



July 1, 2013

**VIA CERTIFIED MAIL**

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

**RE: Department of Homeland Security Deputy Inspector General Charles Edwards**

Dear President Obama:

As you are hopefully aware, the United States Senate is currently investigating allegations of misconduct and abuse by Department of Homeland Security (DHS) Deputy Inspector General Charles K. Edwards (Edwards).<sup>1</sup> On behalf of Cause of Action, a nonprofit, nonpartisan accountability organization, I am writing to inform you of the results and status of our own investigation into this matter that has been underway since last year. In sum, we have learned that Edwards has failed to honestly and appropriately conduct investigations and manage subordinates, and that he has misused public resources in violation of federal regulations. In light of these findings, which are outlined below, we respectfully request that you consider removing Edwards from his position.

**Edwards' improper travel**

Since 2010, Edwards has pursued a doctorate degree in information systems from Nova Southeastern University in Fort Lauderdale, Florida.<sup>2</sup> Whenever Edwards attended the university, he would schedule "site checks" of the nearby DHS OIG satellite office in Miramar, Florida. The site check was usually scheduled on a Friday. During some site checks, he visited the DHS office and spoke briefly to employees. On other purported site checks, Edwards would not visit the DHS Office at all. After these cursory site checks, Edwards would drive his rental car to Nova Southeastern University, check into a hotel, attend classes for two days, and then fly back to Washington D.C. on a Sunday. Notably, Edwards billed his air fare, rental car, hotel expenses, and other incidentals as reimbursable work expenses.

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<sup>1</sup> Letter from the Honorable Claire McCaskill, U.S. Senator and Chairman of the Subcommittee on Contracting and Financial Oversight and the Honorable Ron Johnson, U.S. Senator and Ranking Member of the Subcommittee on Contracting and Financial Oversight, to Mr. Charles Edwards, Deputy Inspector General, Department of Homeland Security (June 27, 2013), available at <http://i2.cdn.turner.com/cnn/2013/images/06/27/062713.letter.to.edwards.pdf>.

<sup>2</sup> <http://www.scis.nova.edu/>

Edwards' alleged improper travel extended beyond his travel to Florida for his PhD. classes. Edwards also made two trips for purported site checks of the DHS OIG office in San Juan, Puerto Rico. Although the San Juan office is staffed by only a few employees, on each trip Edwards stayed for four days, and on one occasion, he brought six other DHS OIG employees with him, including his secretary.

### **Improper use of a government vehicle**

Sources accuse Edwards of improperly using a government vehicle. Although federal law restricts the use of government-owned or leased vehicles to official purposes, Edwards regularly directed his driver off-route in order to pick up his wife. In one incident, Edwards reportedly instructed the Director of DHS OIG Office of Management, to drive across Washington, D.C. in a government vehicle in order to pick up his spouse, Madhuri Edwards.

### **Nepotism involving Edwards' spouse**

In 2009, Edwards's spouse was employed in the DHS OIG Office of Audits in a position that likely involved sensitive or classified data. During that time, she requested leave to telework from India for five months. The Department of Homeland Security's Telework Directive instructs teleworking employees to "[ensure] that records subject to Privacy Act and sensitive or classified data are not disclosed to anyone except those [authorized]" and requires that "appropriate administrative, technical, and physical safeguards are available to ensure the security and confidentiality of the records."<sup>3</sup> Nevertheless, the Chief of Audit Operations, Mark Bell (Bell) approved Madhuri Edwards' request. Bell was then promoted by Edwards to Assistant Inspector General for Audits soon after approving Madhuri Edwards' telework.<sup>4</sup> In 2010 Madhuri Edwards was moved into DHS OIG's Office of Emergency Management Oversight (EMO), and again requested permission to telework from India. Even though then Assistant Inspector General for EMO Matt Jadacki (Jadacki), and his deputy, Mark McLaughlin (McLaughlin), denied the request, Madhuri Edwards returned to India in July 2010 and teleworked one day a week for, returning in early September 2010.

Subsequently, after becoming Acting IG, Edwards dismantled the EMO because of an asserted lack of appropriated funds. This forced Jadacki and McLaughlin into retirement and required transferring approximately twenty employees to the Office of Audits. Edwards later reconstituted the office, returning everyone but the two supervisors to EMO. Temporarily dismantling EMO may have been retaliation for Jadacki and McLaughlin's refusal of Madhuri Edwards' 2010 telework request.

### **Destruction of federal records**

When Madhuri Edwards returned from India, the DHS OIG's Office of Information Technology (IT) discovered that she had incurred significant, long-distance cellphone charges to

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[http://www.dhs.gov/xlibrary/assets/training/xus/crcl/employmentdisabilities/employment\\_disabilities/pdf/DHS%20Telework%20Directive.pdf](http://www.dhs.gov/xlibrary/assets/training/xus/crcl/employmentdisabilities/employment_disabilities/pdf/DHS%20Telework%20Directive.pdf)

<sup>4</sup> [http://www.oig.dhs.gov/index.php?option=com\\_content&view=article&id=47&Itemid=10](http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=47&Itemid=10).

her government-issued Blackberry. These calls were predominantly to her husband, who did not work in her department and to whom she did not report. After the IT Office approved the Blackberry expenditures that Madhuri Edwards' accrued during her telework, a written complaint was made about the improper charges involving Madhuri Edwards. The complainant claimed that Madhuri Edwards' use of a government-issued cellphone to make expensive, non-work related calls constituted fraud, abuse, and a waste of federal tax dollars. The complaint was received via fax by the Office of Investigations after Edwards' became Acting Inspector General. According to agency insiders, the fax was shredded before the complaint could be entered into the Office of Investigation's Enforcement Data System (EDS). This willful destruction of records is a criminal offense that is punishable by at least a fine or imprisonment up to three years.<sup>5</sup>

