs of the Military Services (Jan. 24, 2013), https://www.womenvetsusa.org/cmsfiles/docs/rescission-of-1994-direct-ground-combat-definition-&-assignment-rule-secdef-24-jan-2013.pdf?1782929910; Ash Carter, *No Exceptions: The Decision to Open All Military Positions to Women*, Harvard Kennedy School Belfer Center Report at 4 (December 2018), https://www.belfercenter.org/sites/default/files/pantheon_files/files/publication/WomeninCombat_0.pdf.

[19] Carter, *supra* note 18, at 12-13.

[20] *Id.* at 14.

[21] *See*, *e.g.*, Tom Bowman & Laura Wagner, *Controversial Marine Corps Study On Gender Integration Published in Full*, NPR (Nov. 4, 2015), https://www.npr.org/sections/thetwo-way/2015/11/04/454672813/controversial-marine-corps-study-on-gender-integration-published-in-full.

by which participants were selected, because it failed to measure participants against job-specific combat— to draw reliable conclusions.[22] Then-Secretary of Defense Ash Carter ultimately rejected the study as a basis for exempting the Marines from full integration.

35. Also during this period, Congress issued directives to the Military Departments to "develop, review, and validate individual occupational standards, using validated gender-neutral occupational standards"[23] that "(1) accurately predict performance of actual, regular, and recurring duties of a military occupation; . . . (2) are applied equitably to measure individual capabilities,"[24] and "(3) measure the combat readiness of combat units, including special operations forces."[25]

36. In December 2015, DOD announced that all military roles, units, and schools would officially be open to women with no exceptions, lifting the ban on more than 200,000 ground combat jobs.[26] In the memorandum providing implementation guidance for the full integration of women in the military, Secretary Carter observed that the exhaustive studies that DOD had undertaken "yielded insights far beyond gender integration" such as "increas[ing]

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[22] *See*, *e.g.* Dr. Ellen Haring & Dr. Megan Mackenzie, *Marine Corps Study Misses the Mark*, Women In International Security (Oct. 13, 2015), https://wiisglobal.org/wp-content/uploads/Marine-Corps-Study-Misses-the-Mark.pdf.

[23] National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66, § 524, 127 Stat. 672, 757 (2013).

[24] National Defense Authorization Act for Fiscal Year 2015, Pub. L. No. 113-291, § 524(a), 128 Stat. 3292, 3361-62 (2014).

[25] National Defense Authorization Act for Fiscal Year 2016, Pub. L. No. 114-92, § 525, 129 Stat. 726, 813 (2015).

[26] Department of Defense, Memorandum for Secretaries of the Military Departments Acting Under Secretary of Defense for Personnel and Readiness, Chiefs of the Military Services, Commander, U.S. Special Operations Command, Subject: Implementation Guidance for the Full Integration of Women in the Armed Forces (Dec. 3, 2015), https://news.usni.org/2015/12/04/document-secdef-carters-implementation-guidance-to-include-women-in-all-military-positions.

[DOD's] understanding of the physical and physiological demands on Service members."[27] The memorandum concluded that anyone "who can meet operationally relevant and gender neutral standards, regardless of gender, should have the opportunity to serve in any position."[28]

Under Secretary Hegseth, DOD Has Taken a Series of Actions That Denigrate and Inflict Harm on Servicewomen, and He Has Expressed Hostility to Women in Combat Roles.

37. Secretary Hegseth has made no secret of his antipathy toward the rescission of the Ground Combat Exclusion Policy a decade ago.[29] He repeatedly has opined that women's entry into formerly-closed combat roles has been possible only because unspecified "standards" were lowered, and that women's presence in ground combat jobs undermines unit performance. Such assertions are incorrect as a matter of law—occupational standards for combat jobs have been gender-neutral, by statute, for over thirty years[30]—and recently were rejected by senior military leaders from every service branch in testimony before Congress.[31]

38. In his tenure as Secretary of Defense, Hegseth has taken a series of actions reflecting hostility to servicewomen, including:

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[27] *Id.* at 2.
[28] *Id.* at 1.
[29] For instance, in 2024, before assuming office, Hegseth published a book, *The War on Warriors: Behind the Betrayal of the Men Who Keep Us Free*, in which he argued that women in combat roles undermined military readiness, and that "women cannot physically meet the same standards as men." Lolita C. Baldor, *Hegseth's views on women in combat, infidelity and more – in his own words*, Associated Press (Jan. 14, 2025), https://apnews.com/article/pete-hegseth-background-defense-secretary-confirmation-hearing-e160e10c86385a8beff110d9190fb34e. On a November 2024 podcast, Hegseth said, "I'm straight up just saying we should not have women in combat roles. It hasn't made us more effective. Hasn't made us more lethal. Has made fighting more complicated." *Id.*
[30] National Defense Authorization Act for Fiscal Year 1994, Pub. L. No. 103-160 §543, 107 Stat. 1547 (1993) (as amended by National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66 § 523, 127 Stat. 672, 756 (2013)).
[31] *See*, *e.g.*, Karen Jowers, *No evidence women in combat roles lower standards, top enlisted leaders say*, Military Times (Feb. 12, 2026), https://www.militarytimes.com/news/pentagon-congress/2026/02/12/no-evidence-women-in-combat-roles-lower-standards-top-enlisted-leaders-say/.

