

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

EMPOWER OVERSIGHT	)	
WHISTLEBLOWERS & RESEARCH,	)	
601 King Street, Suite 200	)	
Alexandria, VA 22313-3151	)	
	)	
Plaintiff,	)	
	)	Case No. 1:23-cv-95
v.	)	
	)	
U.S. DEPARTMENT OF JUSTICE,	)	
950 Pennsylvania Avenue NW	)	
Washington, DC 20530-0001,	)	
	)	
Defendant.	)	

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff Empower Oversight Whistleblowers & Research brings this civil action against Defendant United States Department of Justice for declaratory and injunctive relief under the Freedom of Information Act, 5 U.S.C. § 552, and alleges:

1. The Foreign Agents Registration Act (FARA), 21 U.S.C. §§ 611–621, generally “requires all agents of foreign principals to file detailed registration statements, describing the nature of their business and their political activities” in the United States. *Meese v. Keene*, 481 U.S. 465, 469 (1987). “The registration requirement is comprehensive, applying equally to agents of friendly, neutral, and unfriendly governments.” *Id.* at 469–70.

2. On March 6, 2018, nineteen members of Congress wrote a letter to the Attorney General regarding the Department’s enforcement of FARA. *See* Exhibit A (attached). The members noted that the Department of Justice previously had determined that RTTV America, a state-sponsored media organization funded by the Russian government, needed to register under FARA. Yet the members noted that the Department had not required Al Jazeera, another state-sponsored media organization funded by Qatar, to do the same.

3. The members found the lack of registration particularly troubling because Al Jazeera frequently produces content that undermines American interests. For example, they noted that Al Jazeera often airs favorable coverage of foreign terrorist organizations, including Hamas, Hezbollah, Palestinian Islamic Jihad, and Jabhat al-Nursa, al-Qeadas branch in Syria. And the members noted that Al Jazeera often broadcasts anti-American, anti-Semitic, and anti-Israel programs.

4. In their letter, the members urged the Attorney General to enforce FARA and to protect U.S. national interests uniformly.

5. On June 4, 2018, the Department sent a letter to Al Jazeera's lawyers explaining that a social-media-focused subsidiary, Al Jazeera Plus, may be obligated to register under FARA.

6. A year later, on June 18, 2019, eight members of Congress wrote a letter to the Attorney General to express their disappointment in what they described as "lax and selective enforcement of the Foreign Agents Registration Act (FARA)." Exhibit B at 1 (attached). The members identified recent reports regarding Al Jazeera Media Network, and they suggested that these reports raised "legitimate questions about whether [Al Jazeera] should register as a foreign agent." *Id.* The members requested that the Attorney General answer a series of questions about the Department's actions taken to assess whether Al Jazeera should register under FARA.

7. On September 14, 2020, the Department sent a letter to Al Jazeera, explaining that Al Jazeeza Plus—a subsidiary based in the United States—"is obligated to register under the Foreign Agents Registration Act." Jerry Dunleavy, *DOJ Orders Al Jazeera Plus to Register as a Foreign Agent of Qatar*, Wash. Examiner (Sept. 16, 2020) (quoting the letter).<sup>1</sup>

8. On July 1, 2021, five Senators wrote a letter to the Attorney General to express their concern that Al Jazeera Plus (referred to as AJ+) "has willfully ignored DOJ's mandate and has failed to register as a foreign agent." Exhibit C at 2 (attached). "With AJ+'s refusal to register

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<sup>1</sup> <https://www.washingtonexaminer.com/news/doj-orders-al-jazeera-plus-to-register-as-a-foreign-agent-of-qatar>

under FARA,” the Senators worried that “agents of the Qatari government continue to operate in the United States in violation of the law.” *Id.* The Senators noted that Al Jazeera had created a new media platform, referred to as “Rightly,” and that they believed that Al Jazeera Network needed to register under FARA. *Id.* “Accordingly,” the Senators stated that “it is imperative for DOJ to explain what, if any, steps it has taken to enforce the law and require Al Jazeera Media Network, AJ+ and Rightly to register under FARA.” *Id.*

9. As of January 2022, Empower Oversight understands that the Department has not entirely responded to these congressional oversight letters.

### **PARTIES**

10. Plaintiff Empower Oversight is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. Empower Oversight works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and it seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

11. Defendant United States Department of Justice is a government “agency” under 5 U.S.C. § 552(f)(1). The Department has possession, custody, and control of records requested by Empower Oversight under FOIA.

### **JURISDICTION AND VENUE**

12. This Court has subject matter jurisdiction over this action and personal jurisdiction over the parties under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

13. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391.