### **Disregard of the Freedom of Information Act and the removal of records**

Both insiders allege that Edwards' routinely disregards the Freedom of Information Act (FOIA)<sup>6</sup> and has removed or destroyed records to prevent their public disclosure. In 2012, journalist Andrew Becker filed a FOIA request seeking Madhuri Edwards' teleworking records. Our sources allege that the FOIA officers tasked with processing this request went to Hines seeking Madhuri Edwards' Blackberry phone records, which Hines had stored in her computer's e-mail system. Unbeknownst to Hines, the records had disappeared since the last time she had accessed them. When FOIA officers tried the Office of Audits and EMO they were similarly stymied; no record of the telephone bills existed in either office. It was not until Hines suggested they contact the Bureau of Public Debt, a quasi-governmental agency that maintains records of all agency expenditures, that they were able to obtain the responsive documents. An anonymous source familiar with the request believes that the records were intentionally removed from DHS OIG databases following the complaint filed against Madhuri Edwards. Nor is this the only time incriminating records were allegedly deleted; another insider claims that sensitive information would at times inexplicably disappear from the EDS. This willful concealment of records is a criminal offense that is punishable by at least a fine or imprisonment up to three years.<sup>7</sup>

The Electronic Freedom of Information Act Amendments of 1996 requires that all FOIA requests which "the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records" be placed in electronic reading rooms on the agency's website.<sup>8</sup> However, despite one source's claim that records of Madhuri Edwards' telework have been requested three separate times, DHS OIG has not placed these records in their electronic reading room. Cause of Action can corroborate this claim by noting that we filed our own request on March 27, 2013 for documents already produced to three distinct requesters, including documents regarding Madhuri Edwards' teleworking. Despite these multiple requests, DHS OIG failed to place these productions in their reading room. They also informed Cause of Action that they needed to re-review records that had already been sent to other FOIA requesters, and therefore would not be able to timely produce documents. Making matters worse, DHS OIG

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<sup>5</sup> See 18 U.S.C. § 2071.

<sup>6</sup> 5 U.S.C. § 552.

<sup>7</sup> See 18 U.S.C. § 2071.

<sup>8</sup> [http://www.justice.gov/oip/readingroom.htm#N\\_19\\_](http://www.justice.gov/oip/readingroom.htm#N_19_).

was unwilling to provide Cause of Action with an estimated date by which it would respond to our FOIA request. In light of DHS OIG's delay and inexplicable recalcitrance, we had little choice but to file a lawsuit on June 11, 2013.<sup>9</sup>

### **Toxic culture**

Edwards' poor management skills and misbehavior have created a toxic and largely dysfunctional environment at DHS OIG. Both insiders claim that Edwards is utterly intolerant of dissent. "If you tell him 'No,' he takes that as insubordination," one anonymous source asserted. "So if anyone opposes him, he finds reasons to put them on administrative leave." Another agreed: "If you even speak up to him, disagreeing, he considers that a form of disloyalty." He is also verbally abusive; sources claim that he routinely yells and screams at employees. Together these traits serve to intimidate, even frighten, many employees. "When [Counsel] Rick Rebak was put out on admin leave, there were lawyers in his office afraid that Charles would simply fire them," one source alleged. "These are people who know what their rights are. Imagine those who don't know their rights." Fear of reprisal prevents many employees from appropriately and effectively conducting their work. This is particularly true in DHS OIG's FOIA office, where workers sometimes refuse to release documents which may be damaging to Edwards.

A pervasive atmosphere of distrust compounds the difficulties facing DHS OIG. Following a series of news stories by the *Center for Investigative Reporting's* Andrew Becker regarding misconduct at DHS OIG, Edwards became convinced that someone inside his office had leaked information to the reporter. Beginning sometime in early 2012, Edwards instructed the I.T. department to monitor the e-mail and phone communications of DHS OIG employees. Sometimes he would specifically confront individuals about the content of their e-mails or telephone calls. "He would know things that he only would've discovered through their e-mails and then would go and yell at them about things," one source alleged. The dearth of trust at DHS OIG extends to relations between coworkers. Our sources contend that as senior employees in the Office of Investigations and elsewhere were put on administrative leave, DHS OIG increasingly suffered from a glut of internal complaints. One insider described the investigation into the Secret Service prostitution scandal as particularly dysfunctional; senior employees have accused one another of altering report results while multiple lower-level employees have complained of sexual harassment. "Basically they're eating each other alive," one source told Cause of Action.

### **Absence of a permanent DHS Inspector General**

While Edwards functioned as DHS Acting Inspector General for nearly two years, he no longer officially occupies that position. On January 4, 2013, he resumed his role as Deputy Inspector General while remaining the *de facto* head of DHS OIG.<sup>10</sup> This arrangement leaves the

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<sup>9</sup> See Cause of Action v. Dep't of Homeland Sec., Office of Inspector General, No. 13-00876 (D.D.C.)

<sup>10</sup> DEP'T OF HOMELAND SEC., *Organization Chart: Office of Inspector General*, [http://www.oig.dhs.gov/index.php?option=com\\_content&view=article&id=45&Itemid=64](http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=45&Itemid=64) (last visited Jan. 24, 2013).

top position at DHS OIG vacant and eliminates an important safeguard against inappropriate behavior at the Department. The positions of Inspector General and Deputy Inspector General are meant to act as a check on one another, ensuring that all opinions are heard and decisions are not made arbitrarily. Without this balance, there is a greater risk that an Inspector General will behave inappropriately, as Edwards has.

The absence of an Inspector General is in this case even more harmful because the four remaining leadership positions at DHS OIG are also filled by individuals working in an “acting” capacity.<sup>11</sup> This ongoing leadership vacuum has created a lack of accountability at the highest levels of DHS OIG, likely contributing to Edward’s persistent misconduct.

