

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

PROTECT DEMOCRACY PROJECT, INC.
2020 Pennsylvania Avenue NW, #163
Washington, DC 20006

Plaintiff

v.

Civil Action No.

THE U.S. CENSUS BUREAU
4600 Silver Hill Road, Suitland, MD 20746;
THE U.S. DEPARTMENT OF COMMERCE
1401 Constitution Avenue NW, Washington, DC 20230;
THE U.S. DEPARTMENT OF HOMELAND SECURITY
245 Murray Lane SW, Washington DC 20528;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT
500 12th Street SW, Washington, DC 20536;
THE U.S. DEPARTMENT OF JUSTICE
OFFICE OF INFORMATION POLICY
1425 New York Avenue NW, Washington, DC 20530; and
THE OFFICE OF MANAGEMENT AND BUDGET
725 17th Street NW, Washington, DC 20503

Defendants

COMPLAINT

1. Plaintiff The Protect Democracy Project, Inc. (“Protect Democracy”) brings this action against Defendants U.S. Census Bureau (“Census Bureau”), U.S. Department of Commerce (“DOC”), U.S. Department of Homeland Security (“DHS”), U.S. Immigration and Customs Enforcement (“ICE”), U.S. Department of Justice (“DOJ”) Office of Information Policy (“DOJ/OIP”), and the Office of Management and Budget (“OMB”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Plaintiff alleges as follows:

2. The integrity of the next decennial census, the 2020 Census—and, critically, of its leadership—goes directly to the heart of public confidence in our government. Any political interference with the leadership, content, or conduct of the Census Bureau or 2020 Census poses a grave risk of corrupting our election process by creating an inaccurate and partisan congressional apportionment base—the population of each state counted in the census and used as the basis for congressional apportionment.

3. No facts collected by the federal government are more critical to the basic functioning of our democracy than the data collected by the Census Bureau. The census has therefore historically and rightly been conducted on an independent basis by non-political, professional staff and isolated from interference by the White House and other political officials. Any politicization of the most important and complex data collection performed by the federal government would represent a significant threat to the accuracy of the 2020 Census and the independence of an agency that must, for the sake of our democracy, remain nonpartisan.

4. Maintaining the independence and integrity of the Census Bureau is particularly crucial because the 2020 Census is already at risk. *See* U.S. Government Accountability Office, *2020 Decennial Census* (Feb. 15, 2017), *available at*

http://www.gao.gov/highrisk/2020_decennial; Robert Shapiro, *The 2020 Census May be Wildly Inaccurate—and It Matters More Than You Think*, Brookings Institution (Aug. 31, 2017), available at <https://www.brookings.edu/blog/fixgov/2017/08/31/the-2020-census-may-be-wildly-inaccurate-and-it-matters-more-than-you-think/>.

5. On March 26, 2018, the Department of Commerce announced its decision to include a question on citizenship in the 2020 Census. *U.S. Department of Commerce Announces Reinstatement of Citizenship Question to the 2020 Decennial Census* (Mar. 26, 2018), available at <https://www.commerce.gov/print/3475>.

6. Census experts have made clear that the inclusion of such questions would have a significant negative impact on the accuracy of the 2020 Census. *See, e.g.*, Arloc Sherman, The Center for Budget and Policy Priorities, *Census Chief Scientist: Citizenship Question Reduces Accuracy, Raises Costs*, available at <https://www.cbpp.org/blog/census-chief-scientist-citizenship-question-reduces-accuracy-raises-costs>; Michael Wines, *Census Bureau’s Own Expert Panel Rebukes Decision to Add Citizenship Question*, N.Y. Times (March 30, 2018), available at <https://www.nytimes.com/2018/03/30/us/census-bureau-citizenship.html>; The Leadership Conference Education Fund, *Factsheet: Adding a New Citizenship Question to the 2020 Census*, available at <http://civilrightsdocs.info/pdf/census/Census-Citizenship-Question-Fact-Sheet.pdf>.

7. Media reports have suggested that the Department of Commerce’s decision-making process has been influenced not by statistical experts and career Census staff, but by partisan individuals associated with the Trump campaign. *See, e.g.*, Hansi Lo Wang, *Documents Shed Light on Decision to Add Census Citizenship Question*, N.P.R. (June 10, 2018), available at <https://www.npr.org/2018/06/10/618567462/documents-shed-light-on-decision-to-add-census-citizenship-question>; Katie Benner and Liz Robbins, *Document Show Political Lobbying in*

Census Questions About Citizenship, N.Y. Times (June 9, 2018), *available at* <https://www.nytimes.com/2018/06/09/nyregion/kobach-bannon-lobbying-census-question-on-citizenship-documents.html>.

