

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

JUDICIAL WATCH, INC.,	)	
425 Third Street SW, Suite 800	)	
Washington, DC 20024,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
Litigation Division	)	
Office of General Counsel	)	
Washington, DC 20505,	)	
	)	
Defendant.	)	

COMPLAINT

Plaintiff, Judicial Watch, Inc. (“Plaintiff”) brings this action against Defendant Central Intelligence Agency (“Defendant”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). 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 SW, 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 Central Intelligence Agency is an agency of the U.S. Government and is headquartered at 1000 Colonial Farm Road, Langley, Virginia 22101. The CIA has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On May 16, 2026, Plaintiff submitted a FOIA request to Defendant, via Defendant’s online FOIA portal at CIA.gov, seeking access to the following records:

4. All COMMUNICATIONS between any AGENCY EMPLOYEE and Dr. Anthony S. Fauci, or any person communicating on his behalf (including his executive assistants, senior advisors, or counsel), between January 1, 2020 and December 31, 2022, REGARDING the origins of SARS-CoV-2 or COVID-19, gain-of-function research, the Wuhan Institute of Virology, EcoHealth Alliance, coronavirus research funded by the National Institute of Allergy and Infectious Diseases, or the selection of subject-matter experts for consultation by the Intelligence Community.

* * *

7. All records REFLECTING the membership, charter, statements of work, conflict-of-interest disclosures, recusal records, meeting agendas, meeting minutes, briefing materials, written products, and AGENCY correspondence concerning the Biological Sciences Experts Group (BSEG) of the Office of the Director of National Intelligence, including without limitation any records REGARDING the role of Dr. Ralph S. Baric of the University of North Carolina at Chapel Hill.

* * *

10. All COMMUNICATIONS between any AGENCY EMPLOYEE and any EMPLOYEE of the Office of the Director of National Intelligence’s Director’s Initiatives Group (DIG) between March 1, 2025 and April 30, 2026

REGARDING the origins of COVID-19, the AGENCY's production of records to the DIG, the AGENCY's refusal or limitation of any document production to the DIG, or James E. Erdman III.

A true and correct copy of Plaintiff's request is attached as Exhibit 1.¹

6. Defendant's online FOIA portal at CIA.gov indicated that Plaintiff's request was received on the day it was submitted, but Plaintiff received no acknowledgment letter or FOIA tracking number and has had no further communication from Defendant.

7. As of the date of this Complaint, Defendant has failed to: (i) determine whether to comply with the request; (ii) notify Plaintiff of any such determination or the reasons therefor; (iii) advise Plaintiff of the right to appeal any adverse determination; or (iv) produce the requested records or otherwise demonstrate that the requested records are exempt from production.

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

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.

9. Defendant is in violation of FOIA.

10. 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.

11. Plaintiff has no adequate remedy at law.

12. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's request by June 15, 2026, at the latest.

¹ Although Plaintiff's request sought 15 categories of records, Plaintiff limits this litigation to categories 4, 7, and 10 of the request.

Because Defendant failed to make a final determination 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 request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request 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 request; (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: September 24, 2026

Respectfully submitted,

/s/ James F. Peterson

James F. Peterson
DC Bar No. 450171
JUDICIAL WATCH, INC.
425 Third Street SW, Suite 800
Washington, DC 20024
Phone: (202) 646-5175
Email: jpeterson@judicialwatch.org

Counsel for Plaintiff

EXHIBIT 1

JUDICIAL WATCH, INC.

425 Third Street, S.W., Suite 800
Washington, DC 20024
Tel: (202) 646-5172 | www.JudicialWatch.org

May 16, 2026

VIA U.S. MAIL AND ELECTRONIC SUBMISSION

Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505
FOIA Portal: <https://www.cia.gov/readingroom/foia-request>

Re: Freedom of Information Act Request — Records Concerning CIA Analytic Reversal on COVID-19 Origins (August 2021), Dr. Anthony S. Fauci’s Contacts with the Intelligence Community, and the Subject Matter of the May 13, 2026 Sworn Testimony of James E. Erdman III

Dear Information and Privacy Coordinator:

Judicial Watch, Inc. (“Judicial Watch”) hereby requests that the Central Intelligence Agency (the “AGENCY”) produce the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”).