Finally, the decision to return Edwards to his previous position as Deputy Inspector General may violate the intent of the Federal Vacancies Reform Act. The Act stipulates that an official may not serve in an acting capacity for longer than 210 days;<sup>12</sup> this timeframe is reset whenever a nominee is submitted to the Senate, rejected by the Senate, or withdrawn.<sup>13</sup> The previous nominee withdrew on June 7, 2012,<sup>14</sup> exactly 210 days before Edwards was reassigned from Acting Inspector General to Deputy Inspector General. Cause of Action is concerned that the failure to submit a nomination for DHS Inspector General violates the spirit and intent of the Federal Vacancies Reform Act of 1998, which was designed to ensure that vital federal positions are filled promptly and in accordance with constitutional requirements.

### **Conclusion**

Edwards’ tenure at DHS OIG has been marred by scandal and a lack of accountability. He has been neither honest nor transparent in his professional duties and is therefore unfit to continue as the leader of such a critical office. As such, Cause of Action respectfully requests that you remove Edwards from his leadership position and nominate a permanent Inspector General for DHS OIG with all due haste. We are available to assist you, members of Congress, or any others investigating the behavior of Edwards and his staff with any questions or information regarding Edwards or the DHS OIG. Please do not hesitate to contact me (Daniel.Epstein@causeofaction.org) at 202-499-4232. Thank you for your time and attention to this important matter.

Sincerely,



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DANIEL Z. EPSTEIN  
EXECUTIVE DIRECTOR

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<sup>11</sup> *Id.*

<sup>12</sup> 5 U.S.C. § 3346(a).

<sup>13</sup> 5 U.S.C. § 3346(b).

<sup>14</sup> THE WHITE HOUSE, *Presidential Nominations and Withdrawals Sent to the Senate* (June 7, 2012), <http://www.whitehouse.gov/the-press-office/2012/06/07/presidential-nominations-and-withdrawals-sent-senate> (last visited Feb. 13, 2013).

President Obama  
July 1, 2013  
Page 6

cc: Janet Napolitano, Secretary, Department of Homeland Security

Hon. Claire McCaskill, Chairman, Subcommittee on Financial and Subcontracting Oversight

Hon. Ron Johnson, Ranking Member, Subcommittee on Financial and Subcontracting Oversight

Hon. Tom Carper, Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Hon. Tom Coburn, Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Hon. Darrell Issa, Chairman, Committee on Oversight and Government Reform, U.S. House of Representatives

Hon. Elijah Cummings, Ranking Member, Committee on Oversight and Government Reform, U.S. House of Representatives

Hon. Phyllis K. Fong, CIGIE Chair

Hon. Ron Wyden

Hon. Zoe Lofgren

Hon. Jared Polis

Hon. Jason Chaffetz

Encl: Cause of Action FOIA request letter from March 27, 2013

Cause of Action FOIA complaint filed June 11, 2013



March 27, 2013

**VIA ELECTRONIC SUBMISSION AND CERTIFIED MAIL**

Ms. Kirsten Teal  
FOIA/PA Disclosure Specialist  
Department of Homeland Security, Office of Inspector General  
Office of Counsel  
245 Murray Drive, Bldg. 410  
Mail Stop - 2600  
Washington, D.C. 20528-0001

**RE: Freedom of Information Act Request**

Dear Ms. Teal:

We write on behalf of Cause of Action, a nonprofit, nonpartisan government accountability organization that fights to protect economic opportunity when federal regulations, spending and cronyism threaten it.

Consistent with that mission, we are concerned about wasteful spending and allegations of misconduct at the Office of Inspector General (OIG) for the Department of Homeland Security (DHS). The DHS OIG has been without a Senate-confirmed Inspector General for over two years.<sup>1</sup> Because the Acting and Deputy Inspector General, Charles Edwards (Edwards), may be nominated for the permanent DHS Inspector General position, Cause of Action intends to evaluate and inform the public about how effectively Mr. Edwards has managed the DHS OIG while he has served as the Acting and Deputy Inspector General. Therefore, pursuant to the provisions of the Freedom of Information Act (FOIA),<sup>2</sup> Cause of Action hereby requests that the DHS OIG produce, within the next twenty (20) business days, the following documents:

1. All documents produced, compiled or released for DHS OIG FOIA case number 2013-11.
2. All documents produced, compiled or released for DHS OIG FOIA case number 2013-29.
3. All documents produced, compiled or released for DHS OIG FOIA case number 2012-175.

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<sup>1</sup> See DEP'T OF HOMELAND SEC., *Deputy Inspector General: Charles K. Edwards*, [http://www.oig.dhs.gov/index.php?option=com\\_content&view=article&id=1%3Ainspector-general&catid=7&Itemid=64](http://www.oig.dhs.gov/index.php?option=com_content&view=article&id=1%3Ainspector-general&catid=7&Itemid=64).

<sup>2</sup> 5 U.S.C. § 552 (2006 & Supp. II 2008).

4. All documents regarding Mr. Edwards's official travels (in his capacity as Deputy Inspector General, Acting Inspector General or any other DHS position), for site checks or any other purpose, including the names of any individuals (including DHS employees) who accompanied Mr. Edwards, as well as travel vouchers, receipts or any other travel records, from February 27, 2011 to the present.
5. All documents, including reports, investigations, emails and hotline complaints, regarding any complaints against Mr. Edwards received by DHS OIG and the subsequent handling of such complaints by the Office of Investigations from February 27, 2011 to the present. Please note: a *Glomar* response or a 7(C) response letter is not appropriate for these records because there is a significant public interest in these records because the public has a right to know how the DHS OIG treats allegations of serious of misconduct against senior officials. For example, the DHS OIG has released all complaints received, in narrative format, regarding the Secret Service and former Director Mark J. Sullivan.<sup>3</sup>
6. All documents disclosed to Andrew Becker, journalist at the Center for Investigative Reporting, from February 27, 2011 to the present.