8. The stakes of an accurate census could not be higher. Anti-democratic regimes thrive on the obfuscation of truth by those in power, seeking to sow confusion amongst the public and curry favor through manipulated perception rather than objective fact. They also seek to skew election results by developing election processes premised on biased or inaccurate population counts. The American public needs to know whether there has been any inappropriate interference with this most essential of democratic functions.

JURISDICTION AND VENUE

9. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

10. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

11. Plaintiff Protect Democracy is an organization with 501(c)(3) status, incorporated under the laws of the District of Columbia, and headquartered at 2020 Pennsylvania Avenue NW, #163, Washington, D.C. 20006. Plaintiff's mission is to prevent our democracy from declining into a more authoritarian form of government by holding the President and the Executive Branch accountable to the laws and longstanding practices that have protected our democracy through both Democratic and Republican administrations. As part of this mission, Plaintiff seeks to inform public understanding of operations and activities of the government by gathering and disseminating information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Plaintiff regularly requests such information pursuant

to FOIA. Plaintiff intends to give the public access to documents transmitted via FOIA on its website, www.protectdemocracy.org, and to provide information about and analysis of those documents as appropriate.

12. Defendant Census Bureau is a component of DOC, which is an agency of the executive branch of the federal government of the United States. The Census Bureau is headquartered at 4600 Silver Hill Road, Suitland, Maryland 20746. The Census Bureau has possession, custody, or control of the documents that Plaintiff seeks in response to its FOIA request.

13. Defendant DOC is an agency of the executive branch of the federal government of the United States. DOC is headquartered at 1401 Constitution Avenue NW, Washington, D.C. 20230. DOC has possession, custody, or control of the documents that Plaintiff seeks in response to its FOIA request.

14. Defendant DHS is an agency of the executive branch of the federal government of the United States. DHS is headquartered at 245 Murray Lane SW, Washington D.C. 20528. DHS has possession, custody, or control of the documents that Plaintiff seeks in response to its FOIA request.

15. Defendant ICE is a component of DHS, which is an agency of the executive branch of the federal government of the United States. ICE is headquartered at 500 12th Street SW, Washington, D.C. 20536. ICE has possession, custody, or control of the documents that Plaintiff seeks in response to its FOIA request.

16. Defendant DOJ/OIP is a component of DOJ, which is an agency of the executive branch of the federal government of the United States. DOJ/OIP is headquartered at 1425 New

York Avenue NW, Suite 11050, Washington D.C. 20530. DOJ/OIP has possession, custody, or control of the documents that Plaintiff seeks in response to its FOIA request.

17. Defendant OMB is a component of the Executive Office of the President of the United States. OMB is headquartered at 725 17th Street NW, Washington, D.C. 20503. OMB has possession, custody, or control of the documents that Plaintiff seeks in response to its FOIA request.

STATEMENT OF FACTS

18. Politicization of the Census Bureau or the 2020 Census poses a grave danger to core democratic principles. Indeed, interfering with the proper collection and analysis of the data that forms the basis of our representative form of government, including by undermining the Census Bureau's ability to conduct an accurate survey, is a matter of extreme public concern. The public must be able to hold the Administration accountable to its responsibility to conduct a nonpartisan, accurate, and fair census. It is therefore critical to know whether there has been any political inference with the leadership or implementation of the 2020 Census.

19. To that end, on March 20, 2018, Plaintiff sent a FOIA request via email to the Census Bureau requesting the following records for the period between October 1, 2017 and the date searches are conducted in response to the request:

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting communications between the Census Bureau and the following individuals, or the Census Bureau and employees or representatives of the following entities, discussing or otherwise relating to the inclusion of a citizenship question in the 2020 Census.