- Undertaking a campaign of purging senior women leaders from all military branches and overruling the promotion recommendations of senior military officers in order to block several women from advancing, including women poised to become one-star and two-star generals in the Army and one-star and two-star admirals in the Navy, and removing the only female officer from a Marine Corps promotion list.[32]
- Expunging women from DOD history, policy initiatives, and public-facing resources.[33]
- Terminating the Women, Peace and Security Program within DOD, which was created by a statute President Trump signed in 2017.[34]

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[32] C.J. Robinson, *Women's Share of Top Military Promotions Falls as Hegseth Blocks Nominees*, The N.Y. Times (Aug. 6, 2026), https://www.nytimes.com/2026/08/06/upshot/military-promotions-women-hegseth.html; Greg Jaffe, *Opportunities Narrow for Women as Hegseth Blocks More Promotions*, The N.Y. Times (July 14, 2026), https://www.nytimes.com/2026/07/14/us/hegseth-blocks-navy-promotions.html; Greg Jaffe & Kate Kelly, *Hegseth Strikes Female and Black Navy Officers From Promotion List*, The N.Y. Times (June 1, 2026), https://www.nytimes.com/2026/06/01/us/politics/hegseth-navy-promotion-list.html; Ellen Mitchell, *Hegseth removes 2 Black and 2 female officers from promotion list: Report*, The Hill (Mar. 27, 2026), https://thehill.com/policy/defense/5804541-pete-hegseth-pentagon-promotion-list/; Helene Cooper, *Trump Administration Fires Another Female Military Leader*, The N.Y. Times (Apr. 7, 2025), https://www.nytimes.com/2025/04/07/us/politics/trump-us-military-nato-official-fired-chatfield.html; Idrees Ali & Phil Stewart, *Trump administration pushed out U.S. military health agency head, officials say*, Reuters (Feb. 28, 2025), https://www.reuters.com/world/us/trump-administration-pushed-out-us-military-health-agency-head-officials-say-2025-03-01/; John Ismay, *Hegseth Fires Navy's Top Officer*, The N.Y. Times (Feb. 21, 2025), https://www.nytimes.com/2025/02/21/us/politics/hegseth-navy-lisa-franchetti.html; Heather Mongilio, *Adm. Linda Fagan Removed as Coast Guard Commandant*, USNI News (Jan. 21, 2025), https://news.usni.org/2025/01/21/adm-linda-fagan-removed-as-coast-guard-commandant.

[33] *Identity Months Dead at DOD*, U.S. Dep't of Defense (Jan. 31, 2025), https://www.war.gov/News/Releases/Release/Article/4050331/identity-months-dead-at-dod/; Tim Balk, *Arlington Cemetery Website Loses Pages on Black Veterans, Women and Civil War*, The N.Y. Times (Mar. 14, 2025), https://www.nytimes.com/2025/03/14/us/politics/arlington-cemetery-website-dei.html.

[34] Ellen Mitchell, *Hegseth "proud" to end Women, Peace and Security program*, The Hill (Apr. 29, 2025), https://thehill.com/policy/defense/5272905-hegseth-pentagon-women-peace-security/.

- Eliminating the Defense Advisory Committee on Women in the Services ("DACOWITS"), which was created in 1951 to provide advice and recommendations on matters and policies relating to the recruitment, retention, employment, integration, well-being, and treatment of women in the Armed Forces of the United States.[35]
- Making numerous DOD policy changes, including revisions to the procedures and standards applicable to discrimination and harassment complaints, making it more difficult for servicemembers to obtain relief and shortening the timeframe for expunging violations from personnel files.[36]

39. Secretary Hegseth's tenure has been characterized by rhetoric and policies that emphasize a hyper-masculine conception of physical strength as the leading predictor of combat job performance, untethered from scientific validation and to the exclusion of other skills.