**Cause of Action Is Entitled to a Complete Waiver of Fees (Public-Interest Purpose).**

Cause of Action requests a waiver of both search and review fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). This statute provides that the requested information and/or documents shall be furnished without or at reduced charge if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Cause of Action, in the present matter, satisfies all of the required elements for a fee waiver.

- A. *Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.*

First and foremost, “obtaining information to act as a ‘watchdog’ of the government is a well-recognized public interest in the FOIA context.”<sup>4</sup> It is for this reason that Cause of Action, a nonprofit, nonpartisan organization that uses investigative, legal and communications tools to educate the public on how government accountability and transparency protects taxpayer interests and economic opportunity, seeks disclosure of the requested documents.

Disclosure of the information requested by Cause of Action in this instance is likely to contribute significantly to the understanding by the public at large of the operations and activities of the federal government as the documents requested concern actions undertaken by Mr. Edwards, Acting and Deputy Inspector General at DHS OIG and *de facto* head of that office.

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<sup>3</sup> FOIA Response, Narratives for Complaints Received by the DHS OIG Relating to U.S. Secret Service, *available at* [http://www.oig.dhs.gov/assets/PDFs/OIG\\_FOIA\\_Response.pdf](http://www.oig.dhs.gov/assets/PDFs/OIG_FOIA_Response.pdf).

<sup>4</sup> *Balt. Sun v. U.S. Marshals Serv.*, 131 F. Supp. 2d 725, 729-30 (D. Md. 2001); *see also* *Ctr. to Prevent Handgun Violence v. U.S. Dep't of the Treasury*, 981 F. Supp. 20, 24 (D.D.C. 1997) (“This self-appointed watchdog role is recognized in our system.”).



During Mr. Edwards's tenure, the House Committee on Oversight and Government Reform conducted a hearing regarding management issues at DHS OIG,<sup>5</sup> while the Senate Homeland Security and Government Affairs Committee wrote a letter to President Obama citing the "allegations of misconduct" facing the office.<sup>6</sup> The public at large therefore has a substantial interest in how Mr. Edwards has conducted oversight of the federal government's third-largest department. Therefore, the information requested will benefit the public as opposed to the individual understanding of the requester or a narrow segment of interested persons. Thus, this element is met.

*B. Disclosure of the requested information is not in the commercial interest of Cause of Action.*

Cause of Action does not seek this information to benefit commercially. Cause of Action is a nonprofit organization as defined under § 501(c)(3) of the Internal Revenue Code. Our organization is committed to protecting the public's right to be aware of the activities of government agencies and to ensuring the lawful and appropriate use of government funds by those agencies. This request seeks records about how effectively Mr. Edwards has performed as Acting and Deputy Inspector General. Cause of Action will not make a profit from the disclosure of this information. Rather, this information will be used to further the knowledge and interests of the general public in order to openly evaluate Mr. Edwards's actions and management of DHS OIG. In the event the disclosure of this information creates a profit motive, it is not dispositive for the commercial interest test; media or scholars could have a profit motive, as long as the dissemination of the information is in their professional capacity and would further the public interest.<sup>7</sup> Therefore, Cause of Action satisfies this element.

*C. Cause of Action has an ability to disseminate the requested information to the public and specifically intends to do so.*

Cause of Action intends to make the results of this request available to the public in various medium forms. Cause of Action uses a combination of research, litigation, advocacy and regularly disseminated publications to advance its mission. Our staff has a combined forty-five (45) years of expertise in government oversight, investigative reporting and federal public interest litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work and share the resulting analysis with the public, whether through Cause of Action's regularly published online newsletter, memoranda, reports or press releases. In addition, Cause of Action will disseminate any relevant information it acquires from this request to the public through its frequently visited website, [www.causeofaction.org](http://www.causeofaction.org), which also includes links to thousands of pages of documents Cause of Action acquired through its previous FOIA requests, as well as documents related to Cause of Action's litigation and agency complaints. Lastly, after the production of the requested

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<sup>5</sup> U.S. HOUSE OF REPRESENTATIVES COMM. ON GOV'T OVERSIGHT AND REFORM, *Unresolved Internal Investigations at DHS: Oversight of Investigations Management in the Office of the DHS IG*, <http://oversight.house.gov/hearing/unresolved-internal-investigations-at-dhs-oversight-of-investigation-management-in-the-office-of-the-dhs-ig/>.

<sup>6</sup> U.S. SENATE COMM. ON HOMELAND SEC. AND GOVERNMENTAL AFFAIRS, *Homeland Security and Governmental Affairs Committee Senators Urge President to Fill IG Vacancies*.

<sup>7</sup> See *Campbell v. U.S. Dep't of Justice*, 164 F.3d 20, 35-36 (D.C. Cir. 1998).

information, Cause of Action intends to produce a report on the matter of any misconduct by Mr. Edwards or senior management at DHS OIG. This report may be published, distributed to the news media and sent to interested persons through our regular periodicals, including “Agency Check” and “Cause of Action News.” An ability to show the presence of a website with occasional, consistent traffic is enough to show that a requester has an ability to disseminate information.<sup>8</sup> As with the other two (2) outlined above, Cause of Action has also met this element, thus justifying a fee waiver.

