

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICANS UNITED FOR SEPARATION OF
CHURCH AND STATE
1310 L Street, N.W., Suite 200
Washington, D.C. 20005,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF DEFENSE
1400 Defense Pentagon
Washington, D.C. 20301-1400,

Defendant.

Civil Action No. 1:26-CV-983

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. The United States’ commitment to religious freedom demands that the government remains neutral on matters of faith, meaning that it must not give preference among religions or between religion and non-religion.

2. Federal agencies, including Defendant United States Department of Defense/War (“DOD”), employ individuals of all faiths and none, and are obligated to uphold and respect the religious freedom of their diverse personnel.

3. On May 21, 2025, DOD began hosting “the Secretary of Defense Christian Prayer & Worship Service” (hereafter, the “Secretary’s Christian Prayer & Worship Service”),¹ which is an event that has since occurred on a monthly basis.

¹ John Ismay, *Pete Hegseth Leads Christian Prayer Service in the Pentagon*, THE NEW YORK TIMES (May 21, 2025), <https://www.nytimes.com/2025/05/21/us/politics/pete-hegseth-prayer-pentagon.html>.

4. On December 19, 2025, Plaintiff Americans United for Separation of Church and State (“Americans United”), a nonprofit organization that defends religious pluralism and fights to preserve the constitutional guarantee of religious neutrality at all levels of government, submitted a request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to obtain information about the Secretary’s Christian Prayer & Worship Services.

5. This FOIA request asked DOD for all records and communications related to the Secretary’s Christian Prayer & Worship Services, including information about the public resources spent on organizing and hosting the prayer services, communications with DOD employees and third parties, such as entities that contract with DOD about the services, complaints from DOD employees about the services, and policies, guidance, procedures, and practices related to the services.

6. To date, DOD has not made any substantive determination on Americans United’s FOIA request. Americans United brings this action under FOIA to compel production of these important records.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter pursuant to FOIA, 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

8. Venue is proper pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

9. Plaintiff Americans United is a 501(c)(3) nonprofit organization headquartered at 1310 L Street, N.W., Suite 200, Washington, D.C. 20005.

10. Defendant DOD is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered at 1400 Defense Pentagon, Washington, DC 20301-1400. DOD has possession, custody, or control of the records requested by Americans United.

FACTS

Americans United's Work to Ensure Government Neutrality Toward Religion

11. For nearly eighty years, Americans United has been dedicated to ensuring religious neutrality at all levels of government and to protecting the constitutionally mandated separation of church and state. Using a combination of advocacy, community outreach, and litigation, Americans United fights to ensure that religious freedom operates as a shield to protect all Americans, and never as a weapon to suppress or punish divergent views.

12. Disseminating information to its 450,000+ supporters is an integral component of Americans United's mission. Americans United publishes a monthly magazine, *Church & State*, which highlights key issues and current events impacting the relationship between government and religion. And it regularly publishes articles on its online blog, *Wall of Separation*, to improve public understanding of the ways in which government involvement in religion affects us all.

13. To engage in its mission-driven work, Americans United utilizes FOIA requests, such as the request underlying this lawsuit, to improve our understanding of government policies and practices that affect, promote, or discriminate among religions. Information obtained through FOIA requests informs Americans United's public-facing advocacy and communications.

The Secretary's Christian Prayer & Worship Services

14. On May 21, 2025, during work hours, DOD held the Secretary's Christian Prayer & Worship Service at the auditorium of the Pentagon. The event was also broadcast live on DOD's internal TV network. All DOD employees were invited to attend and received an email,

which included a request to RSVP to a dedicated internal email address.²

15. At the event on May 21, 2025, a brochure entitled “Secretary of Defense Christian & Worship Service” with DOD’s seal was distributed to employees.³ Secretary Hegseth encouraged military personnel and DOD employees to “let those you work with know about [the Secretary’s Christian Prayer & Worship Services].”⁴

16. At the event on May 21, 2025, Secretary Hegseth’s pastor from his church delivered a sermon and Secretary Hegseth led a prayer.⁵

17. The DOD has since held the Secretary’s Christian Prayer & Worship Services on a monthly basis.⁶ For the event that took place on February 17, 2026, the invitation had an image that said “Secwar’s Prayer Service” with a cross just above the text, and it encouraged DOD’s employees and contractors to “feel free to forward this invitation widely to members in your organization.”⁷

Plaintiff’s FOIA Request

18. On December 19, 2025, Americans United submitted a FOIA request to DOD using the agency’s online portal. A copy of this request is attached as **Exhibit A** (“FOIA Request”).

19. The FOIA Request sought disclosure of records and communications related to the planning of and hosting of the Secretary’s Christian Prayer & Worship Services.

² Natasha Bertrand and Haley Britzky, *Hegseth Hosts First Meeting of What He Says Will be A Monthly Christian Prayer Service at Pentagon*, CNN (May 21, 2025), <https://www.cnn.com/2025/05/21/politics/hegseth-pentagon-christian-prayer-service>.

