

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

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REPUBLICAN NATIONAL COMMITTEE		)	
310 First Street, Southeast		)	
Washington, DC 20003		)	
	Plaintiff,	)	
		)	
v.		)	Civil Case No. _____
		)	
UNITED STATES DEPARTMENT		)	
OF STATE		)	
320 21 <sup>st</sup> Street Northwest		)	
Washington, DC 20451		)	
	Defendant.	)	
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**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff Republican National Committee (“RNC” or “Plaintiff”) brings this action for declaratory and injunctive relief, and complains as follows:

**INTRODUCTION**

1. This November, the people of the United States will decide who will serve as the next President. They should do so with access to as much information as possible about the candidates’ fitness for this nation’s highest office. To that end, Plaintiff files this suit under the Freedom of Information Act (“FOIA”), seeking information relating to former Secretary of State, and leading candidate for the Democratic Party nomination, Hillary Clinton’s tenure at the United States Department of State (“Defendant”) that bears directly on her qualifications for President.

2. Plaintiff seeks disclosure of records exchanged between certain officials at the State Department and (1) individuals utilizing electronic mail accounts from designated domain names affiliated with Secretary Clinton or her associates, and (2) various Clinton associates from February 1, 2013 through the December 4, 2015.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over this case under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

4. Venue is proper in this Court under 28 U.S.C. § 1391(e) because Defendant is an entity of the United States Government that resides in this District.

### **PARTIES**

5. Plaintiff is a Section 527 political organization with its principal place of business in Washington, D.C.

6. Defendant is the agency of the United States Government charged with implementing foreign policy, international political and diplomatic relations, and protecting civilian members of the foreign service, among other duties. Defendant is headquartered in Washington, D.C.

### **STATEMENT OF FACTS**

7. Hillary Clinton served as President Barack Obama's first Secretary of State from 2009-2013, and she is now the leading candidate for the Democratic Party's nomination for President.

8. Secretary Clinton's campaign has pointed to her tenure at the State Department to demonstrate that she is uniquely prepared for the challenges of the presidency. Anne Gearan,

*Clinton touts State Department record to turn tables on GOP critics ahead of high-stakes hearing*, Washington Post, Oct. 19, 2015, available at

<https://www.washingtonpost.com/news/post-politics/wp/2015/10/19/clinton-touting-same-state-department-record-republicans-call-meager-as-high-stakes-hearing-approaches/>.

9. Clinton’s actions while Secretary of State—and the actions of those senior officials with whom she worked most closely and supervised—are manifestly relevant to whether she is fit to lead this country. Public scrutiny of her tenure at the State Department is “a structural necessity in a real democracy.” *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 172 (2004); see also *Detroit Free Press v. Ashcroft*, 303 F.3d 681 (6th Cir. 2002) (“Democracies die behind closed doors.”).

10. To help the American people make an informed decision about who should be their next President, Plaintiff filed two FOIA requests on December 4, 2015 seeking electronic mail records as described in Paragraph 1 and as described fully in the two letters attached as Exhibits A and B. According to receipts available through the U.S. Postal Service, the courier used for this correspondence, Defendant received Plaintiff’s requests on December 15, 2015.

11. Other than two letters dated January 27, 2016 acknowledging receipt of Plaintiff’s requests, Defendant has sent no correspondence regarding Plaintiff’s requests. To date, Defendant has not disclosed any of the requested materials nor explained why it cannot comply with its statutory obligations.

12. Because defendant has failed to make a determination as to the requests within twenty working days, as required by FOIA, 5 U.S.C. § 552(a)(6)(A), the RNC has constructively exhausted its administrative remedies and may proceed directly to this Court. See *Citizens for Responsibility & Ethics in Washington v. Fed. Election Comm’n*, 711 F.3d 180, 182 (D.C. Cir.

2013) (a requestor exhausts its remedies unless, within the relevant time period, the agency “inform[s] the requester of the scope of the documents that the agency will produce, as well as the scope of the documents that the agency plans to withhold under any FOIA exemptions”); *id.* at 189-90 (“[I]f the agency does not adhere to FOIA’s explicit timelines, the ‘penalty’ is that the agency cannot rely on the administrative exhaustion requirement to keep cases from getting into court.”).

13. Time is of the essence. The information that the RNC seeks bears on Secretary Clinton’s fitness to serve as the next President of the United States and will have no value unless it makes its way into the public’s hands before the election. The RNC and the public will suffer irreparable harm if the requested information does not come to light before then.

#### **PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for the following relief:

1. Expedited consideration under 28 U.S.C. § 1657;
2. A declaratory judgment that the State Department has improperly withheld the requested records under FOIA;
3. A finding that the State Department’s failure to comply with its obligations under FOIA has caused the RNC irreparable harm;
4. An order directing the State Department to respond and produce the requested documents by July 1, 2016, in time for the Democratic National Convention;
5. Costs and reasonable attorney’s fees pursuant to 5 U.S.C. § 552(a)(4)(E); and
6. Any other relief that the Court deems just and appropriate.

Dated: March 9, 2016.

Respectfully submitted,

By:     /s/ Jason Torchinsky      
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Fax: 540-341-8809

**CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 2016, copies of the foregoing Complaint and Summons were served by personal service on the following parties:

Department of State  
320 21<sup>st</sup> Street Northwest  
Washington, DC 20451

And

Civil Clerk  
United States Attorney's Office  
District of Columbia  
555 Fourth Street, NW  
Washington, DC 20530

/s/ Jason Torchinsky  
JASON TORCHINSKY