- a. Donald Trump for President (including but not limited to emails in which the domains donaldjtrump.com; trump.com; trumporg.com; ppt.gov; or donaldtrump.com are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- b. The Republican National Committee (including but not limited to emails in which the domains gop.com or RNCHQ.org are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- c. America First Action (including but not limited to emails in which the domain alapac.org is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- d. Great America
- e. Future 45
- f. Brad Parscale
- g. Michael Glassner
- h. John Pence
- i. Steve Bannon
- j. Breitbart (including but not limited to emails in which the domain breitbart.com is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- k. Fox News (including but not limited to emails in which the domain foxnews.com is in the email address in the to, from, cc, bcc, subject, or body fields of the email)

- 2) All communications, including but not limited to emails, notes, and memoranda, between the Census Bureau and the Executive Office of the President, reflecting, discussing, or otherwise relating to the determination of the questions for the 2020 Census, including but not limited to emails in which the domain eop.gov is in the email address in the to, from, cc, bcc, subject, or body fields of the email.
- 3) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Census Bureau and Thomas Brunell.
- 4) In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

See Exhibit A.

20. Also on March 20, 2018, Plaintiff sent a FOIA request via FOIAonline to DOC requesting the following records for the period between October 1, 2017 and the date searches are conducted in response to the request:

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting communications between DOC and the following individuals, or

DOC and employees or representatives of the following entities, discussing or otherwise relating to the inclusion of a citizenship question in the 2020 Census.

- a. Donald Trump for President (including but not limited to emails in which the domains donaldjtrump.com; trump.com; trumporg.com; ptt.gov; or donaldtrump.com are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- b. The Republican National Committee (including but not limited to emails in which the domains gop.com or RNCHQ.org are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- c. America First Action (including but not limited to emails in which the domain alapac.org is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
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- i. Steve Bannon
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- k. Fox News (including but not limited to emails in which the domain foxnews.com is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- 2) All communications, including but not limited to emails, notes, and memoranda, between DOC and the Executive Office of the President, reflecting, discussing, or otherwise relating to the determination of the questions for the 2020 Census, including but not limited to emails in which the domain eop.gov is in the email address in the to, from, cc, bcc, subject, or body fields of the email.
- 3) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between DOC and Thomas Brunell.
- 4) In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

See Exhibit B.

21. Also on March 20, 2018, Plaintiff sent a FOIA request via email to DHS requesting the following records for the period between October 1, 2017 and the date searches are conducted in response to the request:

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting communications between DHS and the following individuals, or DHS and employees or representatives of the following entities, discussing or otherwise relating to the 2020 Census or the inclusion of a citizenship question in the 2020 Census.
 - a. Donald Trump for President (including but not limited to emails in which the domains donaldjtrump.com; trump.com; trumporg.com; ptt.gov; or donaldtrump.com are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - b. The Republican National Committee (including but not limited to emails in which the domains gop.com or RNCHQ.org are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - c. America First Action (including but not limited to emails in which the domain a1apac.org is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
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 - k. Fox News (including but not limited to emails in which the domain foxnews.com is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- 2) All communications, including but not limited to emails, notes, and memoranda, between DHS and the Executive Office of the President, reflecting, discussing, or otherwise relating to the determination of the questions for the 2020 Census, including but not limited to emails in which the domain eop.gov is in the email address in the to, from, cc, bcc, subject, or body fields of the email.
- 3) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between DHS and Thomas Brunell.
- 4) In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to

describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

See Exhibit C.

22. Also on March 20, 2018, Plaintiff sent a FOIA request via email to ICE requesting the following records for the period between October 1, 2017 and the date searches are conducted in response to the request:

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting communications between DHS and the following individuals, or DHS and employees or representatives of the following entities, discussing or otherwise relating to the 2020 Census or the inclusion of a citizenship question in the 2020 Census.
 - a. Donald Trump for President (including but not limited to emails in which the domains donaldjtrump.com; trump.com; trumporg.com; ptt.gov; or donaldtrump.com are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - b. The Republican National Committee (including but not limited to emails in which the domains gop.com or RNCHQ.org are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - c. America First Action (including but not limited to emails in which the domain a1apac.org is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
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 - k. Fox News (including but not limited to emails in which the domain
foxnews.com is in the email address in the to, from, cc, bcc, subject, or
body fields of the email)
- 2) All communications, including but not limited to emails, notes, and
memoranda, between DHS and the Executive Office of the President,
reflecting, discussing, or otherwise relating to the determination of the
questions for the 2020 Census, including but not limited to emails in which
the domain eop.gov is in the email address in the to, from, cc, bcc, subject, or
body fields of the email.
- 3) All records, including but not limited to emails, notes, and memoranda,
reflecting, discussing, or otherwise relating to communications between DHS
and Thomas Brunell.
- 4) In addition to the records requested above, we also request records describing
the processing of this request, including records sufficient to identify search
terms used and locations and custodians searched, and any tracking sheets
used to track the processing of this request. If your agency uses FOIA

questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

See id.