14. Assignment to the Alexandria Division is proper under Local Civil Rule 3.

### **BACKGROUND**

#### Empower Oversight’s FOIA Request

15. Since the earliest days of our nation, “openness in government has always been thought crucial to ensuring that the people remain in control of their government.” *In re Sealed*

*Case*, 121 F. 3d 729, 749 (D.C. Cir. 1997). The Freedom of Information Act thus provides the people with the opportunity to acquire “adequate information to evaluate federal programs and formulate wise policies.” *Soucie v. David*, 448 F.2d 1067, 1080 (D.C. Cir. 1971).

16. On January 28, 2022, Empower Oversight filed with the Department a request for records under FOIA. Exhibit D (attached). Empower Oversight seeks agency records related to:

- the Justice Department’s receipt of, discussions related to, processing of, and response to all Congressional correspondence regarding Al Jazeera or any of its affiliates and FARA, including the March 6, 2018, June 18, 2019, and July 1, 2021 congressional oversight letters cited above; and
- communications regarding FARA and Al Jazeera (or its affiliates) between the Justice Department and DLA Piper (or any other representative of Al Jazeera, its affiliates, or the Government of Qatar), including the June 4, 2018 and September 14, 2020 Justice Department letters referenced above.

*Id.* at 3 (Records Request). Empower Oversight addressed its request to two components within the Department of Justice: the Office of Information Policy and the National Security Division.

*Id.* at 1.

17. Empower Oversight requested that the Department search for responsive records within the National Security Division, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, and the Office of Legislative Affairs. Ex. D at 3. And it requested “expedited production” of all responsive records. *Id.*

18. As of January 28, 2022—the date that Empower Oversight submitted its request to the Department—Empower Oversight noted that the Department “appears to have been entirely unresponsive to the congressional oversight letters on this issue.” *Id.* Empower Oversight explained that the “public has a right to know why the Justice Department has failed to enforce FARA in this instance and failed to be responsive to congressional oversight on this topic.” *Id.*

DOJ's Responses to Empower Oversight's FOIA Request

19. On February 2, 2022, the Office of Information Policy acknowledged receipt of Empower Oversight's FOIA Request and assigned a tracking number to the request, "FOIA-2022-00692." Exhibit E (attached). Based on the information provided, the Office of Information Policy determined that Empower Oversight's "request for expedited processing . . . should be denied." *Id.* at 1. Nevertheless, the Office explained that Empower Oversight's request "has been assigned to an analyst" and that "processing of it has been initiated." *Id.*

20. To the extent that Empower Oversight's "request requires a search in another Office, consultations with other Department components or another agency, and/or involves a voluminous amount of material," the Office of Information Policy stated that the request "falls within 'unusual circumstances.'" *Id.* (quoting 5 U.S.C. § 552 (a)(6)(B)(i)–(iii)).

21. "Additionally," the Office of Information Policy noted that Empower Oversight "may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer." Ex. D at 2.

22. On March 18, 2022, the National Security Division acknowledged receipt of Empower Oversight's FOIA Request in an email. Exhibit F (attached). The Division assigned a tracking number to the request, NSD FOIA #22-099. *See id.*

23. The National Security Division did not directly state that "unusual circumstances" exist or that it would require additional time to process Empower Oversight's request. 5 U.S.C. § 552(a)(6)(B)(i). Instead, the National Security Division noted that, because of "the COVID-19 public health emergency, the NSD FOIA staff is teleworking full time." Ex. F at 1. "FOIA operations" at the Division "have been diminished" while staff members are teleworking, and the Division explained that "FOIA intake and FOIA processing will be slower than normal." *Id.*

24. On March 14, 2022, the Office of Information Policy advised Empower Oversight that it had "initiated records searches in response" to Empower Oversight's request. Exhibit G (attached). "However," the Office asked whether Empower Oversight would be "amenable to

narrow the date range of [the] records search, which could speed-up the processing” of the request. *Id.*

25. Empower Oversight did not respond to the email because the requested time period—“March 6, 2018, through the present”—specifically refers to the congressional oversight correspondence and the Department’s response. Ex. D at 4.

26. Since March 14, 2022, Empower Oversight has received no further communication from the Department of Justice concerning FOIA-2022-00692 (Office of Information Policy) or NSD FOIA #22-099 (National Security Division).

27. Empower Oversight has been forced to expend resources to prosecute this action as to its FOIA request.

#### DOJ’s Responses to Other FOIA Requests

28. In a separate FOIA lawsuit filed last year against the Department of Justice, Empower Oversight sought agency records concerning Special Counsel John Durham’s investigation, the DOJ’s monetary commitment to continuing Special Counsel Durham’s investigation., and DOJ’s hiring of a particular individual. *See Empower Oversight Whistleblowers & Research v. Dep’t of Justice*, No. 1:22-cv-00190-PTG-IDD (Feb. 2, 2022) (Compl. Dkt. No. 1).