- On March 30, 2025, he ordered a sixty-day review of combat arms standards by all of the service branches, calling for the redefinition of combat roles and non-combat roles.[37] Without citation to evidence that existing standards are flawed or applied inconsistently, he stated that "it is essential to identify which positions require heightened entry-level and sustained physical fitness. These roles, which are critical to our military's mission

[35] Ellen Mitchell, *Hegseth axes decades-old advisory committee on women in the military*, The Hill (Sept. 23, 2025), https://thehill.com/policy/defense/5518114-pete-hegseth-advisory-committee-women-military/.
[36] Department of Defense, Memorandum for Senior Pentagon Leadership, Subject: Review of Hazing, Bullying, and Harassment Definitions (Sept. 30, 2025), https://media.defense.gov/2025/Sep/30/2003812317/-1/-1/1/SECRETARY-OF-WAR-ANNOUNCED-MEMORANDUMS.PDF.
[37] Department of Defense, Memorandum for the Secretaries of the Military Departments, Subject: Combat Arms Standards (Mar. 30, 2025), https://media.defense.gov/2025/Mar/31/2003678527/-1/-1/1/COMBAT-ARMS-STANDARDS.PDF.

success, demand exceptional physical capabilities, and the standards for them must reflect that rigor."[38]

- In June 2025, DOD replaced the Army Combat Fitness Test with the Army Fitness Test.[39] The new test raises the minimum passing score in each event in order to establish eligibility for twenty-one combat MOSs, and eliminates gender-normed scoring for those troops, but retains age-normed scoring.
- In April 2026, the Army announced it would be implementing a new Combat Field Test ("CFT") required annually for servicemembers serving in twenty-four designated combat MOSs.[40] No validation studies or other data were put forward to substantiate the CFT as an accurate measure of job performance in the twenty-four MOSs.
- In July 2026, Secretary Hegseth announced a new program he referred to as the "High-T Department of War," comprised of a new mandatory annual screening program to test all servicemembers age 30 and older for testosterone deficiency.[41] Servicemembers with low testosterone will be offered testosterone replacement therapy. Medical professionals and researchers have questioned the implementation of such a program, noting that

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[38] *Id.*
[39] *Army Fitness Test Overview*, U.S. Army, https://www.army.mil/aft/ (last visited Aug. 17, 2026).
[40] U.S. Army Public Affairs, *US Army announces new Combat Field Test to enhance Soldier readiness*, U.S. Army (Apr. 22, 2026), https://www.army.mil/article/291880/?utm_source=aft&utm_medium=website&utm_campaign=aftwebsite.
[41] Greg Jaffe & Azeen Ghorayshi, *Hegseth Plans to Screen All Troops, Including Women, for Low Testosterone*, The N.Y. Times (July 15, 2026), https://www.nytimes.com/2026/07/15/us/politics/hegseth-troops-testosterone.html. The initiative recently was revised to apply only to male servicemembers. Konstantin Toropin & Matthew Perrone, *Pentagon moves forward with mandatory testosterone testing for most male troops*, Associated Press (Sept. 18, 2026), https://www.pbs.org/newshour/world/pentagon-moves-forward-with-mandatory-testosterone-testing-for-most-male-troops.

administering testosterone therapy—in the absence of adverse symptoms caused by low hormone levels—is not evidence-based and could cause harm,[42] including diminished fertility and increased risk of blood clots, to name a few adverse effects.[43]

DOD's Formal Review of the "Effectiveness" of Women in Ground Combat Positions

40. In December 2025, DOD ordered a six-month review of the "operational effectiveness of ground combat units ten years after the Department lifted all remaining restrictions on women serving in combat roles," otherwise known as the Formal Review.[44] DOD did not publicly announce the Formal Review; it was disclosed only after a news outlet learned of it.

41. According to press reports, DOD ordered the Army and Marine Corps to provide data on the readiness, training, performance, casualties and command climate of ground combat units and personnel—along with any internal studies on "the integration of women in combat" to the IDA, a non-profit funded in part by DOD to provide research and analyses of Department programs.[45]

42. In April 2026, DOD reassigned the Formal Review from IDA to JHU/APL and extended the timeframe for the review to twelve months.[46] This reassignment also was not made

[42] Daniel Wu & Tara Copp, *Hegseth touts a high-testosterone military, as doctors question his claims*, The Washington Post (July 16, 2026), https://www.washingtonpost.com/health/2026/07/16/hegseth-touts-high-testosterone-military-doctors-question-his-claims/.
[43] Jaffe and Ghorayshi, *supra* note 41.
[44] Tom Bowman, *Pentagon will begin review of "effectiveness" of women in ground combat positions*, NPR (Jan. 7, 2026), https://www.npr.org/2026/01/06/nx-s1-5667583/pentagon-review-women-in-ground-combat-roles.
[45] *Id.*; *see also About IDA*, IDA, https://www.ida.org/about-ida (last visited Aug. 18, 2026).
[46] Hope Hodge Seck, *Pentagon's women-in-combat review reassigned; deadline extended*, Military Times (Apr. 13, 2026), https://www.militarytimes.com/news/pentagon-congress/2026/04/14/pentagons-women-in-combat-review-reassigned-deadline-extended/.

