



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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5720
Ser 14/F125
February 24, 2026

SENT VIA E-MAIL

Mr. John Greenewald, Jr.
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SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST DON-NAVY-2022-012661; FOIA APPEAL 2026-NavyAPPEAL-000123

This letter responds to your November 14, 2025, FOIA appeal, which was received by my office on January 20, 2026, and assigned tracking number 2026-NavyAPPEAL-000123. Your underlying request was submitted to the Chief of Naval Operations, the initial denial authority (IDA), on September 8, 2022, and assigned tracking number DON-NAVY-2022-012661. In your request, you sought “all photographs with the designation of “unidentified aerial phenomena or ‘UAP’ as archived by the U.S. Navy.”

The IDA issued its final disposition of your request on November 13, 2024, denying your request in full pursuant to FOIA exemption (b)(1). At that time, the IDA informed you that 78 photographs were being withheld.

You now appeal the IDA’s final disposition, contending that there is public interest in the release of these 78 photographs. You also request a *Vaughn* index. A *Vaughn* index—a document that agencies prepare in FOIA litigation to justify each withholding of information under a FOIA exemption—is clearly inapplicable.

Your appeal is a request for a final agency determination under the FOIA. For the reasons stated below, your appeal is denied.

Under FOIA exemption (b)(1), federal agencies must withhold information that is “properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by Executive Order and implemented by regulations.” 5 U.S.C. § 552(b)(1); *see* 32 C.F.R. § 701.59(a). Pursuant to Executive Order (EO) 13,526, information regarding military plans, weapons systems, or operations are properly classified. 3 C.F.R. § 13526. If potentially responsive information qualifies as exemption (b)(1) information, there is “no discretion” regarding its release. 32 C.F.R. § 701.59 (a)(2). When an agency relies on exemption (b)(1), the agency is afforded wide deference by the courts. *Students Against Genocide v. Dep’t of State*, 257 F.3d 828, 837 (D.C. Cir. 2001); *Doherty v. DOJ*, 775 F.2d 49, 52 (2d Cir. 1985). Accordingly, to support citing this exemption, “little proof or explanation is required beyond a plausible assertion that information is properly classified.” *James Madison*

Project v. CIA, 605 F. Supp. 2d 99, 110 (D.D.C. 2009). However, when invoking exemption (b)(1), denial authorities must comply with the FOIA's general requirement that agencies segregate and release nonexempt information.

Pursuant to the FOIA, “[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.” 5 U.S.C. § 552(b). Under this provision, “agencies and courts [must] differentiate among the contents of a document rather than . . . treat it as an indivisible ‘record’ for FOIA purposes.” *Fed. Bureau of Investigation v. Abramson*, 456 U.S. 615, 626, 102 S. Ct. 2054, 72 L. Ed. 2d 376 (1982). Agencies need not, however, disclose non-exempt information that is “inextricably intertwined” with exempt information. See *Hopkins v. U.S. Dep’t of Hous. & Urban Dev.*, 929 F.2d 81, 85 (2d Cir. 1991). Information is deemed inextricably intertwined where “disclosure would compromise the confidentiality of [exempt] information that is entitled to protection.” *Id.* District courts “must make specific findings of segregability regarding the documents to be withheld.” *N.Y. Times Co. v. United States FDA*, 529 F. Supp. 3d 260, 289 (S.D.N.Y. 2021) (citing *Color of Change v. U.S. ‘Dep’t of Homeland Sec.*, 325 F. Supp. 3d 447, 455 (S.D.N.Y. 2018) (quoting *Sussman v. U.S. Marshals Serv.*, 494 F.3d 1106, 1116, 377 U.S. App. D.C. 460 (D.C. Cir. 2007))).

However, you are not entitled to disclosure if disclosure would produce only a “few nuggets of non-intertwined, ‘reasonably segregable’” information. *Gonzalez v. United States Citizenship & Immigration Servs.*, 475 F. Supp. 3d 334, 353 (S.D.N.Y. 2020); *Lead Indus. Ass’n, Inc. v. Occupational & Health Safety Admin.*, 610 F.2d 70, 88 (2d Cir. 1970); see also *Am. Civil Liberties Union v. Dep’t of Justice*, 252 F. Supp. 3d 217, 227–28 (S.D.N.Y. 2017) (collecting cases). To the extent that there may be bits of non-exempt information in the responsive documents, the IDA should provide information to illustrate that such information is either inextricably intertwined with the exempt information or are the kinds of “nuggets” that are not required to be provided to requestors under the FOIA. *Gonzalez*, 475 F. Supp. at 354.

Upon receiving your FOIA appeal, my office contacted the IDA to inquire as to the classification of the information you sought to obtain in your FOIA request. The IDA informed my office that it consulted with a subject matter expert regarding the classification status of the 78 photographs. The IDA confirmed that as of today, these records are still classified in accordance with Executive Order 13526. Furthermore, given the nature of the requested documents, segregation was not possible. Here, as the Department of the Navy’s (DON) appellate authority for FOIA appeals, I must defer to the Original Classification Authority’s (OCA) determination, as reported by the IDA, regarding the classification status of the information you sought related to national security. I am satisfied that the OCA’s classification of the records responsive to your request satisfies the requirements under FOIA exemption (b)(1), as this information was reviewed by a board for classification by the appropriate officials and the information cannot be segregated to supply information for you. Therefore, as the DON appellate authority for FOIA appeals, I have no authority to tell the OCA otherwise.

Accordingly, your appeal is denied.

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As the Department of the Navy's designated adjudication official for this FOIA appeal, I am responsible for its denial. You may seek judicial review of this decision by filing a complaint in an appropriate U.S. District Court. My office represents the U.S. Government and is therefore unable to assist you in this process.

You have the right to seek dispute resolution services by contacting the Department of the Navy's FOIA public liaison, Mr. Christopher Julka, by e-mail at christopher.a.julka@navy.mil or by telephone at (703) 697-0031. You may also seek dispute resolution services from the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, by telephone at (202) 741-5770 or by e-mail at ogis@nara.gov.

If you have further questions or concerns, my point of contact is Lieutenant Commander Gregory Lines, Judge Advocate General's Corps, U.S. Navy, who may be reached by telephone at (202) 685-5272 or by e-mail at greggery.e.lines.mil@us.navy.mil.

Sincerely,



J. E. LOFTUS-WILLIAMS
Commander, Judge Advocate General's Corps,
U.S. Navy
Director, General Litigation Division

Copy to:
DON CIO
DNS-36
CNO