### **Cause of Action Is Entitled to News Media Requester Category Status.**

Cause of Action also asks that it not be charged search or review fees for this request because it qualifies as a “representative of the news media, or news media requester,” under 5 U.S.C. § 552(a)(4)(A)(ii)(II).<sup>9</sup> In *National Security Archive v. U.S. Dep’t of Defense*, the U.S. Court of Appeals for the District of Columbia Circuit noted that FOIA’s legislative history demonstrates that “it is critical that the phrase ‘representative of the news media’ be broadly interpreted if the act is to work as expected . . . In fact, *any person or organization which regularly publishes or disseminates information to the public . . . should qualify for waivers as a ‘representative of the news media.’*”<sup>10</sup>

Cause of Action is organized and operated, *inter alia*, to publish and broadcast news, *i.e.*, information that is about current events or that would be of current interest to the public. Cause of Action routinely and systematically disseminates information to the public through various medium forms. Cause of Action maintains a frequently visited website, [www.causeofaction.org](http://www.causeofaction.org). Additionally, since September 2011, Cause of Action has published an e-mail newsletter. This newsletter provides subscribers with regular updates regarding Cause of Action’s activities and information the organization has received from various government entities. Cause of Action also disseminates information via Twitter and Facebook. Cause of Action also produces a newsletter titled “Agency Check,” which informs interested persons about actions of federal agencies, and another periodical, “Cause of Action News.”<sup>11</sup>

Cause of Action gleans the information it regularly publishes in its newsletters from a wide variety of sources, including FOIA requests, government agencies, universities, law reviews and even other news sources. Cause of Action researches issues on government transparency and accountability, the use of taxpayer funds and social and economic freedom; regularly reports on this information; analyzes relevant data; evaluates the newsworthiness of the

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<sup>8</sup> See *Fed. CURE v. Lappin*, 602 F. Supp. 2d 197, 203 (D.D.C. 2009).

<sup>9</sup> Other agencies of the federal government have granted Cause of Action “representative of the news media” category status. See, e.g., FOIA Request HQ-2012-00752-F, Dep’t of Energy (Feb. 15, 2012); FOIA Request No. 12-00455-F, Dep’t of Educ. (Jan. 20, 2012); FOIA Request 12-267, Fed. Emergency Mgmt. Agency (Feb. 9, 2012); FOIA Request 2012-RMA-02563F, Dep’t of Agric. (May 3, 2012); FOIA Request 2012-078, Dep’t of Homeland Sec. (Feb. 15, 2012); FOIA Request 2012-00270, Dep’t of Interior (Feb. 17, 2012); FOIA Request, Dep’t of Labor (Apr. 20, 2012); FOIA Request CRRIF 2012-00077, Dep’t of Commerce (Mar. 1, 2012). As the U.S. Court of Appeals for the District of Columbia noted in *Oglesby v. U.S. Dep’t of the Army*, agencies should grant news media requestor status when other agencies have done so because of “the need for uniformity among the agencies in their application of FOIA.” 920 F.2d 57, 66 n.11 (D.C. Cir. 1990).

<sup>10</sup> 880 F.2d 1381, 1386 (D.C. Cir. 1989) (citing 132 Cong. Rec. S14298 (daily ed. Sept. 30, 1986)) (omissions in original).

<sup>11</sup> Newsletters, Cause of Action, available at <http://causeofaction.org/newsletters/>.

material; and puts the facts and issues into context. Cause of Action uses technology, including but not limited to the Internet, Twitter and Facebook, in order to publish and distribute news about current events and issues that are of current interest to the general public. These activities are hallmarks of publishing, news and journalism. Based on these extensive publication activities, Cause of Action qualifies for a fee waiver as a “representative of the news media, or news media requester,” under FOIA and agency regulations.<sup>12</sup>

Cause of Action’s activities clearly fall within the statutory definition of this term. 5 U.S.C. § 552(a)(4)(A)(ii)(III) defines “representative[s] of the news media” broadly to include organizations that disseminate news through electronic communications, including “publishers of