public by DOD; news outlets reported it. According to published reports, the Formal Review being undertaken by JHU/APL is entitled the "Performance, Readiness, and Integrated Mission Effectiveness Assessment," which—according to a Pentagon spokesperson responding to press inquiries—will "identify the dominant drivers of combat performance variance in ground combat units and provide evidence-based findings to inform force design, training, physical standards, and readiness decisions."[47]

43. Experts have questioned JHU/APL's qualifications to conduct this analysis, as well as the compressed time frame for the study's completion.[48] The researcher leading the Formal Review at JHU/APL is Jane Pinelis, Ph.D., who authored the widely-discredited 2015 study for the Marine Corps—which Secretary Hegseth cited approvingly in his book criticizing women's integration of combat roles, *The War on Warriors*.[49]

44. At a hearing of the Senate Committee on Armed Services held on May 1, 2026, Senator Mazie Hirono asked Secretary Hegseth if the Formal Review had been ordered to justify overturning the Ground Combat Exclusion Policy. He did not answer. Instead, Hegseth stated, "We are laser focused on standards. The highest male standard for every combat arms position should be the standard. And ten years into this, we are reviewing it, which is what the American people would expect." [50] When asked if he will share the results of the Formal Review with the public, Secretary Hegseth again hedged. "We're doing the study for that very reason to ensure

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[47] *Id.*

[48] *See, e.g.*, Sonner Kehrt, *Hegseth Ordered a New Study of Women in Combat. Critics Say It's Built to Reach One Conclusion*, The War Horse (July 14, 2026), https://thewarhorse.org/women-in-combat-review/.

[49] *Id. See also supra* note 29.

[50] The Economic Times, *'What PROOF do you have?': Hirono, Hegseth's nasty clash over women in combat roles at fiery hearing*, at 5:26 (YouTube, May 1, 2026), https://www.youtube.com/watch?v=kk1xs1Tq4dE.

that real science is applied to this, this question and not social engineering like the previous administration."[51]

Plaintiffs' FOIA Request

45. On August 19, 2026, Plaintiffs submitted their FOIA Request to Defendant DOD and component entities, seeking the release of the following records for the period from January 21, 2025 to present:

a. All records regarding the Formal Review assigned to the IDA, including but not limited to, records sufficient to identify or describe:

    a. The December 18, 2025, memorandum and any attachments ordering the Formal Review, along with any execution orders issued to the Army and Marine Corps, and any amendments or directives attempting to modify the scope, requirements, or timeline.

    b. All records submitted by the Army and Marine Corps in response to the December 18, 2025, memorandum including internal research and studies regarding the integration of women in combat, readiness data, training and performance metrics, casualty data, command climate assessments, and deployment capability measures.

    c. All records relating to the initial selection of the IDA as the entity assigned to perform the Formal Review.

    d. All records related to the design of the Formal Review, including but not limited to the criteria, standards, and processes used to select men and women participants, and any data and analysis to assess whether the men and women

[51] *Id.* at 6:08.

participants in the Formal Review were comparable in training, experience, MOS, and baseline performance.

e. All records related to the scoring systems and evaluation frameworks used to determine the results of the Formal Review.

f. All records relating to the use of any analytical tools, artificial intelligence, model assumptions, validation methods, limitations, and data inputs of the Formal Review.

b. All records regarding the Formal Review assigned to JHU/APL, including but not limited to, records sufficient to identify or describe:

a. Any and all memoranda ordering the Formal Review, along with any execution orders issued to the Army and Marine Corps, and any amendments or directives attempting to modify the scope, requirements, or timeline.

b. All records submitted by the Army and Marine Corps to JHU/APL, including internal research and studies regarding the integration of women in combat, readiness data, training and performance metrics, casualty data, command climate assessments, and deployment capability measures.

c. All records related to the design of the Formal Review, including but not limited to the criteria, standards, and processes used to select men and women participants, and any data and analysis to assess whether the men and women participants in the Formal Review were comparable in training, experience, MOS, and baseline performance.

d. All records related to the scoring systems and evaluation frameworks used to determine the results of the Formal Review.

e. All records relating to the use of any analytical tools, artificial intelligence, model assumptions, validation methods, limitations, and data inputs of the Formal Review.

f. All records reflecting the Formal Review's reassignment from IDA to JHU/APL including records regarding the selection of JHU/APL and the decisions to extend the review from six to twelve months and to include "field testing."

