

**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. )  
 )  
 U.S. DEPARTMENT OF HOMELAND )  
 SECURITY )  
 245 Murray Lane, S.W. )  
 Washington, D.C. 20528 )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Civil Case No. 1:24-cv-02253

**COMPLAINT**

1. Plaintiff Center to Advance Security in America (“CASA”) brings this action against the U.S. Department of Homeland Security (“DHS”) 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**

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

**PARTIES**

4. 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.

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

### **STATEMENT OF FACTS**

6. On April 18, 2024, CASA submitted a FOIA request (attached as Exhibit A) to DHS seeking the following records related to DHS's Security Equity Action Plan:

1. 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 the development of the Department of Homeland Security Equity Action Plan.
2. We are seeking records on this topic exchanged between and among the relevant following officials:
  - Alejandro Mayorkas
  - Kristie Canegallo
  - Johnathan Davidson
  - Deborah Fleischaker
  - Jonathan E. Meyer
  - Randolph D. Alle
  - Debra Cox
  - Robert Silvers
  - Jen Easterly, Director
  - Zephranie Buetow
  - Stephanie Doherty
  - Fayrouz Saad
  - Rebecca K.K. Sternhell
  - Nathaniel Snyder
  - Miriam Enriquez
  - Jamie Lawrence
  - Karinda L. Washington
  - Rebecca Sternhell
  - Nicole Rosich
  - Mike Miron
  - Daniel Watson
  - Luis Miranda

- Shoba Sivaprasad Wadhia
3. We are seeking all emails, text messages, chat sessions, or other forms of written or electronic communication used to discuss the development of the Department of Homeland Security Equity Action Plan above containing the following phrases and/or words: “extremism,” “extremist,” “far-right,” “alt-right,” “right-wing,” “diversity,” “inclusion,” “LGBTQ,” “LGBTQIA+,” “mental health,” “cohesion,” “supremacist,” “nationalist,” “nationalism,” “equity,” “non-binary,” “transgender,” “cisgender,” “race,” “ally,” “BiPOC,” “bias,” “bigot,” “discrimination,” “gender identity,” “identify,” “gender non-conforming,” “institutional racism,” “intersectionality,” “queer,” “privilege,” “safe space,” “oppression,” “patriarchy,” “implicit bias,” “decolonize,” “intersex,” “woke,” “conservative,” “recruitment,” “white,” “black,” “Hispanic,” “Asian,” “American Indian,” and “colonialism”.
  4. 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 development of the “Department of Homeland Security Equity Action Plan.”
    - 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)
  5. All communications exchanged between any of the above officials identified as an employee, agent, consultant, or representative of one of the following organizations:
    - Center for American Progress (@americanprogress.org)
    - Center for a New American Security (@cnas.org)
    - ODEI (@diversity.defense.gov)

- RAND Corporation (@rand.org)
- Human Rights Campaign (@hrc.org)
- NAACP Legal Defense and Educational Fund (@naacpldf.org)
- Brookings Institution (@brookings.edu)
- National Security Innovation Network (@nsin.mil)

6. The timeline for the records requested is from August 1, 2021, to the date the search begins.
7. The release of these documents is in the public interest because it will help the public understand the operations of the DHS. 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.
8. DHS's "SecureRelease Portal" reflects that DHS received CASA's request on April 18, 2024, and assigned it request number 2024-HQFO-01267.
9. On April 22, 2024, DHS sent CASA a letter via email acknowledging receipt of the request. The letter stated that DHS anticipated potential delays in processing the request and that it was invoking a 10-day extension for its time to respond, though its goal would be to respond within 20 business days. The letter also stated that DHS was conditionally granting CASA's fee waiver request.
10. After this email and acknowledgement letter, DHS did not communicate with CASA further about the request.
11. To date, CASA has received neither a further response nor any other communication from DHS regarding the request.
12. As the record described above indicates, over 100 days have elapsed since DHS received CASA's request, yet DHS 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). DHS 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.

13. Given these facts, DHS has not met its statutory obligations to provide the requested records, and it appears DHS does not intend to meet them absent litigation.
14. Through DHS'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**

15. CASA repeats and incorporates by reference each of the foregoing paragraphs as if fully set forth herein.
16. CASA properly submitted a request for records within the possession, custody, and control of DHS.
17. DHS 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.
18. DHS is wrongfully withholding non-exempt agency records requested by CASA by failing to produce non-exempt records responsive to its request.
19. DHS's failure to provide all non-exempt responsive records violates FOIA.
20. 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 31, 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](mailto: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](mailto:JRoth@Dhillonlaw.com)

*Counsel for the Plaintiff*