**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF COLUMBIA**

CENTER TO ADVANCE SECURITY )

IN AMERICA )

1802 Vernon Street NW )

PMB 2095 )

Washington, D.C. 20009, )

 )

 Plaintiff, )

 )

v. ) Civil Case No. \_\_\_\_\_\_\_\_

 )

U.S. AGENCY FOR INTERNATIONAL )

DEVELOPMENT )

1300 Pennsylvania Avenue N.W. )

Washington, D.C. 20004 )

 )

 Defendant. )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

**COMPLAINT**

1. Plaintiff Center to Advance Security in America (“CASA”) brings this action against the U.S. Agency for International Development (“USAID”) under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331.
2. Venue is proper in this Court pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

**PARTIES**

1. Plaintiff CASA is an unincorporated association dedicated to improving the safety and security of the American people. CASA educates and informs the American people about the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.
2. Defendant USAID is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1). USAID has possession, custody, and control of records responsive to Plaintiff’s FOIA request.

**STATEMENT OF FACTS**

1. On March 26, 2024, CASA submitted a FOIA request (attached as Exhibit A) to USAID seeking the following records related to USAID Administrator Samantha Power’s position on Israel:
2. All meeting requests, calendar entries, virtual meeting invitations, call logs and any chats in the relevant virtual platforms (e.g., Microsoft Teams, Zoom, Webex, etc.) pertaining to Administrator Power’s late February 2024 trip to Israel and her meeting with Israeli Prime Minister Benjamin Netanyahu.
3. We are seeking records on this topic exchanged between and among the relevant following officials:
* Samantha Power
* Paloma Adams-Allen
* Isobel Coleman
* Clinton D. White
* Dennis Vega
* Adetola Abiade
* Sonali Korde
* Sarah Charles
* Marcia Wong
* Matthew Nims
* Sonali Korde
* Shannon Green
* Robert Jenkins
* Andrew Plitt
* Stephen T. Shih
* Margaret L. Taylor
* Neheh Diallo
* Jodi Herman
* Erin Elizabeth McKee
1. We are seeking all emails, text messages, chat sessions, or other forms of written or electronic communication used to discuss Administrator Power’s late February 2024 trip to Israel and her meeting with Israeli Prime Minister Benjamin Netanyahu referenced above containing the following phrases and/or words: “Israeli Prime Minister”, “Israel”, “Benjamin Netanyahu”, “Bibi”, “Hamas”, “Palestine”, “IDF”, “improve compliance”, “international law”, “humanitarian aid”, “human rights”, “civilian life”, “combatant”, “Rafah”, “Gaza”, “West Bank”, “infrastructure”, and “aid delivery”.
2. All records exchanged by or between any official listed above with any individual working for one of the following media outlets (with suggested email addresses) on the topic of Administrator Power’s late February 2024 trip to Israel and her meeting with Israeli Prime Minister Benjamin Netanyahu:
* Politico (@politico.com)
* Military Times (@militarytimes)
* New York Times (@nytimes.com)
* Washington Post (@washingtonpost.com)
* NBC News (@nbcnews.com)
* ABC News (@abcnews.com)
* LA Times (@latimes.com)
* CBS News (@cbsnews.com)
* Fox News (@foxnews.com)
* Wall Street Journal (@wsj.com)
* USA Today (@usatoday.com)
* Fortune (@fortune.com)
* Forbes (@forbes.com)
* Vanity Fair (@vanityfair.com)
* CNN (@cnn.com)
* Associated Press (@ap.com)
* George Washington University’s Project for Media and National Security
* PBS (@pbs.org)
1. All communications exchanged between any of the above officials identified as an employee, agent, consultant, or representative of one of the following organizations:
* Council on Foreign Relations (@cfr.org)
* RAND Corporation (@rand.org)
* Center for Strategic and International Studies (CSIS) (@csis.org)
* American Civil Liberties Union (ACLU) (@aclu.org)
* Human Rights Foundation (@hrf.org)
* U.S. Campaign for Palestinian Rights (@uscpr.org)
* Jewish Voice for Peace (@jvp.org)
* Harvard University (@harvard.edu)
* Black Lives Matter (@blacklivesmatter.com)
* American Muslims for Palestine (@ampalestine.org)
* Arab Community Center for Economic and Social Services (ACCES) (@accesscommunity.org)
* United Palestinian Appeal (UPA) (@upaconnect.org)
* Students for Justice in Palestine (@nationalsjp.org)
1. The timeline for the records requested is from October 7, 2023, to the date the search begins.
2. The release of these documents is in the public interest because it will help the public understand how USAID’s approach to a prominent public policy issue. CASA’s explicit purpose in requesting these documents is to inform the public so they can be engaged with their leaders and ensure their decisions are consistent with America’s best interests.
3. On March 26, 2024, government receipt of CASA’s request was acknowledged through a confirmation page on FOIA.gov, reflecting that the request had been received through the federal government’s FOIA system and that the request was “being sent to the United States Agency for International Development.”
4. This confirmation page was the last communication any government entity had with CASA about the request.
5. Since this acknowledgement of receipt through FOIA.gov, CASA has received neither a further response nor any other communication from USAID regarding the request.
6. As the record described above indicates, over 122 days have elapsed since USAID received CASA’s request, yet USAID still has not determined whether it will comply. *See Citizens for Responsibility and Ethics in Washington v. FEC*, 711 F.3d 180 (D.C. Cir. 2013). USAID has not produced responsive documents to CASA, has not communicated to CASA the scope of the documents it intends to produce or withhold—along with the reasons for any such withholding—and has not informed CASA of its ability to appeal any adverse portion of its determination.
7. Given these facts, USAID has not met its statutory obligations to provide the requested records, and it appears USAID does not intend to meet them absent litigation.
8. Through USAID’s failure to make a determination within the time period required by law, CASA has constructively exhausted its administrative remedies and seeks immediate judicial review.

