

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

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON,  
1331 F Street, NW, Suite 900  
Washington, DC 20004,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,  
950 Pennsylvania Avenue, NW  
Washington, DC 20530,

U.S. DEPARTMENT OF HOMELAND  
SECURITY,  
245 Murray Lane, SW  
Washington, DC 20528, and

OFFICE OF THE DIRECTOR OF  
NATIONAL INTELLIGENCE,  
1500 Tysons McLean Drive  
McLean, VA 22102,

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

1. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking records relating to allegations that former White House Chief of Staff Mark Meadows pressured, and potentially coordinated with, top federal agency officials to investigate baseless election conspiracy theories from Defendants U.S. Department of Justice (“DOJ”), U.S. Department of Homeland Security (“DHS”), and the Office of the Director of National Intelligence (“ODNI”).

2. CREW seeks declaratory relief that Defendants have violated FOIA by failing to timely respond to CREW's requests, and injunctive relief requiring Defendants to immediately process and release the requested records.

### **Jurisdiction and Venue**

3. This Court has subject-matter jurisdiction and personal jurisdiction under 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(C)(i). The Court also has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202.

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

### **Parties**

5. Plaintiff CREW is a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, and to ensuring the integrity of government officials and agencies. CREW seeks to empower citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of those efforts, CREW uses government records it obtains under FOIA.

6. Defendant DOJ is an agency within the meaning of 5 U.S.C. § 552(f)(1). The Environment and Natural Resources Division ("ENRD") and Office of Information Policy ("OIP") are components of DOJ. DOJ has possession, custody, and control of records responsive to CREW's FOIA requests.

7. Defendant DHS is an agency within the meaning of 5 U.S.C. § 552(f)(1). DHS has possession, custody, and control of records responsive to CREW's FOIA request.

8. Defendant ODNI is an agency within the meaning of 5 U.S.C. § 552(f)(1). ODNI has possession, custody, and control of records responsive to CREW’s FOIA requests.

### **Factual Background**

9. On June 5, 2021, the *New York Times* reported that emails from the final weeks of the Trump administration showed that former White House Chief of Staff Mark Meadows “repeatedly pushed the Justice Department to investigate unfounded conspiracy theories about the 2020 presidential election.”<sup>1</sup>

10. Mr. Meadows’ emails were discovered because of a Senate Judiciary Committee investigation “into whether Justice Department officials were involved in efforts to reverse [former President] Trump’s election loss.”<sup>2</sup>

11. In these emails, Mr. Meadows asked then-Acting Attorney General Jeffrey A. Rosen, “to examine debunked claims of election fraud in New Mexico and an array of baseless conspiracy theories that held that Mr. Trump had been the actual victor.”<sup>3</sup> In one particularly outlandish email from Mr. Meadows to Mr. Rosen, he detailed a conspiracy theory, known as “Italgate”, wherein an Italian defense contractor supposedly coordinated with the CIA to use “military satellites to switch votes from [Donald] Trump to Joe Biden and swing the result of the election.”<sup>4</sup>

12. In addition to Mr. Meadows’ attempts to stir DOJ to take investigative action through numerous emails, news reports revealed that then-Assistant Attorney General Clark,

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<sup>1</sup> Katie Benner, Meadows Pressed Justice Dept. to Investigate Election Fraud Claims, *New York Times*, June 5, 2021, <https://nyti.ms/2VKmITF>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; see also Jon Swaine and Emma Brown, ‘Italgate’ election conspiracy theory was pushed by two firms led by woman to also claimed \$30 million mansion was hers, *Washington Post*, June 19, 2021, <https://wapo.st/2Xr8qHW>; Ryan Goodman and Juilee Shivalkar, Mark Meadows Timeline: The Chief of Staff and Schemes to Overturn 2020 Election, *Just Security*, Aug. 8, 2021, <https://bit.ly/2Z5RF6c>.

who at the time led DOJ's Civil Division, "had found favor with Mr. Trump" and worked to "[push] the Justice Department to investigate unfounded election fraud claims."<sup>5</sup>

13. To help answers questions about these issues, CREW submitted FOIA requests on June 9, 2021, to OIP, DHS, and ODNI. On July 30, 2021, CREW submitted another FOIA request to ENRD.

***June 9, 2021 FOIA Requests to OIP, DHS, and ODNI***

14. On June 9, 2021, CREW submitted three materially identical FOIA requests to OIP, DHS, and ODNI seeking the following:

1. All communications from November 1, 2020 to January 20, 2021 between former White House Chief of Staff Meadows and [various OIP, DHS, and ODNI officials].
2. All records from November 1, 2020 to January 20, 2021 reflecting any meeting notes, summaries, agendas, minutes, calendar entries, or other records reflecting meetings or calls involving Mark Meadows and [various OIP, DHS, and ODNI officials].

15. Each of CREW's requests sought a fee waiver.

16. By letter dated July 2, 2021, OIP acknowledged receipt of CREW's request, assigned it tracking number FOIA-2021-01464, and invoked a 10-working day extension to its response deadline due to "unusual circumstances."