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<sup>12</sup> See, e.g., Paul Streckfus, *Accountability Group Seeks IRS Investigation of ACORN Affiliates*, EO TAX JOURNAL, Ed. 2011-173, Oct. 24, 2011; Patrick Reis and Darren Goode, *Senators hedge bets ahead of CSAPR vote - Second anti-reg bill to get vote - Perry's debate gaffe - Acrimony hits new heights in Solyndra spat*, POLITICO (Nov. 10, 2011), <http://www.politico.com/morningenergy/1111/morningenergy374.html>; Conn Carroll, *Labor board broke federal law on Boeing suit*, WASH. EXAMINER, Nov. 27, 2011, available at <http://campaign2012.washingtonexaminer.com/article/labor-board-broke-federal-law-boeing-suit>; Matthew Vadum, *Obama uses taxpayer cash to back ACORN Name changes used to dodge the law*, WASH. TIMES, Nov. 28, 2011, available at <http://www.washingtontimes.com/news/2011/nov/28/obama-uses-taxpayer-cash-to-back-acorn-name-change/>; Perry Chiaramonte, *ACORN Misused Federal Grant Funds, Report Says*, FOX NEWS (Nov. 30, 2011), <http://www.foxnews.com/politics/2011/11/30/acorn-misused-federal-grant-funds-report-says/>; *Acorn lives: Meet AHCOA*, PITTSBURGH TRIBUNE-REVIEW, Dec. 5, 2011, available at [http://www.pittsburghlive.com/x/pittsburghtrib/opinion/s\\_770135.html](http://www.pittsburghlive.com/x/pittsburghtrib/opinion/s_770135.html); Benjamin Wallace, *The Virgin Father*, N.Y. MAGAZINE, Feb. 5, 2012, available at <http://nymag.com/news/features/trent-arsenault-2012-2/>; Charles C. W. Cooke, *ACORN Is Up to Its Old Tricks*, NAT’L REVIEW ONLINE (Feb. 6, 2012), <http://www.nationalreview.com/articles/289948/acorn-its-old-tricks-charles-c-w-cooke>; John Hayward, *Justice Department asked to investigate abuse of stimulus funds for lobbying*, HUMAN EVENTS (Mar. 3, 2012), <http://www.humanevents.com/article.php?id=50328>; Pete Kasperowicz, *GSA fallout: Watchdog group probes 28 federal agencies for wasteful spending*, THE HILL, Apr. 5, 2012, available at <http://thehill.com/blogs/floor-action/house/220119-gsa-fallout-watchdog-group-probes-28-federal-agencies-for-wasteful-spending>; Timothy R. Smith, *How much are other agencies spending on award coins? A nonpartisan group wants to know*, WASH. POST, Apr. 6, 2012, available at [http://www.washingtonpost.com/blogs/federal-eye/post/how-much-are-other-agencies-spending-on-award-coins-a-nonpartisan-group-wants-to-know/2012/04/05/gIQLpGPYs\\_blog.html](http://www.washingtonpost.com/blogs/federal-eye/post/how-much-are-other-agencies-spending-on-award-coins-a-nonpartisan-group-wants-to-know/2012/04/05/gIQLpGPYs_blog.html); Andy Medici, *Scrutiny widens over GSA spending*, FED. TIMES (Apr. 6, 2012), <http://www.federaltimes.com/article/20120406/DEPARTMENTS07/204060303/>; Mickey Meece, *Durbin Calls GSA Spending ‘Outrageous’; Vows Congressional Hearings*, FORBES.COM (Apr. 8, 2012), <http://www.forbes.com/sites/mickeymeece/2012/04/08/durbin-calls-gsa-spending-outrageous-vows-congressional-hearings/>; Christopher Matthews, *High Tide: From a Wal-Mart Feeding Frenzy to Indian Firms’ Continued Shipping of Iranian Crude*, WALL ST. J., Apr. 24, 2012, available at <http://blogs.wsj.com/corruption-currents/2012/04/24/high-tide-from-a-wal-mart-feeding-frenzy-to-indian-firms-continued-shipping-of-iranian-crude/>; Lauren Fox, *Federal Budget Office Asks All Agencies to Cut Conference, Travel Costs*, US NEWS (May 12, 2012), <http://www.usnews.com/news/blogs/washington-whispers/2012/05/14/federal-budget-office-asks-all-agencies-to-cut-conference-travel-costs>; Stephanie Lee, *Woman sues FDA for right to use donor’s free sperm*, S. F. CHRON., July 9, 2012, available at <http://www.sfgate.com/bayarea/article/Woman-sues-FDA-for-right-to-use-donor-s-free-sperm-3692207.php>; Alexis Shaw, *Woman Anonymously Sues FDA for Right to Free Sperm*, ABC NEWS (July 12, 2012), <http://abcnews.go.com/US/woman-sues-fda-free-sperm/story?id=16755422>; Perry Chiaramonte, *Taxpayer watchdog calls on IRS to probe re-branded Texas ACORN branch*, FOX NEWS (July 19, 2012), <http://www.foxnews.com/politics/2012/07/19/taxpayer-watchdog-calls-on-irs-to-probe-re-branded-texas-acorn-branch/#ixzz21qTFmosA>; Nick Baumann, *National Archives Sued Over Financial Crisis Documents*, MOTHER JONES, Aug. 15, 2012, available at <http://www.motherjones.com/mojo/2012/08/watchdog-group-sues-national-archives-over-financial-crisis-documents>; Jon Hilkevitch, *Report: CTA reaped millions by over-reporting bus mileage*, CHI. TRIB., Oct. 17, 2012, available at [http://articles.chicagotribune.com/2012-10-18/news/ct-met-cta-mileage-report-1018-20121018\\_1\\_cta-spokesman-cta-officials-action-report](http://articles.chicagotribune.com/2012-10-18/news/ct-met-cta-mileage-report-1018-20121018_1_cta-spokesman-cta-officials-action-report).

*periodicals* . . . who make their products available for purchase by or subscription by or free distribution to the general public.”<sup>13</sup> Moreover, the FOIA statute itself, as amended in 2007, explicitly defines “representative of the news media”—a term that had previously been undefined in the statute—to specifically include organizations, such as Cause of Action, that regularly publish and disseminate online periodicals, *e.g.*, newsletters.<sup>14</sup> The statutory definition unequivocally commands that organizations that electronically disseminate information and publications via “alternative media *shall* be considered to be news-media entities.”<sup>15</sup> As the plain language of the statute makes abundantly clear, then, an organization that regularly disseminates news via an online newsletter or periodical, such as Cause of Action, is a “representative of the news media” under FOIA.

In *Electronic Privacy Information Center v. Dep’t of Defense*, the court broadly construed a Department of Defense regulation defining “representative of the news media” to include a 501(c)(3) that, like Cause of Action, maintains a frequently visited website and regularly publishes an e-mail newsletter.<sup>16</sup> Under well-established precedent, then, a 501(c)(3) requester that regularly publishes online newsletters, such as Cause of Action, is entitled to a fee waiver as a “representative of the news media,” where *Electronic Privacy Information Center* provides that “publishers of periodicals” qualify as representatives of the news media.<sup>17</sup>

The information requested regarding Mr. Edwards and DHS OIG will be of current interest to a large segment of the general public. Cause of Action will ultimately disseminate this information that it is statutorily entitled to, *inter alia*, through its regularly published online newsletter. Additionally, Cause of Action will take the information that is disclosed, using its editorial skills and judgment, to publish news articles that will be published on our website, distributed to other media sources and distributed to interested persons through our newsletters.

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<sup>13</sup> 5 U.S.C. § 552(a)(4)(A)(ii) (emphasis added).