I. Background

On May 13, 2026, James E. Erdman III, a senior operations officer of the Central Intelligence Agency with more than two decades of service, testified under oath before the Senate Committee on Homeland Security and Governmental Affairs concerning the Intelligence Community’s analysis of the origins of the COVID-19 pandemic. Mr. Erdman testified, among other things, that: (i) CIA scientific analysts concluded on multiple occasions between 2021 and 2023 that a laboratory incident was the most likely origin of SARS-CoV-2; (ii) following a 90-day Intelligence Community review, the Agency was preparing on or about August 12, 2021 to assess that the pandemic most likely originated from a laboratory leak, but on or about August 17, 2021 the Agency’s position was reversed to a neutral or inconclusive judgment, with no documentation provided to investigators explaining the reversal; (iii) Dr. Anthony S. Fauci, then Director of the National Institute of Allergy and Infectious Diseases, had contacts with the Intelligence Community on at least two occasions in 2020 and 2021 in which he provided a curated list of outside subject-matter experts and steered the Intelligence Community’s consultations; (iv) a 2022–2023 re-examination involving approximately ten CIA analysts, including seven technical subject-matter experts, initially drafted an assessment concluding a laboratory origin, with eight of the ten analysts leaning toward that conclusion, before the draft was altered; and (v) members of the ODNI Biological Sciences Experts Group (BSEG) consulted by the Intelligence Community had undisclosed financial and professional conflicts of interest. The records requested below are designed to test, corroborate, and document these sworn allegations.

II. Time Period

Unless otherwise specified in a particular item below, this request seeks records created, sent, received, modified, or maintained between January 1, 2020 and the date the AGENCY commences its search.

III. Records Requested

Judicial Watch requests that the AGENCY produce the following records:

1. All records, including drafts, edits, comments, redlines, version histories, coordination memoranda, dissent channel cables, and final issued versions, concerning the 90-day Intelligence Community review of the origins of COVID-19 directed by President Biden on or about May 26, 2021, and any AGENCY contribution, input, assessment, briefing, or coordination paper produced in connection with that review.
2. All records reflecting any AGENCY assessment, draft assessment, working paper, vote tally, analytic line chart, key judgments, or coordination markup REFERRING TO the origins of SARS-CoV-2 or COVID-19 prepared, circulated, or considered between August 1, 2021 and August 31, 2021, including without limitation any draft or working version dated on or about August 12, 2021, and any superseding draft or working version dated on or about August 17, 2021.
3. All records REFLECTING any decision, instruction, direction, edit, comment, override, non-concurrence, or coordination concerning the change in the AGENCY's analytic line on the origins of COVID-19 between August 12, 2021 and August 31, 2021, including without limitation any records authored by, sent to, sent from, or copied to: (a) the Director of the Central Intelligence Agency; (b) the Deputy Director of the Central Intelligence Agency; (c) the Deputy Director for Analysis; (d) the Director of the Weapons and Counterproliferation Mission Center; (e) the chief, deputy chief, or any analyst of the WCMC Counterproliferation, Biological Weapons, or Bioweapons branch (however titled); or (f) the Office of the Director of National Intelligence.
4. All COMMUNICATIONS between any AGENCY EMPLOYEE and Dr. Anthony S. Fauci, or any person communicating on his behalf (including his executive assistants, senior advisors, or counsel), between January 1, 2020 and December 31, 2022, REGARDING the origins of SARS-CoV-2 or COVID-19, gain-of-function research, the Wuhan Institute of Virology, EcoHealth Alliance, coronavirus research funded by the National Institute of Allergy and Infectious Diseases, or the selection of subject-matter experts for consultation by the Intelligence Community.
5. All records REFLECTING any list, roster, slate, recommendation, referral, or curation of outside subject-matter experts, scientists, or public-health officials provided to the AGENCY or to the Intelligence Community by Dr. Anthony S. Fauci or by any EMPLOYEE of the National Institute of Allergy and Infectious Diseases, the National Institutes of Health, or the Department of Health and Human Services, for purposes of advising on the origins of COVID-19 or coronavirus research.
6. All records REGARDING the February 1, 2020 teleconference convened by Dr. Anthony S. Fauci and Dr. Francis Collins with virologists including Drs. Kristian Andersen, Edward Holmes,

Robert Garry, Andrew Rambaut, and Ron Fouchier, and any AGENCY review, summary, transcript, readout, or assessment of that call or of the resulting February 16, 2020 “Proximal Origin” draft and the March 17, 2020 publication “The Proximal Origin of SARS-CoV-2” in Nature Medicine.