g. Any and all preliminary findings, methodology, and information delivered by JHU/APL to DOD related to the Formal Review.

h. All written communications between DOD and Army and Marines Corps leadership, JHU/APL, and/or the Under Secretary of Defense for Personnel and Readiness relating to the Formal Review.

c. All records related to Secretary Hegseth's March 30, 2025, Memorandum for the Secretaries of the Military Departments relating to Combat Arms Standards, including but not limited to, records sufficient to identify or describe:

a. The plans submitted by the Secretaries of the Military Departments to the Under Secretary of Defense for Personnel and Readiness as prescribed by the March 30, 2025, Memorandum.

b. All records relating to the full implementation of these plans.

c. All written communications between Secretary Hegseth and any DOD personnel regarding the March 2025 Memorandum.

See Exhibit 1.

46. Plaintiffs sought expedited processing of the Request on the grounds that there is

a "compelling need" for these records because the information requested is urgently needed by organizations primarily engaged in disseminating information in order to inform the public about actual or alleged federal government activity. 5 U.S.C. § 552(a)(6)(E)(v)(II).

47. Plaintiffs also sought a waiver or limitation of document search, review, and duplication fees on the basis that disclosure of the requested records was in the public interest because it was "likely to contribute significantly to public understanding of the operations or activities of the government and [was] not primarily in the commercial interest of the requester." *Id.* § 552(a)(4)(A)(iii). Plaintiffs also sought waiver or limitation of fees on the basis that each Plaintiff qualifies as a "representative of the news media," and that the records were not sought for commercial use. *Id.* § 552(a)(4)(A)(ii).

48. On September 11, 2026, Plaintiffs submitted the abovementioned FOIA Request to Defendant Defense Finance and Accounting Service. *See* Exhibit 2.

Defendant's Failure to Comply with FOIA in Responding to Plaintiffs' Request

49. Under FOIA, within twenty working days of receipt of Plaintiffs' August 19, 2026, FOIA Request—that is, no later than September 17, 2026—Defendant DOD was required to "determine . . . whether to comply with such request" and to "immediately notify" Plaintiffs of "such determination and the reasons therefor," and, in the case of an adverse determination, of Plaintiffs' appeal rights. 5 U.S.C. § 552(a)(6)(A)(i).

50. Defendant DOD has not provided records requested by Plaintiffs, nor has it—with the exception of specific component entities described in Paragraphs 52 and 78, below—issued a final decision on Plaintiffs' requests for records. *See* 5 U.S.C. § 552(a)(6)(A)(i). Therefore, Plaintiffs have exhausted their administrative remedies.

51. Accordingly, Defendant has wrongfully withheld requested records from Plaintiff.

52. Among the entities that have neither issued a determination nor produced responsive documents are the entities believed to be most likely to possess them—including the Office of Secretary of War-Joint Staffs ("OSW-JS"), the Department of the Army, the U.S. Marine Corps, the Department of the Air Force, the Department of the Navy, and the Defense Contract Management Agency ("DCMA").[52] An additional component entity believed to be among those most likely to possess responsive, non-exempt documents, the Defense Contract Audit Agency ("DCAA"), , claimed to have none, and denied the Request on August 21, 2026, two days after Plaintiffs submitted it.

OSW-JS

53. On August 19, 2026, Plaintiffs received an automated response that their FOIA Request submitted to DOD's FOIA office had been routed to OSW-JS.

54. On August 25, 2026, the OSW-JS issued an "interim response" to the FOIA Request. OSW-JS denied Plaintiffs expedited processing and informed them that the agency would be unable to respond to the FOIA Request within the statutory twenty-day period due to "unusual circumstances."

55. Under 5 U.S.C. § 552(a)(6)(A), where "unusual circumstances" exist, an agency may extend its response time by ten working days—in this case, until October 1, 2026.

56. OSW-JS also stated that "[it] ha[d] found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests," and identified

[52] Plaintiffs also believe the Defense Finance and Accounting Service ("DFAS") is among the subcomponents most likely to possess responsive records. Plaintiffs filed the Request with DFAS on September 11, 2026. Accordingly, DFAS's statutory response period will expire on October 9, 2026. On September 15, 2026, DFAS confirmed receipt of the Request, granted both expedited processing and a fee waiver, and stated that the "request may not be completed prior to the statutory 20 business days." To date, no other response has been received.

an Action Officer whom Plaintiffs could contact. Plaintiffs e-mailed the designated Action Officer on September 22, 2026, and again on September 28, 2026, asking to schedule a time to discuss potentially narrowing the scope of the FOIA Request. To date, Plaintiffs have received no response.