23. Also on March 20, 2018, Plaintiff sent a FOIA request via FOIAonline to DOJ/OIP requesting the following records for the period between October 1, 2017 and the date searches are conducted in response to the request:

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting communications between DOJ and the following individuals, or DOJ and employees or representatives of the following entities, discussing or otherwise relating to the 2020 Census or the inclusion of a citizenship question in the 2020 Census.
 - a. Donald Trump for President (including but not limited to emails in which the domains donaldjtrump.com; trump.com; trumporg.com; ppt.gov; or donaldtrump.com are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - b. The Republican National Committee (including but not limited to emails in which the domains gop.com or RNCHQ.org are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - c. America First Action (including but not limited to emails in which the domain a1apac.org is in the email address in the to, from, cc, bcc, subject, or body fields of the email)

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 - k. Fox News (including but not limited to emails in which the domain
foxnews.com is in the email address in the to, from, cc, bcc, subject, or
body fields of the email)
- 2) All communications, including but not limited to emails, notes, and
memoranda, between DOJ and the Executive Office of the President,
reflecting, discussing, or otherwise relating to the determination of the
questions for the 2020 Census, including but not limited to emails in which
the domain eop.gov is in the email address in the to, from, cc, bcc, subject, or
body fields of the email.
- 3) All records, including but not limited to emails, notes, and memoranda,
reflecting, discussing, or otherwise relating to communications between DOJ
and Thomas Brunell.
- 4) In addition to the records requested above, we also request records describing
the processing of this request, including records sufficient to identify search

terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

See Exhibit D.

24. Also on March 20, 2018, Plaintiff sent a FOIA request via email to OMB requesting the following records for the period between October 1, 2017 and the date searches are conducted in response to the request:

- 1) All records, including but not limited to emails, notes, and memoranda, reflecting communications between OMB and the following individuals, or OMB and employees or representatives of the following entities, discussing or otherwise relating to the 2020 Census or the inclusion of a citizenship question in the 2020 Census.
 - a. Donald Trump for President (including but not limited to emails in which the domains donaldjtrump.com; trump.com; trumporg.com; ptt.gov; or donaldtrump.com are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - b. The Republican National Committee (including but not limited to emails in which the domains gop.com or RNCHQ.org are in the email address in the to, from, cc, bcc, subject, or body fields of the email)

- c. America First Action (including but not limited to emails in which the domain a1apac.org is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
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 - k. Fox News (including but not limited to emails in which the domain foxnews.com is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- 2) All communications, including but not limited to emails, notes, and memoranda, between OMB and the Executive Office of the President, reflecting, discussing, or otherwise relating to the determination of the questions for the 2020 Census, including but not limited to emails in which the domain eop.gov is in the email address in the to, from, cc, bcc, subject, or body fields of the email.

- 3) All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between OMB and Thomas Brunell.
- 4) In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

See Exhibit E.

25. Plaintiff also requested a fee waiver from all Defendants pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) or 5 U.S.C. § 552(a)(4)(A)(ii)(II). *See Exhibits A-E.*

26. On March 23, 2018, Plaintiff received an email from the Census Bureau confirming receipt of Plaintiff's request on March 23, 2018, and noting that the request had been recorded as request DOC-CEN-2018-000999. *See Exhibit F.* On March 27, 2018, Plaintiff received an email from the Census Bureau denying Plaintiff's fee waiver request for vagueness. *See Exhibit G.* On March 28, 2018, Plaintiff received a letter from the Census Bureau asking for clarification from Plaintiff about the records requested. *See Exhibit H.* On March 29, 2018, Plaintiff received a letter from the Census Bureau denying Plaintiff's fee waiver request for lack of sufficient information. *See Exhibit I.* On March 30, 2018, Plaintiff received a letter from the Census Bureau informing Plaintiff that the Census Bureau would be posting interim response

records on a rolling basis to the online FOIA Public Library. *See* Exhibit J. On April 17, 2018, Plaintiff received an email from the Census Bureau seeking additional information regarding Plaintiff's request. *See* Exhibit K. On April 19, 2018, Plaintiff discussed with the Census Bureau the potential narrowing of Plaintiff's request. *See id.* On April 20, 2018, Plaintiff received an email from the Census Bureau proposing to narrow the scope of Plaintiff's request, and Plaintiff sent an email to the Census Bureau providing Plaintiff's proposal to narrow the scope of its request. *See id.* On April 23, 2018, the Census Bureau sent an email to Plaintiff acknowledging Plaintiff's proposed narrowing of the scope of its request. *See id.*