<sup>14</sup> The FOIA statute, as amended in 2007, defines “representative of the news media” as follows:

[T]he term “a representative of the news media” means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term “news” means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of “news”) who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), *such alternative media shall be considered to be news-media entities*.

*Id.* (emphasis added).

<sup>15</sup> *Id.* (emphasis added). See generally *Nat’l Ass’n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 661-662 (2007) (noting the well-established proposition that, as used in statutes, the word “shall” is generally imperative or mandatory).

<sup>16</sup> 241 F.Supp.2d 5, 12-15 (D.D.C. 2003). The court pointedly noted that “a ‘periodical,’ unlike a daily newspaper, has been defined simply as ‘a publication issued at regular intervals of more than one day.’” *Id.* at 13 n.4 (quoting AMERICAN HERITAGE DICTIONARY, SECOND COLLEGE EDITION, at 923 (2000)).

<sup>17</sup> *Id.*

As outlined above, the plain language of 5 U.S.C. § 552(a)(4)(A)(ii)(III), controlling precedent and the agency's regulations clearly require the conclusion that Cause of Action is a representative of the news media.

**Production of Information and Contact Information.**

We call your attention to President Obama's January 21, 2009 Memorandum concerning FOIA, which states in relevant part:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA . . . The presumption of disclosure should be applied to all decisions involving FOIA.<sup>18</sup>

On the same day, President Obama spoke on FOIA to incoming members of the Cabinet and staff of the White House and stated in relevant part:

The old rules said that if there was a defensible argument for not disclosing something to the American people, then it should not be disclosed. That era is now over. Starting today, every agency and department should know that this administration stands on the side not of those who seek to withhold information but those who seek to make it known. To be sure, issues like personal privacy and national security must be treated with the care they demand. But the mere fact that you have the legal power to keep something secret does not mean you should always use it. The Freedom of Information Act is perhaps the most powerful instrument we have for making our government honest and transparent, and of holding it accountable. And I expect members of my administration not simply to live up to the letter but also the spirit of this law.<sup>19</sup>

After the President's remarks, Attorney General Eric Holder issued a Memorandum that broadened the executive branch's FOIA disclosure policy, and he therefore urged heads of executive departments and agencies to make discretionary disclosures of information:

[A]n agency should not withhold information simply because it may do so legally. I strongly encourage agencies to make discretionary disclosures of information. An agency should not withhold records merely because it can demonstrate, as a technical matter, that the records fall within the scope of a FOIA exemption.<sup>20</sup>

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<sup>18</sup> Memorandum from President Barack Obama for the Heads of Exec. Dep'ts and Agencies, *Freedom of Information Act* (Jan. 21, 2009) available at <http://www.whitehouse.gov/the-press-office/freedom-information-act>.

<sup>19</sup> President Barack Obama, *Remarks by the President in Welcoming Senior Staff and Cabinet Secretaries to the White House* (Jan. 21, 2009) available at <http://oversight.house.gov/hearing/foia-in-the-21st-century-using-technology-to-improve-transparency-in-government/>.

<sup>20</sup> Memorandum from Attorney Gen. Eric Holder for Heads of Exec. Dep'ts and Agencies, *The Freedom of Information Act (FOIA)* (Mar. 19, 2009), available at <http://www.justice.gov/ag/foia-memo-march2009.pdf>.

If it is your position that any portion of the requested information is exempt from disclosure, Cause of Action requests that you provide a detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.

Please note that the invocation of exemption 7(c) or a Glomar response would not be appropriate in this circumstance due to the vital importance of this information to the public. As the current and long-standing head of DHS OIG, Mr. Edwards is likely to be nominated as the permanent Inspector General in the near future. The public therefore has an overriding interest in knowing whether Mr. Edwards violated the law or otherwise acted improperly. This is particularly true regarding documents produced, compiled or released for DHS OIG FOIA case number 2013-11, which requests all records of complaints against Mr. Edwards and a third party.

In the event that some portions of the requested information are properly exempt from disclosure, please redact such portions and produce all remaining reasonable segregable non-exempt portions of the requested record.<sup>21</sup> If you contend that information contains non-exempt segments, but those non-exempt segments are so dispersed throughout as to make segregation impossible, please state what portion of the document is non-exempt and how the material is dispersed through the document. If a request is denied in full, please outline that it is not possible to segregate portions of the record for release.

In an effort to facilitate record production within the statutory limit, Cause of Action prefers to accept information and/or documents in electronic format (*e.g.*, e-mail, pdf). When necessary, Cause of Action will accept the "rolling production" of information and/or documents, but requests that you provide prompt notification of any intent to produce information on a rolling basis.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact me (Adam.Butschek@causeofaction.org) immediately at (202) 499-4232. Please note that, for the purposes of responding to this request, the attached Definition of Terms should be interpreted consistently. Thank you for your attention to this matter.



ADAM BUTSCHEK  
DEPUTY DIRECTOR OF INVESTIGATIONS AND RESEARCH

Encl. Responding to Document Requests, Definitions

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<sup>21</sup> See 5 U.S.C. § 552(b).

## **Responding to Document Requests**

1. In complying with this request, you should produce all responsive documents that are in your possession, custody or control, whether held by you or your past or present agents, employees and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to Cause of Action.
2. In the event that any entity, organization or individual denoted in this request has been or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. Cause of Action's preference is to receive documents in electronic form (i.e., CD, memory stick or thumb drive) in lieu of paper productions.
4. When you produce documents, you should identify the specific document request or portion thereof in Cause of Action's request to which the documents respond.
5. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
6. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with Cause of Action staff to determine the appropriate format in which to produce the information.
7. If compliance with the request cannot be made in full, compliance shall be made to the extent possible and shall include an explanation of why full compliance is not possible.
8. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
9. If any document responsive to this request was, but no longer is, in your possession, custody or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody or control.
10. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

11. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from February 27, 2011 to the present.
12. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
13. All documents shall be Bates-stamped sequentially and produced sequentially.

