

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

**CITIZENS FOR RESPONSIBILITY  
AND ETHICS IN WASHINGTON,** )  
455 Massachusetts Ave., N.W. )  
Washington, D.C. 20001 )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
**GENERAL SERVICES** )  
**ADMINISTRATION,** )  
1800 F Street, N.W. )  
Washington, D.C. 20405 )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Action No.

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, for injunctive, declaratory, and other appropriate relief. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) challenges the refusal of the General Services Administration (“GSA”) to disclose to CREW in response to a FOIA request communications between GSA and the White House concerning the recently proposed renovation of the FBI headquarters building on its current site.

2. This case seeks declaratory relief that GSA is in violation of the FOIA, 5 U.S.C. § 552(a)(3)(a), by refusing to provide CREW all responsive, non-exempt documents, and injunctive relief ordering the defendant GSA to process and release to CREW immediately the requested records.

### **Jurisdiction and Venue**

3. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). The Court also has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

### **Parties**

4. 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 its research, CREW uses government records made available to it under the FOIA.

5. Defendant GSA is an agency within the meaning of 5 U.S.C. § 552(f) and 5 U.S.C. § 701. GSA has possession and control of the requested records and is responsible for fulfilling plaintiff's FOIA requests.

### **Factual Background**

6. For years, GSA has been involved in an effort to move the FBI headquarters from its current location in Washington, D.C. to a more spacious and secure location that consolidates all FBI components. In 2017, after a multi-year search, three sites were identified as final choices: Greenbelt and Landover in Maryland and Springfield, Virginia.

7. Notwithstanding this progress on relocating the FBI headquarters, on July 11, 2017, GSA announced its sudden and unexpected decision to cancel what it termed the “new FBI headquarters consolidation project.” GSA Statement on FBI Headquarters, July 11, 2017, available at <https://www.gsa.gov/node/87972>. GSA cited the lack of full funding for the project as grounds for the cancellation. At that time, Congress had agreed to provide \$523 million for the estimated \$1.4 billion project, with the remaining funds expected to come from trading the J. Edgar Hoover Building (“JEH”) – which occupies a prime spot in downtown Washington – to a developer.

8. Members of Congress criticized the cancellation as “putt[ing] America’s national security at risk,” and local officials commented on the significant amount of “time and energy wasted.” Robert McCartney, *For D.C. Area, Demise of FBI Plan Means ‘a Lot of Time and Energy Wasted’*, *Washington Post*, July 11, 2017, available at [https://www.washingtonpost.com/local/for-dc-area-demise-of-fbi-plan-means-a-lot-of-time-and-energy-wasted/2017/07/11/c11c7cba-6632-11e7-9928-22d00a47778f\\_story.html?utm\\_term=.f778186f90f7](https://www.washingtonpost.com/local/for-dc-area-demise-of-fbi-plan-means-a-lot-of-time-and-energy-wasted/2017/07/11/c11c7cba-6632-11e7-9928-22d00a47778f_story.html?utm_term=.f778186f90f7).

9. In February 2018, after more than a decade of insisting it needed a new headquarters at a new location to consolidate all its personnel and create a more secure facility, the FBI announced it was proposing to instead build a new headquarters at the JEH site, its current location. The proposal would require moving 2,300 staff from headquarters to new facilities throughout the country and would cost an estimated \$3.3 billion, according to the FBI.

10. Criticism of the FBI’s about-face decision to rebuild on its current location was nearly instantaneous, with one expert on the project quoted as criticizing the new proposal for “ignor[ing] multiple hundred-million-dollar costs,” and pointing out that five years earlier, “the GSA rightly said building in place was the most expensive option.” Jonathan O’Connell, *In*



Abrupt Shift, Federal Government Proposes Keeping FBI Downtown, *Washington Post*, Feb. 12, 2018, available at [https://www.washingtonpost.com/news/business/wp/2018/02/12/in-abrupt-shift-federal-government-proposes-keeping-fbi-downtown/?utm\\_term=.f9fe3dcedc4d](https://www.washingtonpost.com/news/business/wp/2018/02/12/in-abrupt-shift-federal-government-proposes-keeping-fbi-downtown/?utm_term=.f9fe3dcedc4d).