27. On March 20, 2018, Plaintiff received an email from DOC confirming receipt of Plaintiff's request on March 20, 2018, and noting that the request had been recorded as request DOC-OS-2018-000982. *See* Exhibit L. On March 27, 2018, Plaintiff received an email from DOC denying Plaintiff's fee waiver request as not applicable as the request is not billable. *See* Exhibit M. On March 27, 2018, Plaintiff received a letter from DOC asking Plaintiff to narrow the scope of its request. *See* Exhibit N. On April 27, 2018, Plaintiff received an email from DOC noting that Plaintiff's FOIA request had been processed with the following final disposition: request withdrawn. *See* Exhibit O.

28. On March 29, 2018, Plaintiff received an email from DHS confirming receipt of Plaintiff's request on March 20, 2018, noting that the request had been recorded as request 2018-HQFO-00782, granting Plaintiff's fee waiver request, and invoking a 10-day extension to respond pursuant to 6 C.F.R. Part 5 § 5.5(c). *See* Exhibit P.

29. On March 28, 2018, Plaintiff sent an email to ICE requesting acknowledgment that ICE had received Plaintiff's March 20, 2018 request. *See* Exhibit Q. On April 9, 2018, Plaintiff received an email from ICE stating that it received Plaintiff's request on March 28,

2018, noting that the request had been recorded as request 2018-ICFO-28245, granting Plaintiff's fee waiver request, and invoking a 10-day extension to respond pursuant to 5 U.S.C. § 552(a)(6)(B). *See* Exhibit R.

30. On March 20, 2018, Plaintiff received an email from DOJ/OIP confirming receipt of Plaintiff's request on March 20, 2018, and noting that the request had been recorded as request DOJ-2018-003394. *See* Exhibit S. On March 23, 2018, Plaintiff received another email from DOJ/OIP confirming receipt of Plaintiff's request on March 20, 2018, and noting that the request had been recorded under another tracking number, DOJ-2018-003437. *See* Exhibit T. On April 16, 2018, Plaintiff received a letter from DOJ/OIP on behalf of both DOJ/OIP and the Office of the Attorney General informing Plaintiff of DOJ/OIP's need to assign the request to the complex track, and deferring a decision on Plaintiff's fee waiver until DOJ/OIP assesses the fees for the request. *See* Exhibit U.

31. On March 23, 2018, Plaintiff received an email from OMB confirming receipt of Plaintiff's request on March 20, 2018, and noting that the request had been recorded as request 2018-247. *See* Exhibit V.

32. Pursuant to FOIA, within twenty business days of receipt of Plaintiff's request—that is, by April 25, 2018—Defendants were required to “determine . . . whether to comply with such request” and to “immediately notify” Plaintiff of “such determination and the reasons therefore,” Plaintiff's right “to seek assistance from the FOIA Public Liaison of the agency,” and, in the case of an adverse determination, Plaintiff's right to appeal. 5 U.S.C. § 552(a)(6)(A)(i).

33. To date, Defendants have failed to make the required determinations and notifications. Defendants DOJ/OIP and OMB have also failed to make determinations regarding Plaintiff's request for a fee waiver.

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

34. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.

35. Defendants are in violation of FOIA by failing to respond to Plaintiff's request within the statutorily prescribed time limit and by unlawfully withholding records responsive to Plaintiff's request.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

- (1) Order Defendants, by a date certain, to conduct a search that is reasonably likely to lead to the discovery of any and all records responsive to Plaintiff's request;
- (2) Order Defendants, by a date certain, to demonstrate that it has conducted an adequate search;
- (3) Order Defendants, by a date certain, to produce to Plaintiff any and all nonexempt records or portions of records responsive to Plaintiff's request, as well as a *Vaughn* index of any records or portions of records withheld due to a claim of exemption;
- (4) Enjoin Defendants from improperly withholding records responsive to Plaintiff's request;
- (5) Order Defendants Census Bureau, DOC, DOJ/OIP, and OMB to grant Plaintiff's request for a fee waiver;
- (6) Grant Plaintiff an award of attorney fees and other reasonable litigation costs pursuant to 5 U.S.C. § 552(a)(4)(E);
- (7) Grant Plaintiff such other relief as the Court deems appropriate.

Date: July 10, 2018

/s/ Dennis Lawson
Dennis Lawson
D.C. Bar No. 452402

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