29. In the previous lawsuit, Empower Oversight alleged that the Department had failed to comply with FOIA’s statutory deadlines. *See id.* (Compl. ¶¶ 51–62). Empower Oversight had submitted a FOIA request on July 12, 2021, and another FOIA request on August 19, 2021, yet the Department failed to provide a determination for either request within twenty working days. Nor did the Department definitively state whether unusual circumstances existed to extend the twenty-day statutory deadline.

#### **STATUTORY BACKGROUND**

30. FOIA strongly favors openness. *DOJ v. Tax Analysts*, 492 U.S. 136, 142 (1989). “The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to

the governed.” *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). As Congress “broadly conceived” the statutory purpose, *EPA v. Mink*, 410 U.S. 73, 79–80 (1973), “disclosure, not secrecy, is the dominant objective of the Act,” *Dep’t of the Air Force v. Rose*, 425 U.S. 352, 361 (1976).

31. FOIA imposes certain timeliness requirements. After an agency receives a valid request for information, it must respond to that request within twenty days (exempting Saturdays, Sundays, and holidays) by notifying the requester of its “determination.” 5 U.S.C. § 552(a)(6)(A)(i)(I). To comply with this statutory requirement, the determination “must be more than just an initial statement that the agency will generally comply with a FOIA request and will produce non-exempt documents and claim exemptions in the future.” *CREW v. FEC*, 711 F.3d 180, 188 (D.C. Cir. 2013). At a minimum, to make a proper “determination,” the agency instead must “(i) gather and review the documents; (ii) determine and communicate the scope of the documents it intends to produce and withhold, and the reasons for withholding any documents; and (iii) inform the requester that it can appeal whatever portion of the ‘determination’ is adverse.” *Id.*

32. In certain circumstances, an agency may provide notice to the requester that “unusual circumstances” merit additional time—up to an additional ten working days—to render a determination. 5 U.S.C. § 552(a)(4)(viii)(II)(aa). If the agency provides notice of unusual circumstances, it also must provide the requester “an opportunity to arrange with the agency an alternative time frame for processing the request.” *Id.* § 552(a)(6)(B)(ii).

33. “Congress adopted the time limit provision in the FOIA ‘in order to contribute to the fuller and faster release of information, which is the basic objective of the Act.’” *Oglesby v. Dep’t of the Army*, 920 F.2d 57, 64 n.8 (D.C. Cir. 1990) (quoting H.R. Rep. No. 876, 93rd Cong., 2d Sess. (1974)). FOIA does not require the agency to produce responsive records within the 20-day statutory time limit, but the agency must *respond to* (i.e., provide a determination regarding) a request within the deadline. No agency may ignore a valid request. If an agency fails to comply

with the statutory deadlines, the requester “shall be deemed to have exhausted his administrative remedies.” 5 U.S.C. § 552(a)(6)(C)(i).

34. After an agency responds to a request, it must make records “promptly available” to the requester. *Hanson v. U.S. Agency for Int’l Dev.*, 372 F.3d 286, 290 (4th Cir. 2004) (quoting 5 U.S.C. § 552(a)(3)(A)).

35. FOIA does not assign a particular timeframe for an agency to comply with the statutory requirement to make documents “promptly available.” Depending on the circumstances, this requirement “typically would mean within days or a few weeks of a ‘determination,’ not months or years.” *CREW*, 711 F.3d at 188.

36. An agency responding to a valid request for records “shall make reasonable efforts to search for [such] records.” 5 U.S.C. § 552(a)(3)(C). Courts generally consider an agency’s search to be “adequate” if the agency “has conducted a search reasonably calculated to uncover all relevant documents.” *Weisberg v. DOJ*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). The agency need not “search every file where a document could possibly exist” because courts instead consider whether the search was reasonable “in light of the totality of the circumstances.” *Rein v. USPTO*, 553 F.3d 353, 364 (4th Cir. 2009).

## CLAIMS FOR RELIEF

### Count I

#### Failure to Comply with Statutory Deadlines in Violation of 5 U.S.C. § 552(a)(6)

37. Empower Oversight realleges and incorporates by reference each of the foregoing allegations contained in paragraphs 1 through 36, as if fully set forth here.

38. To date, neither the Office of Information Policy nor the National Security Division at the Department of Justice have provided a final determination as to the FOIA Request submitted by Empower Oversight on January 28, 2022.

