

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

ANGE SAMMA , <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	Civil Action No. 20-cv-01104-PLF
)	
UNITED STATES DEPARTMENT OF)	
DEFENSE, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DECLARATION OF COL TIMOTHY R. FRAMBES

I, COL Timothy R. Frambes, U.S. Army, do hereby declare as follows:

1. I am the Chief of Staff for U.S. Army Training Center and Fort Jackson in South Carolina. I have been in this duty position since July 31, 2019. Prior to this position, I served as the Deputy Commander, Task Force Southeast, and Senior Military Advisor to the 203d Corps of the Afghan National Army in Paktia Province, Afghanistan. My current duties include overseeing the annual training of 50,000 Soldiers and assisting in command of the U.S Army Training Center and Fort Jackson, as well as all assigned and attached units and activities. In addition, I oversee the Army Training Center General and Special Staff, Executive Services, Safety and Equal Opportunity, and supervise approximately 15,000 Soldiers, Department of the Army Civilians, and their family members. Through the Garrison Commander, I also provide supervision and oversight of approximately 4,000 civilian employees, as well as an annual operating budget of close to \$100,000,000. I am responsible for ensuring effective and efficient use of all personnel, financial, and training resources in support of Initial Entry Training operations while maintaining working relationships with employee unions and the Greater Columbia, South Carolina, community. I am also responsible for and assist with directing

operations and daily activities conducted by our six primary units. Those units include three brigades responsible for Initial Entry Training for new Soldiers, which consists of both Basic Combat Training (BCT) and Advanced Individual Training (AIT). The brigades responsible for this Initial Entry Training include the 193d Infantry Brigade, 165th Infantry Brigade, the US Army Chaplain's Center and School, and the US Army Soldier Support Institute; the Soldier Support Institute includes the Adjutant General's School, and the Finance School, each of whom conduct Advanced Individual Training (AIT), Basic Officer Leader Course (BOLC), Warrant Officer Basic Course (WOBC), and Captain's Career Courses through the 369th Adjutant General's Battalion.

2. I am aware of the allegations and claims raised in the above-entitled litigation and the court's August 25, 2020 Order, concerning the processing of USCIS Forms N-426. On July 15, 2021, I was made aware of allegations concerning alleged deficiencies in the processing of these forms at Fort Jackson. I make this declaration based on my personal knowledge, observation, and investigation of the matters set forth herein, and on information available to me in my official capacity.

3. On July 15, 2021, within hours of being made aware of the allegations now before the Court, I notified the commanders of the 193d Infantry Brigade, 165th Infantry Brigade, and the Soldier Support Institute, as well as the commandants for the Adjutant General's School and the Finance School and copied, among others, the executive officers for the 193d Infantry Brigade and 165th Infantry Brigade, of the requirement for an O-6 commander certification of the N-426 Forms. In the email, I provided these individuals a copy of HQDA EXORD 219-20 (FRAGO 1) Certification of Honorable Services for Purposes of Naturalization (final), HQDA EXORD 219-20 (FRAGO 1) Annex A – Updated Certification of Honorable Service (MRA Signed)(03 Sep

2020), and HQDA EXORD 219-20 (FRAGO 1) Annex B – USD Memo Compliance to Court Order (31 Aug 2020).

4. In addition, I informed these commanders and commandants, among others, that I was aware of three Trainees/Soldiers who were pursuing citizenship through military service whose N-426's either needed to be completed or had recently been completed.¹ I recommended to each of these commanders and commandants that they engage with their legal advisors to implement the way forward as soon as practical, and to extend all of the information throughout the formation. I advised them to educate and inform leaders at all levels of the requirement to expeditiously process the N-426 form as soon as they become aware that a Trainee in their formation needs this assistance. I advised them that this was an "ADD to the checklist of items screened for when [they] assume control of a cohort." I also advised the AIT team to add the screening for non-citizen Soldiers who may need N-426 assistance to ensure that no one was overlooked during BCT, as AIT is the phase of training that immediately follows BCT. Finally, I advised that any questions with respect to the naturalization process should be directed to the Staff Judge Advocate.

5. Further, the email that I sent to these commanders and commandants, among others, contained a forwarded email from the Deputy Staff Judge Advocate (DSJA) asking that 1) the O-6 Commanders acknowledge receipt of the policies and understand that they have 30 days from receipt of a USCIS Form N-426 to sign the form and return the original to the Soldier, and 2) the O-6 Commanders/Commandants inform their battalion and company commanders of this policy and of their affirmative obligation to expeditiously process the N-426. The DSJA recommended that the information be pushed below the company level to the drill sergeants who are made

¹ All three N-426's have since been completed.

aware of the critical importance and high visibility of this matter. I endorsed the DSJA's email by forwarding it and bringing it to the attention of the O-6 commanders and commandants.