**COUNT I**

**Violation of FOIA, 5 U.S.C. § 552**

**Wrongful Withholding of Non-Exempt Responsive Records**

1. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
2. CASA properly submitted a request for records within the possession, custody, and control of USAID.
3. USAID is an agency subject to FOIA, and therefore has an obligation to release any non-exempt records and provide a lawful reason for withholding any materials in response to a proper FOIA request.
4. USAID is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.
5. USAID’s failure to provide all non-exempt responsive records violates FOIA.
6. Plaintiff CASA is therefore entitled to declaratory and injunctive relief requiring Defendant to promptly produce all non-exempt records responsive to its FOIA request and provide an index justifying the withholding of any responsive records withheld under claim of exemption.

**REQUESTED RELIEF**

Center to Advance Security in America respectfully requests this Court:

1. Assume jurisdiction in this matter and maintain jurisdiction until Defendant complies with the requirements of FOIA and any and all orders of this Court.
2. Order Defendant to produce, within ten days of the Court’s order, or by other such date as the Court deems appropriate, any and all non-exempt records responsive to CASA’s FOIA request and an index justifying the withholding of all or part of any responsive records withheld under claim of exemption.
3. Award CASA the costs of this proceeding, including reasonable attorney’s fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E).
4. Grant CASA other such relief as the Court deems just and proper.

Dated: July 26, 2024 Respectfully submitted,

CENTER TO ADVANCE SECURITY

IN AMERICA

 By Counsel:

 /s/Gary M. Lawkowski

 Gary M. Lawkowski

 D.D.C. Bar ID: VA125

 Dhillon Law Group, Inc.

 2121 Eisenhower Avenue, Suite 608

 Alexandria, Virginia 22314

 Telephone: 703-574-1654

 GLawkowski@Dhillonlaw.com

Jacob William Roth

 D.D.C. Bar ID: 1673038

Dhillon Law Group, Inc.

1601 Forum Plaza, Suite 403

 West Palm Beach, Florida 33401

 Telephone: 561-227-4959

 JRoth@Dhillonlaw.com

*Counsel for the Plaintiff*