11. In July 2018, it was reported that President Donald Trump is “obsessed” with renovating the FBI headquarters, wants to be personally involved with the details of any renovation, and has met with FBI and GSA officials to discuss the renovation. Alex Lockie, Trump Is Reportedly ‘Obsessed’ With Redoing FBI HQ and Treating it Like a Trump Tower Project, *Business Insider*, July 30, 2018, available at <https://www.businessinsider.com/trump-obsessed-with-remodeling-fbi-hq-like-trump-tower-2018-7>; Jonathan Swan, Scoop: Trump’s Obsession With the ‘Terrible’ FBI Building, *Axios*, July 29, 2018, available at <https://www.axios.com/donald-trump-obsession-fbi-building-headquarters-65d36fb9-b1a2-42ca-8cbd-3dbbe59de907.html>; Margaret Hartmann, Why Trump Is ‘Obsessed’ With Revamping the FBI Building: 5 Theories, *New York Magazine*, July 30, 2018, available at <http://nymag.com/daily/intelligencer/2018/07/trumps-fbi-building-revamp-obsession-5-theories.html>. Reportedly, before becoming president Mr. Trump considered bidding on the FBI relocation project. Jonathan O’Connell, Trump Intervenes in FBI Headquarters Project, *Washington Post*, July 30, 2018, available at [https://www.washingtonpost.com/business/2018/07/30/trump-intervenes-fbi-headquarters-project/?utm\\_term=.931e5b1e7e15](https://www.washingtonpost.com/business/2018/07/30/trump-intervenes-fbi-headquarters-project/?utm_term=.931e5b1e7e15).

12. An August 27, 2018 report from GSA’s Office of Inspector General, *Review of GSA’s Revised Plan for the Federal Bureau of Investigation Headquarters Consolidation Project*, available at <https://www.gsaig.gov/sites/default/files/audit-reports/Review%20of%20GSA%E2%80%99s%20Revised%20Plan%20for%20the%20FBI%20Headquarters%20Consolidation%20Project%20REDACTED%20-%200508%20compliant.pdf>, confirms the President’s

involvement and interest. The report discusses two separate meetings GSA Administrator Emily Murphy had with President Trump and FBI officials: one on January 24, 2018, just weeks before the FBI announced it was planning to rebuild on its current location, and one on June 15, 2018.

13. To help answer questions raised about President Trump's personal involvement in and desire to oversee the details of any renovation of FBI headquarters, CREW submitted a FOIA request by facsimile to GSA on July 30, 2018. CREW's request seeks copies of all communications from January 20, 2017 to the present between GSA and the White House concerning the renovation of the FBI headquarters. The request includes, but is not limited to, records from GSA's Public Buildings Service, its Office of the Administrator, and its National Capital Region.

14. CREW sought a waiver of fees associated with processing its request, explaining the requested records would help answer questions about what is behind the intensity of President Trump's interest in rebuilding the FBI headquarters on its current location, particularly given GSA's stated concerns "that the building can't be rehabilitated particularly given the security requirements[.]" Lockie, *Business Insider*, July 2018.

15. By email dated July 31, 2018, GSA confirmed receipt of CREW's request.

16. By email dated July 31, 2018, GSA advised CREW its request for a fee waiver "has been fully granted."

17. To date, GSA has neither provided CREW with a determination on its request, nor provided CREW any additional information on the status of its request. CREW therefore has exhausted all applicable administrative remedies with respect to its July 30, 2018 FOIA request.

**PLAINTIFF'S CLAIM FOR RELIEF**

**(Wrongful Withholding of Non-Exempt Records)**

18. Plaintiff repeats and re-alleges the preceding paragraphs.

19. In its July 30, 2018 FOIA request, plaintiff properly asked for records within the custody and control of GSA.

20. Defendant GSA wrongfully withheld from disclosure agency records requested by plaintiff in its July 30, 2018 FOIA request.

21. By failing to release the records as plaintiff specifically requested, defendant violated the FOIA.

22. Plaintiff therefore is entitled to injunctive and declaratory relief with respect to the immediate processing and disclosure of the records requested in its July 30, 2018 FOIA request.

**Requested Relief**

WHEREFORE, plaintiff respectfully requests that this Court:

(1) Order defendant GSA to immediately and fully process plaintiff's July 30, 2018 FOIA request and disclose all non-exempt documents immediately to plaintiff;

(2) Issue a declaration that plaintiff is entitled to immediate processing and disclosure of the records requested in its July 30, 2018 FOIA request;

(3) Provide for expeditious proceedings in this action;

(4) Retain jurisdiction of this action to ensure no agency records are wrongfully withheld;

(5) Award plaintiff its costs and reasonable attorneys' fees in this action; and

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

Respectfully submitted,



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Dated: September 4, 2018

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