17. By letter dated June 17, 2021, DHS acknowledged receipt of CREW's request, assigned it tracking number 2021-HQFO-01043, conditionally granted CREW's request for a fee waiver, and invoked a 10-working day extension to its response deadline due to "unusual circumstances."

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<sup>5</sup> *Id.*

18. By letter dated July 7, 2021, ODNI acknowledged receipt of CREW's request, assigned it tracking number DF-2021-00249, granted CREW's request for a fee waiver, and invoked a 10-working day extension to its response deadline due to "unusual circumstances."

19. To date, CREW has received no other communications from Defendants regarding its June 9, 2021 FOIA requests.

***July 30, 2021 FOIA Request to ENRD***

20. On July 30, 2021, CREW submitted a FOIA request to ENRD seeking the following:

1. All communications from November 1, 2020 to January 20, 2021 between former Assistant Attorney General Jeffrey Bossert Clark and former White Chief of Staff Mark Meadows or White House employee Molly Michael.
2. All records from November 1, 2020 to January 20, 2021 reflecting any meeting notes, summaries, agendas, minutes, calendar entries, or other records reflecting meetings or calls involving Jeffrey Bossert Clark and Mark Meadows.

21. CREW's request sought a fee waiver.

22. By letter dated August 4, 2021, ENRD acknowledged receipt of CREW's request, assigned it tracking number FOIA-2021-05624, granted CREW's request for a fee waiver, and invoked a 10-working day extension to its response deadline due to "unusual circumstances."

23. To date, CREW has received no other communications from ENRD regarding its July 30, 2021 FOIA request.

**CREW'S CLAIMS FOR RELIEF**

**COUNT I**

**DOJ's Wrongful Withholding of Records Responsive to  
CREW's June 9 and July 30, 2021 FOIA Requests**

(OIP Tracking No. FOIA-2021-01464)  
(ENRD FOIA No. 2021-05624)

24. CREW repeats and re-alleges the foregoing paragraphs.
25. In its June 9, 2021 FOIA request, CREW properly asked for records within the possession, custody, and control of DOJ and its component OIP.
26. In its July 30, 2021 FOIA request, CREW properly asked for records within the possession, custody, and control of DOJ and its component ENRD.
27. DOJ, OIP, and ENRD are wrongfully withholding records responsive to CREW's FOIA requests.
28. DOJ, OIP, and ENRD have failed to conduct adequate searches in response to CREW's FOIA requests.
29. By failing to timely release all requested records in full to CREW, DOJ, OIP, and ENRD are in violation of FOIA.
30. CREW is therefore entitled to injunctive and declaratory relief requiring immediate processing and disclosure of the records requested in its June 9 and July 30, 2021 FOIA requests to DOJ, OIP, and ENRD.

**COUNT II**

**DHS's Wrongful Withholding of Records Responsive to  
CREW's June 9, 2021 FOIA Request**

(DHS Tracking No. 2021-HQFO-01043)

31. CREW repeats and re-alleges the foregoing paragraphs.

32. In its June 9, 2021 FOIA request, CREW properly asked for records within the possession, custody, and control of DHS and its components.

33. DHS and its components are wrongfully withholding records responsive to CREW's FOIA request.

34. DHS and its components have failed to conduct adequate searches in response to CREW's FOIA request.

35. By failing to timely release all requested records in full to CREW, DHS and its components are in violation of FOIA.

36. CREW is therefore entitled to injunctive and declaratory relief requiring immediate processing and disclosure of the records requested in its June 9, 2021 FOIA request to DHS.

**COUNT III**  
**ODNI's Wrongful Withholding of Records Responsive to**  
**CREW's June 9, 2021 FOIA Request**

(ODNI Tracking No. DF-2021-00249)

37. CREW repeats and re-alleges the foregoing paragraphs.

38. In its June 9, 2021 FOIA request, CREW properly asked for records within the possession, custody, and control of ODNI and its components.

39. ODNI and its components are wrongfully withholding records responsive to CREW's FOIA request.

40. ODNI and its components have failed to conduct adequate searches in response to CREW's FOIA request.

41. By failing to timely release all requested records in full to CREW, ODNI and its components are in violation of FOIA.

42. CREW is therefore entitled to injunctive and declaratory relief requiring immediate processing and disclosure of the records requested in its June 9, 2021 FOIA request to ODNI.

**Requested Relief**

WHEREFORE, CREW respectfully requests that this Court:

1. Order Defendants to immediately and fully process CREW's FOIA requests and disclose all non-exempt documents to CREW;
2. Issue a declaration that CREW is entitled to immediate processing and disclosure of the requested records;
3. Provide for expeditious proceedings in this action;
4. Retain jurisdiction of this action to ensure no agency records are wrongfully withheld;
5. Award CREW its costs and reasonable attorneys' fees in this action; and
6. Grant such other relief as the Court may deem just and proper.

Date: October 4, 2021

Respectfully Submitted,

/s/ Nikhel S. Sus

Nikhel S. Sus

(D.C. Bar No. 1017937)

Laura Iheanachor

(Pending D.C. Bar Admission)

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