57. To date, OSW-JS has not issued a determination or produced responsive records.

Department of the Army

58. On August 19, 2026, the Department of the Army sent Plaintiffs an automated response that acknowledged receipt of the FOIA Request.

59. On September 18, 2026, having received no other communication, Plaintiffs submitted a written inquiry about the status of the Request, noting that the 20-day statutory response period had ended. To date, Plaintiffs have received no response to this inquiry.

60. To date, the Department of the Army has not issued a determination or produced responsive records.

U.S. Marine Corps

61. On August 20, 2026, the U.S. Marines Corps (the "Marines") confirmed receipt of the Request, denied Plaintiffs expedited processing, and categorized Plaintiffs as a "media requester," stating that "the issue of fees is moot."

62. On September 22, 2026, the Marines informed Plaintiffs that their FOIA Request had been routed to two sub-entities: a division of the Training and Education Command ("TECOM") at the Marine Corps Base Quantico—characterized as "the [office] most likely to maintain records that are responsive to your request"—and the Plans Policy & Operations ("PP&O") Division at Marines headquarters in the Pentagon.

63. Also on September 22, 2026, Plaintiffs contacted the responsible TECOM and

PP&O personnel identified in the Marines' correspondence, asking for the opportunity to discuss the FOIA Request, including potentially narrowing the scope of the FOIA Request.

64. On September 24, 2026, Plaintiffs spoke with PP&O personnel about the FOIA Request. On September 29, 2026, PP&O personnel conveyed that they had sought responsive records from internal sources—including "DOD"—but had not received any.

65. On September 29, 2026, TECOM personnel informed Plaintiffs that "[b]ased on our current workload and processing rate, we estimate that we will be able to begin substantive processing of your request approximately late December 2026 to mid-January 2027."

66. To date, the U.S. Marine Corps has not issued a determination or produced responsive records.

Department of the Air Force

67. On August 19, 2026, the Department of the Air Force sent Plaintiffs an automated response that acknowledged receipt of the FOIA Request.

68. On September 10, 2026, the Department of the Air Force confirmed receipt of the FOIA Request, and stated that "your request, as currently written, is too broad in scope to allow for a meaningful search for records" and that "[t]o proceed, we require your assistance in narrowing the scope of your request." The Air Force requested more detail about "Record Locations," "Specific Document Types," "Specific Time Frame," and "Email Correspondence," including "Custodians," "Senders/Recipients," and "Keywords." The Air Force set a deadline of September 18, 2026, for submission of the requested detail.

69. Under the OPEN Government Act of 2007, Pub. L. No. 110-175, 121 Stat. 2524, agencies are permitted to "make one request to the requester for information and toll the twenty-day period while it is awaiting such information that it has reasonably requested from the

requester." § 6(a)(1)(I). September 10, 2026—the date that the Air Force sought additional information about Plaintiffs' request, thereby tolling its response period—fell on the fifteenth day of the statutory period..

70. On September 18, 2026, Plaintiffs submitted the requested additional details. *See* Exhibit 3.

71. The Air Force's statutory period therefore began to run again on September 18, 2026. The twenty-day statutory period expired on September 25, 2026.

72. To date, the Department of the Air Force has not issued a determination or produced responsive records.

Department of the Navy

73. On August 19, 2026, the Department of the Navy sent Plaintiffs an automated response that acknowledged receipt of the FOIA Request.

74. On September 18, 2026, having received no other communication, Plaintiffs submitted a written inquiry about the status of the Request, noting that the 20-day statutory response period had ended. To date, Plaintiffs have received no response to this inquiry.

75. To date, the Department of the Navy has not issued a determination or produced responsive records.

Defense Contract Management Agency

76. On August 20, 2026, the Defense Contract Management Agency confirmed receipt of the Request and stated that "DCMA is currently experiencing a backlog in its requests" and "may not be able to provide a full response within 20 working days." On September 18, 2026, Plaintiffs sought information about the projected date for responding to their Request. To date, they have received no response.

Other DOD Component Entities That Have Neither Issued a Determination Nor Produced Responsive Documents

77. The following DOD component entities have not complied with FOIA by issuing a determination or producing responsive documents within the statutory period, *i.e.*, no later than September 17, 2026:

- On August 19, 2026, the Defense Intelligence Agency confirmed receipt of the Request, and stated that it would be unable to respond to the Request within the statutory period due to "unusual circumstances," thereby extending its response period until October 1, 2026.
- On August 19, 2026, the Defense Technical Information Center sent Plaintiffs an automated response that acknowledged receipt of the FOIA Request. On September 18, 2026, Plaintiffs sought information about the projected date for responding to their Request. To date, they have received no response.
- On September 22, 2026, the National Guard Bureau confirmed receipt of the Request, acknowledging that the "initial request was mishandled and not captured in our inbox" and that "it has been moved to the proper team for receipt and processing."
- To date, Plaintiffs have not received acknowledgment of their FOIA Request from the U.S. Space Force, or a response to Plaintiffs' September 18, 2026 inquiry seeking information about the projected date for responding to their Request.

