

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

AMERICAN ACCOUNTABILITY )  
FOUNDATION, )  
300 Independence Avenue, SE )  
Washington, DC 20003 )

*Plaintiff,* )

v. )

Civil Action No. 22-2187

U.S. DEPARTMENT OF LABOR, )  
200 Constitution Avenue, NW )  
Washington, DC 20210 )

*Defendant.* )

\_\_\_\_\_ )

**COMPLAINT**

Plaintiff American Accountability Foundation (“AAF”) brings this action against Defendant Department of Labor (“Labor”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action and Defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, this Court may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

2. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

**PARTIES**

3. AAF is a public interest non-profit organization, organized under the laws of Delaware with its principal place of business at 300 Independence Avenue,

SE, Washington, DC 20003. Founded in 2020, AAF investigates and reports on bureaucratic overreach that impacts constitutional liberties. AAF's activities include review of federal actions that have potential for corruption, misuse of public assets, and abuse of public trust.

4. Labor is an agency of the federal government within the meaning of 5 U.S.C. § 552(f), and has possession and control of the records AAF seeks. Labor is headquartered at 200 Constitution Avenue, NW, Washington, D.C. 20210.

## **STATEMENT OF FACTS**

### **I. Executive Order 14019**

5. President Joseph Biden signed Executive Order 14019 (EO 14019) on March 7, 2021.

6. EO 14019 orders all 600 Federal agencies to submit a strategic plan within 200 days of the order detailing how the agency will help increase voter registration and voter participation.

7. More than 200 days have passed since the order was issued. Thus, Labor is required to have submitted a strategic plan explaining the steps it will take to increase voter registration and voter participation.

8. EO 14019's requirements were likely heavily influenced by outside organizations.

9. For instance, far-left entity Demos seeks to federalize elections and expand the reach of DOJ's Civil Rights Division. Indeed, EO 14019 follows a similar proposal that Demos published.<sup>1</sup>

10. And, beyond the fact that EO 14019 tracked Demos's proposal, Demos has deep ties to the Biden Administration, where President Biden has named former Demos President K. Sabeel Rahman and former Demos Legal Strategies Director Chiraag Bains to White House posts that oversee election-related initiatives.

11. Moreover, Demos has stated publicly that it works to influence decisionmakers within agencies across the federal government, stating that it “[o]rganized agency-based working groups and met with the staff in these agencies to provide technical expertise as they developed their initial voter registration plans, to ensure those plans reflect the knowledge and priorities of various agency stakeholders.”<sup>2</sup>

12. Demos has also stated that it “[d]eveloped research and resources to assist and advance agency efforts to implement robust voter registration opportunities, including a slide deck explainer of the agencies’ potential for impact, best practices for conducting voter registration at federal agencies, and recommendations for modernizing and improving the accessibility of Vote.gov[.]”<sup>3</sup>

---

<sup>1</sup> *Executive Action to Advance Democracy: What the Biden-Harris Administration and the Agencies Can Do to Build a More Inclusive Democracy*, DEMOS (Dec. 3, 2020), <https://tinyurl.com/y757zzdd>.

<sup>2</sup> *On the Anniversary of Bloody Sunday, a Look at President Biden’s Voting Access Executive Order*, DEMOS (Mar. 7, 2022), <https://tinyurl.com/tc2rc597>.

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

13. Accordingly, it is clear that Demos—and likely other similar organizations—is providing input and advice to agencies of the Federal Government, which is being used to implement EO 14019.

14. Indeed, Demos acknowledged that it has been privy to the documents and decisions of the Agencies, and that it has been involved in the process and plans for implementing EO 14019.<sup>4</sup>

15. Given its deep contacts within the current administration, it is likely that Demos communicated with various Labor staff outside appropriate channels to influence the policy-making process. This undoubtedly includes Demos communicating with Labor’s staff regarding voter registration.

## II. AAF’s FOIA Requests

16. To better understand the role outside organizations played in developing and implementing EO 14019, AAF submitted two FOIA requests to Labor seeking records regarding the implementation of EO 14019.

17. To date, Labor has failed to comply with its statutory obligations under FOIA.

### *Request 2022-F-01432*

18. On October 28, 2021, AAF submitted a FOIA request to Labor seeking records of correspondence involving Labor official Taylor Barnes and various third parties. See Ex. A.

---

<sup>4</sup> *On the Anniversary of Bloody Sunday, a Look at President Biden’s Voting Access Executive Order*, DEMOS (Mar. 7, 2022), <https://tinyurl.com/tc2rc597>.