7. All records REFLECTING the membership, charter, statements of work, conflict-of-interest disclosures, recusal records, meeting agendas, meeting minutes, briefing materials, written products, and AGENCY correspondence concerning the Biological Sciences Experts Group (BSEG) of the Office of the Director of National Intelligence, including without limitation any records REGARDING the role of Dr. Ralph S. Baric of the University of North Carolina at Chapel Hill.
8. All records concerning the 2022–2023 internal AGENCY re-examination of the origins of COVID-19 in which approximately ten analysts, including approximately seven technical subject-matter experts, participated, including without limitation: (a) the team’s tasking memorandum; (b) the roster of participants; (c) any initial, intermediate, or draft assessment produced by the team; (d) any vote tally, polling result, or analytic line chart memorializing the team’s views; (e) any coordination, edits, comments, or instructions received from AGENCY management; and (f) the final issued product and any records explaining differences between the team’s initial draft and the final product.
9. All records, including coordination drafts, edits, talking points, and clearance correspondence, concerning the AGENCY’s January 2025 public assessment that COVID-19 most likely originated from a laboratory incident, including without limitation any records REFLECTING the analytic basis for that assessment and any records REGARDING whether the assessment was prompted by new intelligence or by a directive from the outgoing Biden Administration.
10. All COMMUNICATIONS between any AGENCY EMPLOYEE and any EMPLOYEE of the Office of the Director of National Intelligence’s Director’s Initiatives Group (DIG) between March 1, 2025 and April 30, 2026 REGARDING the origins of COVID-19, the AGENCY’s production of records to the DIG, the AGENCY’s refusal or limitation of any document production to the DIG, or James E. Erdman III.
11. All records REFLECTING any AGENCY response to, denial of, partial production in response to, or other disposition of, any request for documents from the Director’s Initiatives Group concerning the origins of COVID-19, including without limitation any internal AGENCY records explaining or justifying the AGENCY’s decision not to provide requested documentation concerning the August 12–17, 2021 change in analytic line.
12. All records REGARDING any briefing, testimony, transcript, letter, response to questions for the record, or other COMMUNICATION provided by the AGENCY to the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, the Senate Committee on Homeland Security and Governmental Affairs, the House Select Subcommittee on the Coronavirus Pandemic, or any other Congressional committee or subcommittee, between January 1, 2021 and the date of this request, concerning the origins of COVID-19, including without limitation any records REFLECTING internal AGENCY discussion of whether and to what extent to disclose the analytic dissents described in items 1, 2, 3, and 8 above.

13. All records concerning any actual, contemplated, or proposed personnel action, security-clearance action, polygraph examination, reassignment, investigation, referral, or other adverse or non-adverse action taken or considered with respect to James E. Erdman III between January 1, 2024 and the date of this request, including without limitation records reflecting any AGENCY response to his protected disclosures under the Intelligence Community Whistleblower Protection Act, 50 U.S.C. § 3033(k)(5), or other applicable whistleblower-protection authorities.
14. All records REGARDING the AGENCY's May 13, 2026 public statement by Office of Public Affairs spokeswoman Liz Lyons characterizing the Senate Homeland Security and Governmental Affairs Committee's May 13, 2026 hearing as "dishonest political theater," including without limitation drafts, edits, clearance records, and any internal COMMUNICATIONS REGARDING the decision to issue that statement before the hearing concluded.
15. All records sufficient to identify each AGENCY EMPLOYEE who, between January 1, 2020 and the date of this request, served in a supervisory or management role over the AGENCY's analytic line on the origins of COVID-19, including without limitation: (a) name, title, and component of assignment during the relevant period; and (b) for each such EMPLOYEE who has since separated from the AGENCY, the date of separation and any subsequent affiliation reported on financial-disclosure or post-employment filings to the AGENCY.

IV. Definitions

As used herein, the following terms shall have the meanings ascribed below:

"AGENCY" means the Central Intelligence Agency, including all directorates, mission centers, offices, components, divisions, branches, task forces, working groups, and persons acting on its behalf, including the Office of the Director, the Directorate of Analysis (DA), the Weapons and Counterproliferation Mission Center (WCMC), the Director's Initiatives Group (DIG) when staffed jointly with the Agency, the Office of Public Affairs, the Office of General Counsel, the Office of Congressional Affairs, the Office of Inspector General, the Counterintelligence Mission Center, and any successor or predecessor components.

"COMMUNICATION" means any oral, written, electronic, or recorded transmission of information of any kind, including without limitation letters, memoranda, emails, text messages, instant messages, chat logs (including but not limited to Microsoft Teams, Signal, Wickr, Slack, eChirp, Sametime, and JWICS or NIPRNet equivalents), telephone calls, voicemails, meetings, video conferences, briefings, and presentations.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of

telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“EMPLOYEE” means any current or former officer, official, agent, contractor, sub-contractor, consultant, detailee, fellow, intern, or other personnel of the AGENCY, whether full-time, part-time, paid, or unpaid, including without limitation any AGENCY personnel detailed to, seconded to, or jointly assigned with the Office of the Director of National Intelligence (ODNI) or any Intelligence Community element.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” “REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “CONCERNING” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

“AND/OR” should be interpreted in the inclusive sense, meaning either “and,” “or,” or both, so as to encompass the broadest scope of responsive records.