78. The following DOD component entities denied Plaintiffs' Request on the grounds that they do not possess responsive records, on the dates indicated:

- Department of Defense, Office of the Inspector General (August 19, 2026);
- Armed Services Board of Contract Appeals (August 20, 2026);
- U.S. Central Command (August 20, 2026);

- Defense Information Systems Agency (August 24, 2026);
- Joint Personnel Recovery Agency (September 1, 2026);
- Defense Logistics Agency (September 2, 2026);
- U.S. Strategic Command (September 10, 2026);
- Defense Counterintelligence and Security Agency (September 17, 2026);
- U.S. Special Operations Command (September 21, 2026);
- National Security Agency (September 21, 2026);
- Defense Health Agency (October 5, 2026).

CAUSE OF ACTION

79. Defendant's failure to make promptly available the records sought by the Request violates FOIA, 5 U.S.C. § 552(a)(3)(A), (a)(6)(A), and Defendant's corresponding regulations.

80. Defendant's failure to make a reasonable effort to search for records responsive to the Request violates FOIA, 5 U.S.C. § 552(a)(3), and Defendant's corresponding regulations.

81. Defendant's failure to grant Plaintiffs' request for a waiver of search, review, and duplication fees violates FOIA, 5 U.S.C. § 552(a)(4)(A)(iii), and Defendant's corresponding regulations.

82. Defendant's failure to comply with time limits under FOIA bars Defendant DOD from charging search or duplication fees. *See* 5 U.S.C. § 552(a)(4)(A)(viii).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter a judgment for Plaintiffs and award the following relief:

A. Order Defendant DOD, by a date certain, to conduct a search that is reasonably likely to lead to the discovery of any and all responsive records;

B. Order Defendant DOD, by a date certain, to demonstrate that it has conducted an adequate search;

C. Order Defendant DOD, by a date certain, to release to Plaintiffs any and all non-exempt responsive records or portions of records, as well as a Vaughn index of any records or portions of records withheld due to a claim of exemption;

D. Enjoin Defendant DOD from withholding the requested records;

E. Enjoin Defendant DOD from charging Plaintiffs search, review, or duplication fees for the processing of the Request;

F. Award Plaintiffs their costs and reasonable attorneys' fees incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and

G. Grant Plaintiffs such other relief as the Court may deem just and proper.

Dated: October 8, 2026

Respectfully submitted,



Elizabeth Theran (D.C. Bar 90030162)
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* Application for *Pro Hac Vice* admission forthcoming

CIVIL COVER SHEET

JS-44 (Rev. 8/2026 DC)

I. (a) PLAINTIFFS
American Civil Liberties Union, American Civil Liberties Union Foundation, National Women's Law Center, Service Women's Action Network

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF New York
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS
U.S. Department of Defense

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Washington DC
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Gillian Thomas
American Civil Liberties Union Foundation,
125 Broad Street, 18th Flr., New York, NY 10004
T: 212-549-2500
See attached for additional counsel

ATTORNEYS (IF KNOWN)
U.S. Department of Justice

II. BASIS OF JURISDICTION
(PLACE AN x IN ONE BOX ONLY)

- ○ 1 U.S. Government Plaintiff
- ○ 3 Federal Question (U.S. Government Not a Party)
- ◉ 2 U.S. Government Defendant
- ○ 4 Diversity (Indicate Citizenship of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) **FOR DIVERSITY CASES ONLY!**

	PTF	DFT		PTF	DFT
Citizen of this State	○ 1	○ 1	Incorporated or Principal Place of Business in This State	○ 4	○ 4
Citizen of Another State	○ 2	○ 2	Incorporated and Principal Place of Business in Another State	○ 5	○ 5
Citizen or Subject of a Foreign Country	○ 3	○ 3	Foreign Nation	○ 6	○ 6

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one Nature of Suit that best represents your Cause of Action. For Nature of Suit descriptions see here.)

A. *Antitrust*
- ☐ 410 Antitrust

B. *Personal Injury/Malpractice*
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Medical Malpractice
- ☐ 365 Product Liability
- ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Product Liability

C. *Administrative Agency Review*
- ☐ 151 Medicare Act

Social Security
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

Other Statutes
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision

D. *Temporary Restraining Order/Preliminary Injunction*
- ☐ This category must be selected if the action is accompanied by a Motion for Temporary Restraining Order and/or Preliminary Injunction.