### **Definitions**

1. The term "document" means any written, recorded or graphic matter of any nature whatsoever regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmation, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks and recordings) and other written, printed, typed or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.



4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities and all subsidiaries, affiliates, divisions, departments, branches or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual’s business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

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

CAUSE OF ACTION,	)
1919 Pennsylvania Avenue, NW, Suite 650	)
Washington, D.C. 20006,	)
	)
Plaintiff,	)
	)
v.	)
	)
UNITED STATES DEPARTMENT OF	)
HOMELAND SECURITY, OFFICE OF	)
INSPECTOR GENERAL,	)
245 Murray Drive, SW, Bldg. 410	)
Washington, D.C. 20528,	)
	)
Defendant.	)

**COMPLAINT**

This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (2006 & Supp. IV 2010), seeking the disclosure of agency records improperly withheld from Plaintiff Cause of Action by Defendant United States Department of Homeland Security, Office of Inspector General.

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331, 5 U.S.C. § 552 (a)(4)(B), and 5 U.S.C. § 552(a)(6)(E)(iii).
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e), because Defendant resides in this district and a substantial part of the events and omissions which gave rise to this action occurred in this district. Venue is also proper under 5 U.S.C. § 552(a)(4)(B).

## **PARTIES**

3. Plaintiff is a nonpartisan, nonprofit organization that uses public advocacy and legal reform strategies to ensure greater transparency in government and protect taxpayer interests and economic freedom. In furtherance of its public interest mission, Plaintiff regularly requests access to the public records of federal government agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant is an agency within the meaning of 5 U.S.C. § 552(f)(1). Defendant has possession, custody, and control of records to which Plaintiff seeks access.

## **STATEMENT OF FACTS**

5. On March 27, 2013, Plaintiff submitted, via electronic and certified mail, a FOIA request to Defendant seeking access to the following records:

- a) All documents produced, compiled or released for DHS OIG FOIA case number 2013-11;
- b) All documents produced, compiled, or released for DHS OIG FOIA case number 2013-29;
- c) All documents produced compiled or released for DHS OIG FOIA case number 2012-175;
- d) All documents regarding Mr. [Charles] Edwards's official travels (in his capacity as Deputy Inspector General, Acting Inspector General or any other DHS position), for site checks or any other purpose, including the names of any individuals (including DHS employees) who accompanied Mr. Edwards, as well as travel vouchers, receipts or any other travel records, from February 27, 2011 to the present;
- e) All documents, including reports, investigations, emails and hotline complaints, regarding any complaints against Mr. Edwards received by DHS OIG and the subsequent handling of such complaints by the Office of investigations from February 27, 2011 to the present; and

f) All documents disclosed to Andrew Becker, a journalist at the Center for Investigative Reporting, from February 27, 2011 to the present. *See* Ex. 1. Plaintiff also requested news media status for fee purposes, as well as a public interest waiver of any applicable fees. *See id.*

6. Defendant issued a letter, dated April 5, 2013, acknowledging receipt of Plaintiff's FOIA request on March 27, 2013, assigning the request a tracking number (2013-073), and granting Plaintiff's request for media status. *See* Ex. 2. Defendant also invoked a ten-day extension of the statutory time period within which to respond to Plaintiff's request, explaining that it needed to review "a voluminous amount of records." *Id.*

7. On May 1, 2013, Plaintiff requested that Defendant make a determination on its FOIA request within twenty working days. *See* Ex. 3.

8. In an e-mail exchange dated May 22, 2013, Plaintiff asked Defendant for an update on the status of its FOIA request and advised Defendant that it might be able to narrow the request upon the production of particular records. *See* Ex. 4. In response, Defendant asked Plaintiff to clarify why it was willing to narrow the scope of the request; it did not provide an estimated date for processing the request. *See id.* Plaintiff, in turn, explained that it might be willing to narrow the request if that would lead to the prompt release of two categories of requested records that Defendant had released previously to another FOIA requester. *See* Ex. 4 (referring to the third and sixth items of the request). Defendant did not respond further to Plaintiff. *See id.*

9. Through the date of this Complaint, Defendant has failed to make a determination on any records sought in Plaintiff's FOIA request.

10. Plaintiff has fully exhausted its administrative remedies under 5 U.S.C. § 552(a)(6)(C) with respect to its FOIA request.

**COUNT 1**

**Violation of the FOIA: Failure to Comply with Statutory Deadlines**

11. Paragraphs 1 through 10 above are hereby incorporated by reference as if set forth fully herein.

12. Defendant has improperly withheld agency records requested by Plaintiff by failing to make a determination on Plaintiff's request within the statutory time limit set forth in 5 U.S.C. §§ 552(a)(6)(A)-(B).

13. Plaintiff is entitled to injunctive relief with respect to the disclosure of the requested records.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff respectfully requests and prays that this Court:

- a. order Defendant to produce, by a date certain, all reasonably segregable, non-exempt records responsive to Plaintiff's FOIA request;
- b. provide for expeditious proceedings in this action;
- c. award Plaintiff its costs and reasonable attorney fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- d. grant such other relief as the Court may deem just and proper.

Dated: June 11, 2013

Respectfully submitted,

/s/ Daniel Z. Epstein  
Daniel Z. Epstein (D.C. Bar No. 1009132)  
CAUSE OF ACTION  
1919 Pennsylvania Avenue N.W., Suite 650  
Washington, D.C. 20006  
202-499-4232  
Email: Daniel.epstein@causeofaction.org

*Attorney for Plaintiff*