Materials Excluded From This Request

To narrow the scope of this request and reduce the AGENCY’s burden, this request does NOT seek the following categories of records, except as expressly preserved in the carve-back paragraph below:

- a. Publicly available news articles, op-eds, blog posts, podcasts, or broadcast transcripts not generated by AGENCY employees;
- b. Pleadings, briefs, orders, or other filings publicly available through PACER, CM/ECF, or other court electronic-filing systems;
- c. Documents publicly available on the AGENCY’s own website or FOIA electronic reading room;
- d. Press releases and public statements issued by the AGENCY;
- e. The Federal Register, the Code of Federal Regulations, and the United States Code;
- f. Materials publicly available through Congress.gov, including bill text, committee reports, and floor statements;
- g. Public reports issued by Offices of Inspectors General, the Government Accountability Office, or the Congressional Research Service;
- h. Public contract postings on SAM.gov or USAspending.gov;
- i. Academic articles, books, treatises, and other commercially or publicly published works.

For the avoidance of doubt, the above exclusions do NOT extend to: (i) any employee-annotated, marked-up, or working version of an otherwise public document; (ii) any internal AGENCY record that quotes, attaches, paraphrases, or incorporates such public material; (iii) any record reflecting AGENCY decisions about, edits to, or coordination concerning public-facing communications; or (iv) any internal AGENCY discussion of, response to, or coordination regarding any of the publicly available items listed above. All such records remain fully within the scope of this request.

V. Note Regarding Glomar and Exemption Claims

On May 13, 2026, the AGENCY, through its Director of Public Affairs Liz Lyons, publicly confirmed in a written statement that “the CIA has already assessed [that] COVID-19 most likely originated from a lab leak,” and the AGENCY did not dispute the substance of Mr. Erdman’s testimony concerning the existence of the underlying analytic record. The AGENCY has also itself published its January 2025 assessment on the same subject. The existence of records responsive to this request has therefore been officially acknowledged, and Judicial Watch respectfully submits that a Glomar response under Exemptions (b)(1) or (b)(3) would be unsupportable as to the existence of responsive records on the topics enumerated above. To the extent the AGENCY asserts any FOIA exemption, Judicial Watch requests that the AGENCY (a) segregate and produce all reasonably segregable non-exempt portions pursuant to 5 U.S.C. § 552(b), and (b) provide a Vaughn-style index sufficient to permit meaningful administrative and, if necessary, judicial review of any withholding.

Please determine whether to comply with this request within the time period required by FOIA and notify us immediately of your determination, the reasons therefor, and the right to appeal any adverse determination to the head of the agency or his or her designee. 5 U.S.C. § 552(a)(6)(i). Please also produce all responsive records in an electronic format (“pdf” is preferred), if convenient. We also are willing to accept a “rolling production” of responsive records if it will facilitate a more timely production.

Fee Waiver Request

Judicial Watch also hereby requests a waiver of both search and duplication fees. We are entitled to a waiver of search fees because we are a “representative of the news media.” See 5 U.S.C. § 552(a)(4)(A)(ii)(II); see also *Cause of Action v. Federal Trade Comm.*, 799 F.3d 1108 (D.C. Cir. 2015); *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381 (D.C. Cir. 1989). For more than twenty years, Judicial Watch has used FOIA and other investigative tools to gather information about the operations and activities of government, a subject of undisputed public interest. We submit over 400 FOIA requests annually. Our personnel, which includes experienced journalists and professional writers on staff and under contract, use their editorial skills to turn this raw information into distinct works that are disseminated to the public via our monthly newsletter, weekly email update, investigative bulletins, special reports, www.judicialwatch.org website, *Corruption Chronicles* blog, and social media, among other distribution channels. Our “news media” status has been confirmed in court rulings. See, e.g., *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp. 2d 52 (D.D.C. 2000); *Judicial Watch, Inc. v. U.S. Dep’t of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006).

Judicial Watch additionally is entitled to a waiver of both search fees and duplication fees because “disclosure of the information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records is likely to contribute significantly to public understanding of the operations or activities of the federal government and is not primarily in Judicial Watch’s commercial interest. The requested records concern sworn whistleblower testimony before the United States Senate alleging that senior officials of the Central Intelligence Agency and the Office of the Director of National Intelligence reversed analytic conclusions concerning the origins of the COVID-19 pandemic following intervention by a non-Intelligence Community official, Dr. Anthony S. Fauci, and concealed those reversals from Congress and the American public. Few topics are of greater public interest. As a tax-exempt, 501(c)(3) nonprofit corporation, Judicial Watch has no commercial interest in the records and seeks them solely to advance its on-going investigative journalism and public-education mission.

In the event the AGENCY denies the requested fee waivers, Judicial Watch is willing to pay up to \$300.00 in applicable fees. Please notify us in advance if you anticipate that fees will exceed this amount.

Thank you for your cooperation.

Sincerely,

Chris Nelson

Senior Investigator

Judicial Watch, Inc.

425 Third Street, S.W., Suite 800

Washington, DC 20024

Tel: (202) 646-5172

Email: cnelson@judicialwatch.org