A corresponding nature of suit from any other category must also be selected for this category of case assignment.

(If Antitrust, then A governs)

E. *General Civil (Other)* OR **F. *Pro Se General Civil***

Real Property
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent, Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

Personal Property
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

Bankruptcy
- ☐ 422 Appeal 27 USC 158
- ☐ 423 Withdrawal 28 USC 157

Prisoner Petitions
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Conditions
- ☐ 560 Civil Detainee – Conditions of Confinement

Property Rights
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent – Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016 (DTSA)

Federal Tax Suits
- ☐ 870 Taxes (US plaintiff or defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

Forfeiture/Penalty
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

Other Statutes
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 430 Banks & Banking
- ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions
- ☐ 470 Racketeer Influenced & Corrupt Organization
- ☐ 480 Consumer Credit
- ☐ 485 Telephone Consumer Protection Act (TCPA)
- ☐ 490 Cable/Satellite TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 896 Arbitration
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions (if not Privacy Act)

G. *Habeas Corpus/2255*	H. *Employment Discrimination*	I. *FOIA/Privacy Act*	J. *Student Loan*
☐ 530 Habeas Corpus – General ☐ 510 Motion/Vacate Sentence ☐ 463 Habeas Corpus – Alien Detainee	☐ 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	☒ 895 Freedom of Information Act ☐ 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	☐ 152 Recovery of Defaulted Student Loan (excluding veterans)

K. *Labor/ERISA (non-employment)*	L. *Other Civil Rights (non-employment)*	M. *Contract*	N. *Three-Judge Court*
☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 740 Labor Railway Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act	☐ 441 Voting (if not Voting Rights Act) ☐ 443 Housing/Accommodations ☐ 440 Other Civil Rights ☐ 445 Americans w/Disabilities – Employment ☐ 446 Americans w/Disabilities – Other ☐ 448 Education	☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholder's Suits ☐ 190 Other Contracts ☐ 195 Contract Product Liability ☐ 196 Franchise	☐ 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN

◉ 1 Original Proceeding ○ 2 Removed from State Court ○ 3 Remanded from Appellate Court ○ 4 Reinstated or Reopened ○ 5 Transferred from another district (specify) ○ 6 Multi-district Litigation ○ 7 Appeal to District Judge from Mag. Judge ○ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

Freedom of Information Act (FOIA) - 5 U.S.C. 552 - Seeking injunction for release of records and other relief.

VII. REQUESTED IN COMPLAINT ☐ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23 **DEMAND $** **JURY DEMAND:** Check YES only if demanded in complaint **YES** ☐ **NO** ☒

VIII. RELATED CASE(S) IF ANY (See instruction) **YES** ☒ **NO** ☐ If yes, please complete related case form

DATE: 10/8/2026 **SIGNATURE OF ATTORNEY OF RECORD** _____

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.

III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.

IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. **You may select only one nature of suit.** For nature of suit descriptions, see here.

VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.

VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

Elizabeth Theran (D.C. Bar 90030162)
Adrienne DerVartanian (D.C. Bar 476217)
Lauren Khouri (D.C. Bar 10282288)
National Women's Law Center
1350 I Street NW, Suite 700
Washington, D.C. 2005
T: 202-588-5180
etheran@nwlc.org
adervartanian@nwlc.org
lkhouri@nwlc.org

Gillian Thomas*
Ashley Johnson*
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
T: 212-549-2500
gthomas@aclu.org
ashley.johnson@aclu.org

* Application for *Pro Hac Vice* admission forthcoming

CLEAR FORM

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

American Civil Liberties Union, et al.
Plaintiff

v.

U.S. Department of Defense
Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1155

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Gillian Thomas
Ashley Johnson
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
gthomas@aclu.org
ashley.johnson@aclu.org

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

Print Save As... Reset

CLEAR FORM

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

American Civil Liberties Union, et al.
Plaintiff

v.

U.S. Department of Defense
Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Todd Blanche
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Gillian Thomas
Ashley Johnson
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
gthomas@aclu.org
ashley.johnson@aclu.org

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____ was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

Print Save As... Reset

CLEAR FORM

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

American Civil Liberties Union, et al.
Plaintiff

v.

U.S. Department of Defense
Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Jeanine Ferris Pirro
United States Attorney for the District of Columbia
601 D Street., N.W.
Washington, D.C. 20004

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Gillian Thomas
Ashley Johnson
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
gthomas@aclu.org
ashley.johnson@aclu.org

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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❒ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____ , a person of suitable age and discretion who resides there, on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

.

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

Print Save As... Reset