

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

JUDICIAL WATCH, INC.,)	
425 Third Street S.W., Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
U.S. DEPARTMENT OF JUSTICE,)	
950 Pennsylvania Avenue N.W.)	
Washington, DC 20530-0001,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against Defendant U.S. Department of Justice to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552. As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The 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 district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street S.W., Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes

the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of Justice is an agency of the United States Government and is headquartered at 950 Pennsylvania Avenue N.W., Washington, DC 20530-0001. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On May 3, 2023, Plaintiff submitted a FOIA request to Defendant seeking access to the following public records:

1. The unclassified FBI FD-1023 (CHS Reporting Document) described in the May 3, 2023 letter from Sen. Grassley and Rep. Comer to Attorney General Garland and FBI Director Wray (see https://www.grassley.senate.gov/imo/media/doc/grassley_comer_to_fbi_-_biden_1023.pdf).
2. All records of communication between Attorney General Garland and any other official or employee of any branch, department, agency, or office of the Federal government regarding the letter and/or the FD-1023 described therein. This includes, but is not limited to, any such communications between the Attorney General and any other official or employee of the Department of Justice.

The time frame for this request was identified as January 1, 2020 to the present.

6. Defendant acknowledged receipt of the request by letter dated May 11, 2023 and advised Plaintiff that the request had been assigned tracking number FOIA-2023-01187.

Defendant also granted Plaintiff’s request for expedited processing but invoked a time extension due to “unusual circumstances.” Plaintiff has received no further response.

7. On May 3, 2023, Plaintiff submitted a FOIA request to the Federal Bureau of Investigation, a component of Defendant, seeking access to the following public records:

1. The unclassified FBI FD-1023 (CHS Reporting Document) described in the May 3, 2023 letter from Sen. Grassley and Rep. Comer to Attorney General Garland and Director Wray (see https://www.grassley.senate.gov/imo/media/doc/grassley_comer_to_fbi_-_biden_1023.pdf).

2. All records of communication between Director Wray and any other official or employee of any branch, department, agency, or office of the Federal government regarding the letter and/or the FD-1023 described therein. This includes, but is not limited to, any such communications between Director Wray and any other official or employee of the Federal Bureau of Investigations.

The time frame for this request was identified as January 1, 2020 to the present.

8. The FBI acknowledged receipt of the request by letters dated May 15, 2023 and advised Plaintiff that the request had been assigned tracking number FOIPA Request Nos. 1591863-000 and 1591866-000.

9. By letters dated May 15, 2023, the FBI invoked a time extension for FOIPA Request Nos. 1591863-000 and 1591866-000 due to “unusual circumstances.”

10. By letter dated May 25, 2023, the FBI granted Plaintiff’s request for expedited processing for FOIPA Request No. 1591863-000. Plaintiff has received no further response.

11. As of the date of this Complaint, Defendant and the FBI have failed to (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records they intend to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

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

12. Plaintiff realleges paragraphs 1 through 11 as if fully stated herein.
13. Defendant is in violation of FOIA.
14. Plaintiff is being irreparably harmed by Defendant’s violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with it.
15. To trigger FOIA’s administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff’s requests by June 14, 2023, at the latest.

Because Defendant failed to make a final determination on Plaintiff's FOIA requests within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches for any and all records responsive to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA requests and *Vaughn* indices of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA requests; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: June 26, 2023

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha (D.C. Bar No. 995749)
JUDICIAL WATCH, INC.
425 Third Street S.W., Suite 800
Washington, DC 20024
Phone: (202) 646-5172
mbekesha@judicialwatch.org

Counsel for Plaintiff

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<https://oversight.house.gov>

May 3, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Director Wray:

To assist the Committee on Oversight and Accountability's (Committee) investigation into the matter described in the May 3 letter from Senator Grassley and myself, attached hereto is a subpoena for specific documents. The subpoena requires the FBI to produce all specified FD-1023 forms created in the timeframe identified in the attached schedule, along with all accompanying attachments and other documents.

The Committee's independent and objective review of this matter will inform potential legislative solutions that the Committee is exploring. Specifically, the Committee is considering legislation aimed at deficiencies in the current legal framework regarding disclosure of financial interests related to Vice Presidents and Presidents (and the family members thereof)—deficiencies that may place American national security at risk. The Committee is seeking meaningful reforms to government ethics and disclosure laws that will provide necessary transparency into a Vice President's or a President's (and their immediate family members') income, assets, and financial relationship with foreign and domestic companies. Public corruption, influence peddling, federal ethics/financial disclosures regulations, and national security matters are directly within the purview of the Committee's oversight authorities.

The Committee on Oversight and Accountability is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. The attached subpoena is issued pursuant to my authority as the Chairman of the Committee pursuant to both Rule XI.2(m)(1)(B) of the Rules of the House of Representatives and Rule 12(g) of the Committee's rules.

Thank you for your prompt attention to this important investigation.

Director Wray
May 3, 2023
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Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a large, prominent "J" and "C".

James Comer
Chairman
Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Christopher Wray, Director
Federal Bureau of Investigation

You are hereby commanded to be and appear before the
Committee on Oversight and Accountability

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2157 Rayburn House Office Building, Washington, D.C. 20515

Date: May 10, 2023

Time: 12:00p.m.

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

To _____ any authorized staff member or the U.S. Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 3rd day of May, 2023.

Attest:

Kevin F. McCubben

Clerk

James Comer

Chairman or Authorized Member

Schedule to Subpoena

In accordance with the attached Schedule instructions, you, Christopher Wray, are required to produce the following records in unredacted form that are in your possession, custody, or control:

1. All FD-1023 forms, including within any open, closed, or restricted access case files, created or modified in June 2020, containing the term "Biden," including all accompanying attachments and documents to those FD-1023 forms.