

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

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,
1101 K Street N.W., Suite 201,
Washington, D.C. 20005,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,
2201 C Street, N.W.
Washington, D.C. 20520,

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 failure of Defendant U.S. Department of State (“State”) to release records in response to CREW’s FOIA request for documents relating to Secretary of State Mike Pompeo’s “Madison Dinner” series.

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

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

Factual Background

6. On May 19, 2020, press reports revealed that Secretary of State Mike Pompeo has hosted nearly two dozen taxpayer-funded private dinners, known as "Madison Dinners," in State Department facilities since he assumed office in April 2018. The lavish dinners have reportedly involved elaborate cocktail hours, the hiring of professional musicians and photographers, and the purchase of commemorative gifts for attendees. Only 14 percent of attendees have been diplomats or foreign officials. The remainder consisted primarily of celebrities and other public figures with no discernible connection to the State Department's foreign-policy mission; Republican donors, politicians, and lobbyists; and conservative media personalities.

7. Secretary Pompeo's wife, Susan Pompeo, has reportedly played a "central" role in organizing the Madison Dinners, and communicated extensively with State Department employees about the official agency events using her private Gmail account.

8. To help answer questions about Secretary Pompeo's Madison Dinners, CREW submitted a FOIA request to State on May 26, 2020, seeking six categories of records:

- 1) Records sufficient to show the total amount of government funds used to pay for each "Madison Dinner" event hosted by Secretary of State Mike Pompeo and any related commemorative items provided to Madison Dinner attendees, including without limitation all invoices, receipts, or similar records reflecting such expenditures.
- 2) Records sufficient to show the invitees to and attendees of every "Madison Dinner" event hosted by Secretary Pompeo, including without limitation any master guest list of invitees or attendees.
- 3) Records sufficient to show the total number of "Madison Dinner" events held or scheduled since Secretary Pompeo assumed office in April 2018, including without limitation records of any calendar entries from within the Office of the Secretary for such events.
- 4) All communications between the Office of the Secretary or the Office of the Chief of Protocol and Secretary Pompeo's wife, Susan Pompeo, concerning any "Madison Dinner" event, including without limitation any such communication sent to or received from Susan Pompeo's private Gmail account.
- 5) All communications from February 1, 2020 to the date this request is processed between the Office of the Secretary and the Office of the Chief of Protocol concerning any "Madison Dinner" event.
- 6) All records reflecting any internal inquiry, analysis, review, or consideration of the propriety of Secretary Pompeo's "Madison Dinner" events, including without limitation any responsive communications between the Office of the Secretary and the Office of the Legal Adviser.

9. CREW's request sought a fee waiver, explaining that the requested records would shed light on issues of compelling public interest, including how many taxpayer dollars Secretary Pompeo has spent on his lavish Madison Dinners, how many dinners have been held, who attended them, the extent to which Secretary Pompeo's wife—a private citizen not employed in

the government—was involved in organizing these purportedly official agency events, and whether any concerns were raised internally about the propriety of Secretary Pompeo hosting the events.

10. On June 1, 2020, State acknowledged receipt of CREW's FOIA request, and stated that it would make a determination on CREW's request for a fee waiver at a later date.

11. To date, State has not provided a determination on CREW's FOIA request.

12. CREW has exhausted all administrative remedies applicable to its FOIA request.

CREW'S CLAIM FOR RELIEF

(State's Wrongful Withholding of Non-Exempt Records Responsive to CREW's FOIA Request)

13. CREW repeats and re-alleges the preceding paragraphs.

14. In its May 26, 2020 FOIA request, CREW properly asked for records within the custody and control of State.

15. State wrongfully withheld from disclosure agency records requested by CREW in its FOIA request.

16. By failing to release the records CREW requested, State violated FOIA.

17. CREW is therefore entitled to injunctive and declaratory relief with respect to the immediate processing and disclosure of the records requested in its FOIA request to State.

Requested Relief

WHEREFORE, CREW respectfully requests that this Court:

(1) Order State to immediately and fully process CREW's FOIA request and disclose all non-exempt documents immediately to CREW;

(2) Issue a declaration that CREW is entitled to immediate processing and disclosure of the records requested in its 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 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: July 30, 2020

Respectfully Submitted,

/s/ Nikhel Sus

Nikhel S. Sus

(D.C. Bar No. 1017937)

Anne L. Weismann

(D.C. Bar. No. 298190)

CITIZENS FOR RESPONSIBILITY AND ETHICS IN
WASHINGTON

1101 K St. NW, Suite 201

Washington, D.C. 20005

Telephone: (202) 408-5565

Fax: (202) 588-5020

nsus@citizensforethics.org

aweismann@citizensforethics.org