6. After sending the July 15, 2021 email, the Commander, 193d Infantry Brigade, acknowledged that he received and understood the email by copying me on his email guidance to his formation and also on his email to his subordinate leaders on the topic. I also spoke with the Commander, Soldier Support Institute, to follow up on that email and to confirm his acknowledgment of receipt and understanding, as he did not copy me on his guidance to his subordinate school commandants. Finally, the Executive Officer, 165th Infantry Brigade, relayed the information to the Commander, 165th Infantry Brigade, as that commander was in an email blackout at the time due to technical issues in migrating his account from the Office of the Secretary of Defense back to the Army. Subsequently, the Commander, 165th Infantry Brigade, also acknowledged receipt and understanding.

7. In subsequent meetings with these commanders, I reiterated the importance of the N-426 certification guidance that was acknowledged by the 165th Infantry Brigade and 193d Infantry Brigade commanders due to the unique circumstances for this action after a long pause in naturalization request processing in the Initial Entry Training (IET) environment. Our discussion included acknowledgement of the 30-day requirement to act upon the requests and the critical role that brigade and battalion legal assistants have in facilitating the processing of these requests. We further discussed the importance of awareness down to platoon level so that Drill Sergeants, Platoon Leaders, Company Executive Officers, and Company Command Teams understood the issue.

8. The 193d Infantry Brigade Command Team was the first to implement a cogent process for screening and identifying requirements under this guidance. I frequently had in-

depth discussions with the Commander, 193d Infantry Brigade, after my initial push of information over email. The Commander, 165th Infantry Brigade, was on leave during a portion of the time after he assumed command at the end of June, which extended his initial operational capability and full understanding of all basic combat training processes.

9. I am aware that since July 15, 2021, the 193d Infantry Brigade, 165th Infantry Brigade, and the Soldier Support Institute, have exercised their discretion to implement, in concert with their brigade legal offices, a system of tracking and processing requests by non-citizen Soldiers to become citizens. Specifically, the 193d Infantry Brigade has fully processed 362 N-426 Forms and returned them to the Soldiers, and is in the process of processing another 50. The 165th Infantry Brigade has fully processed 203 N-426 Forms and returned them to the Soldiers, and is in the process of processing another 100. The Soldier Support Institute, and specifically the 369th Adjutant General's Battalion, has fully processed 23 N-426 Forms and returned them to the Soldiers and is in the process of processing another 2. In total, since July 15, 2021, Fort Jackson has fully processed 588 N-426 Forms and returned them to the Soldiers and is in the process of processing another 152.

10. Fort Jackson units have taken an additional step to ensure that correct information is being disseminated to non-citizen Soldiers seeking to become citizens. Specifically, units have corrected notices containing incorrect information about processing the N-426. I am aware that on May 25, 2021, the Fort Jackson Chief of Administrative Law was notified that notices containing incorrect information were posted in the 120th Adjutant General's Battalion (Reception). On the same day, Chief, Administrative Law, directed the Military Justice Adviser (MJA) to ensure the command replaced the notices containing incorrect information with notices

containing the correct information. The MJA complied, and worked with that unit's commander to replace the posted information that was incorrect with information that was correct.

11. Commanders at Fort Jackson maintain an open door command policy within their commands, which allows members of the command to present concerns and problems, including problems obtaining an N-426 certification that the service member has been unable to resolve. Each echelon of command has such a policy. Although I have no reason to believe that any service member at Fort Jackson seeking a certified N-426 will need to take advantage of open door, this policy is available to all service members and does not place a burden on them. If a Trainee needed to use open door for purposes of seeking a certified N-426, it would likely be at the company, and possibly at the battalion level. Utilizing open door does not run counter to a critical tenant of training but is a core requirement of training. Utilizing open door does not result in any repercussion to a service member. Drill sergeants do not have absolute discretion to grant or deny requests to utilize the open door policy. In fact, the opposite is true. Service members must utilize the open door policy to make commanders aware of problems in the chain of command. Additionally, Trainees have access to legal assistance services, and they utilize those services on a weekly basis. Since January 1, 2021 through the date of this Declaration, Legal Assistance has served 76 Trainees clients, responded to 136 Trainee inquiries, and executed 68 powers of attorney and 46 notaries for Trainees.

12. This command has distributed FRAGO 2 and FRAGO 3 to the same O-6 level commanders and commandants who received the original FRAGO, as well as the commandant of the Chaplain's School, and as required, they have disseminated to the lowest levels and have acknowledged receipt and understanding.

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on 20211015

FRAMBES.TIMOTHY.ROYAL. [Redacted]
ROYAL. [Redacted]
Digitally signed by FRAMBES.TIMOTHY.ROYAL. [Redacted]
Date: 2021.10.15 15:55:00 -04'00'
Timothy R. Frambes
Colonel, U.S. Army