19. On November 8, 2021, Labor sent AAF an e-mail acknowledging receipt of this request and assigning it tracking number 2022-F-01432. *See* Ex. B.

20. On November 9, 2021, Labor sent another e-mail to AAF acknowledging receipt of this FOIA request and stating that Labor would be unable to respond within the statutory time-period. *See* Ex. C. In that e-mail, Labor further stated that it would “keep [AAF] informed of our progress” and that “[w]e expect to complete processing your request on or before 40 days from the date of this acknowledgement” (i.e., by December 20, 2021). *Id.*

21. Four months later, on March 8, 2022, AAF contacted Labor seeking a status update on this request. *See* Ex. D.

22. AAF did not receive a response to that request for a status update. Moreover, to date, AAF has not received any further response from Labor to this request.

*Request 2022-F-0157*

23. On October 26, 2021, AAF submitted a FOIA request for certain calendar entries for Labor official Taylor Barnes. *See* Ex. E.

24. On October 28, 2021, Labor sent AAF an e-mail acknowledging receipt of this request and assigning it tracking number 2022-F-01057. *See* Ex. F.

25. On October 28, 2021, Labor sent AAF another e-mail acknowledging receipt of this request and stating that Labor would be unable to respond within the statutory time-period. *See* Ex. G. In that e-mail, Labor further stated that it would “keep [AAF] informed of our progress” and that “[w]e expect to complete processing

your request on or before 40 days from the date of this acknowledgement” (i.e., by December 7, 2021). *Id.*

26. Four months later, on March 8, 2022, AAF contacted Labor seeking a status update on this request. *See* Ex. D.

27. AAF did not receive a response to that request for a status update. Moreover, to date, AAF has not received any further response from Labor to this request.

**COUNT I**  
**Violation of FOIA, 5 U.S.C. § 552**

28. AAF incorporates the allegations contained in the foregoing paragraphs as if set forth fully herein.

29. Labor is an agency of the federal government within the meaning of 5 U.S.C. § 552(f).

30. AAF submitted the above-enumerated FOIA requests to Labor according to the requirements of 5 U.S.C. § 552(a)(6)(A).

31. Each request complied with all applicable statutes and regulations.

32. The requested records are under Labor’s custody and control.

33. The requested records are not exempt from FOIA pursuant to 5 U.S.C. § 552(b).

34. Labor has failed to conduct reasonable searches for responsive records.

35. Labor has further failed to respond to AAF’s requests within the statutory time-period. *See* 5 U.S.C. § 552(a)(6).

36. Accordingly, AAF has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

37. And, by failing to release all segregable, responsive, non-exempt records, Labor has violated FOIA. *See* 5 U.S.C. § 552(a)(3)(A).

38. Thus, AAF is entitled to injunctive relief ordering Labor to provide a formal response either agreeing to comply with each respective request or denying each request, along with the legal basis for such a denial if any.

### **PRAYER FOR RELIEF**

WHEREFORE, AAF respectfully requests that this Court:

A. Declare that the records sought by the requests, as described in the foregoing paragraphs, must be disclosed pursuant to 5 U.S.C. § 552.

B. Order Labor to conduct searches immediately for all records responsive to the requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records.

C. Order Labor to produce by a date certain all non-exempt records responsive to the requests.

D. Award attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E).

E. Grant AAF such other and further relief as this Court deems proper.

July 25, 2022

Respectfully submitted,

/s/ Brian J. Field

Brian J. Field  
D.C. Bar No. 985577  
SCHAERR | JAFFE LLP  
1717 K Street NW, Suite 900  
Washington, DC 20006  
Tel.: (202) 787-1060  
Email: bfield@schaerr-jaffe.com

/s/ Mark R. Paoletta

Mark R. Paoletta\*  
D.C. Bar No. 422746  
Senior Fellow  
CENTER FOR RENEWING AMERICA  
300 Independence Ave., SE  
Washington, DC 20003  
Tel.: (202) 656-8825  
Email: mark@americarenewing.com

/s/ Blake W. Meadows

Blake W. Meadows  
D.C. Bar No. GA0033  
FOSTER, FOSTER, & SMITH, LLC  
141 S. McDonough St.  
Jonesboro, GA 30236  
Tel.: (770) 478-4000  
Email: bmeadows@fostersmith.law

*\*Pro hac vice motion forthcoming*

*Counsel for Plaintiff*