³ *Id.*

⁴ *Id.*

⁵ Ismay, *supra* note 1.

⁶ Nick Mordowanec, *DOW Christian Service Draws Dozens of Complaints from Members, Contractors*, Military.com (Feb. 15, 2026), <https://www.military.com/daily-news/2026/02/13/dow-christian-service-draws-dozens-of-complaints-members-contractors.html>.

⁷ *Id.*

20. Specifically, the FOIA Request sought:

1. All records and communications (including but not limited to letters, memos, emails and attachments, calendar invitations and attachments, text messages, and other electronic messages and attachments on messaging platforms such as Signal, WhatsApp, Teams, Slack, WeChat) related to the Secretary's prayer services held on May 21, 2025 and any other similar group prayer services held or to be held in the future at the Pentagon (hereafter, referred collectively to as "the Secretary's Prayer Services"). This includes communications between and among Department of War ("DOW") employees, with other federal agencies, and between DOW and non-DOW entities or persons.
2. All records reflecting or documenting costs and expenses spent on planning, organizing, preparing, or holding the Secretary's Prayer Services, together with all records evincing the sources of funding for those costs and expenses.
3. All records reflecting time spent by DOW employees to plan, organize, prepare, or hold the Secretary's Prayer Services.
4. All records reflecting or constituting DOW policies, guidance, legal review, or authorization related to the Secretary's Prayer Services.
5. All records reflecting dates and scheduling of the Secretary's Prayer Services.
6. All records reflecting the names of individuals who have spoken at the Secretary's Prayer Services.
7. Recordings and transcripts, if available, of each of the Secretary's Prayer Services. Where recordings are publicly available, you may provide links to the recordings.
8. All records and communications related to or constituting complaints from DOW employees related to the Secretary's Prayer Services.
9. All information reflecting DOW's recordkeeping practices, procedures, or policies related to attendance of the Secretary's Prayer Services. This includes, for example, practices, procedures, or policies related to tracking or recording: RSVPs, online registration, or which employees attend (virtually or in person) or do not attend the Secretary's Prayer Services.

21. The requested records will improve public understanding of the Secretary's Christian Prayer & Worship Services and whether the government is upholding its obligations to remain neutral about religious matters and to respect the religious freedom of its employees, the members of the U.S. military, and its contractors.

22. Americans United requested a fee waiver as a member of the news media and because disclosure of the requested records is in the public interest, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii).

23. On December 19, 2025, DOD acknowledged receipt of the FOIA Request via email and assigned 26-F-1333 as the case number. A copy of the acknowledgment email is attached as **Exhibit B**.

24. On December 23, 2025, DOD sent “an interim response” letter via email notifying Plaintiff that it would “not be able to respond within the FOIA’s 20-day statutory time period as there are unusual circumstances.” A copy of the interim response letter is attached as **Exhibit C**.

25. Under the “unusual circumstances” exception, FOIA permits an agency an extension of “ten working days” to respond to a request. *See* 5 U.S.C. § 552(a)(6)(B).

26. As of the date of the Complaint, Americans United has not received any further communications from DOD pertaining to the FOIA Request.

27. As of the date of the Complaint, DOD has not made any substantive determination with respect to the FOIA Request.

28. As of the date of the Complaint, Americans United has not received a determination from DOD in relation to its fee waiver request.

29. Plaintiff has exhausted its administrative remedies with respect to the FOIA Request because DOD failed to comply with FOIA’s time limit provisions. *See* 5 U.S.C. § 552(a)(6)(A)-(B).

CLAIM FOR RELIEF

Violation of FOIA, 5 U.S.C. § 552

30. Plaintiff repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

31. Plaintiff has a legal right under FOIA to obtain the specific records sought in the FOIA Request.

32. Defendant was required to notify Plaintiff of the agency's determination within thirty business days after receiving the FOIA Request. *See* 5 U.S.C. § 552(a)(6)(A)-(B).

33. Defendant violated the law by failing to respond to the FOIA Request in a timely manner, to conduct a reasonable search for records responsive to the FOIA Request, and to promptly make the requested records available to Plaintiff. 5 U.S.C. § 552(a).

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare that Defendant violated FOIA by unlawfully withholding the requested records;
2. Order Defendant to conduct a reasonable search for the requested records and to produce, by a date certain, any and all non-exempt records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. Review any and all of Defendant's decisions to redact or withhold information in the requested record as exempt from disclosure;
4. Enjoin Defendant from continuing to withhold any and all non-exempt records responsive to the FOIA Request;

5. Award Plaintiff costs and reasonable attorneys' fees in this action as provided in 5 U.S.C. § 552(a)(4)(E); and

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

Dated: March 23, 2026

Respectfully submitted,

/s/ Jenny Samuels

Jenny Samuels (Bar No. 90024075)
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