39. More than twenty working days have passed since the Office of Information Policy and the National Security Division acknowledged receipt of the request. *See supra* ¶¶ 18, 21; *see also* Exs. E, F.



40. FOIA requires the Department to have provided a final determination within 20 working days of Empower Oversight's request. The Department may extend the 20-day period in the event of "unusual circumstances," as defined by 5 U.S.C. § 552(a)(6)(B)(iii), for a maximum of 10 working days, but it must specify the unusual circumstances for such extension and the date on which a determination is expected, *see id.* §§ 552(a)(4)(A)(viii)(II)(aa), 552(a)(6)(B)(i-ii); *see also* 28 C.F.R. § 16.5.

41. Even assuming unusual circumstances existed, the Department has not provided a final determination within 30 working days of Empower Oversight's request.

42. In addition, the Department failed to identify a date by which it expected to render a determination in the event of such unusual circumstances, also in violation of FOIA. 5 U.S.C. § 552(a)(4)(viii)(II)(aa); *see also* 28 C.F.R. § 16.5(c).

43. The Department thus failed to make the statutorily required determination as to Empower Oversight's FOIA request, in violation of 5 U.S.C. § 552(a)(6).

44. Empower Oversight constructively has exhausted all administrative remedies required by FOIA. *See* 5 U.S.C. § 552(a)(6)(C)(i).

45. Empower Oversight is entitled to declaratory and injunctive relief in connection with the DOJ's unlawful failure to make a determination as to its Request.

46. Although a party may obtain relief from a federal agency as to a specific FOIA request, the party still may assert "a claim that an agency *policy or practice* will impair the party's lawful access to information in the future." *Payne Enters., Inc. v. United States*, 837 F.2d 486, 491 (D.C. Cir. 1988) (court's emphasis). "The fact that the practice at issue is informal, rather than articulated in regulations or an official statement of policy, is irrelevant" in determining whether a party may maintain a challenge to the agency's policy or practice. *Id.*

47. The Department of Justice has maintained an impermissible policy or practice of not complying with FOIA's statutory deadlines. Empower Oversight has suffered—and will continue to suffer—continuing injury because of the Department's policy or practice. Indeed, the

Department's policy or practice has impaired Empower Oversight's lawful right to access agency records under FOIA.

**Count II**

**Unlawful Withholding of Agency Records in Violation of 5 U.S.C. § 552(a)(3)**

48. Empower Oversight realleges and incorporates by reference each of the foregoing allegations contained in paragraphs 1 through 36, as if fully set forth here.

49. FOIA requires the Department to process a valid request for agency records and "promptly" to provide responsive records, or the reasonably segregable portions of those records, to Empower Oversight. 5 U.S.C. § 552(a)(3)(B). This statutory requirement "typically would mean within *days or a few weeks* of a 'determination,' *not months or years*." CREW, 711 F.3d at 188 (emphasis added).

50. As explained above, the Department has not made a determination as to Empower Oversight's FOIA Request. Nor has the Department provided any responsive records or otherwise claimed that any responsive records are exempt from disclosure.

51. This Court "has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld." 5 U.S.C. § 552(a)(4)(B).

**RELIEF REQUESTED**

**WHEREFORE**, Plaintiff prays that this Court:

- A. Declare that the Department's Office of Information Policy and National Security Division failed to make timely determinations on Empower Oversight's FOIA Request submitted 12 months ago on January 28, 2022, in violation of 5 U.S.C. § 552(a)(6)(A)(i);
- B. Declare that the Department failed to promptly provide records responsive to Empower Oversight's FOIA Request, in violation of 5 U.S.C. § 552(a)(3);
- C. Declare that the Department has maintained an impermissible policy or practice of not complying with the FOIA's statutory deadlines;

- D. Order the Department's Office of Information Policy and National Security Division to immediately conduct reasonable searches for all records responsive to Empower Oversight's FOIA Request, as required by 5 U.S.C. § 552(a)(3)(C);
- E. Order the Department's Office of Information Policy and National Security Division to immediately provide determinations on Empower Oversight's FOIA Request, as required by 5 U.S.C. § 552(a)(6)(A)(i);
- F. Order the Department's Office of Information Policy and National Security Division to promptly disclose to Empower Oversight all responsive, non-exempt records in response to its FOIA Request, as required by 5 U.S.C. § 552(a)(3);
- G. Award Empower Oversight its costs and reasonable attorney's fees incurred in this action under 5 U.S.C. § 552(a)(4)(E); and
- H. Grant such relief as the Court may deem just and proper.

January 20, 2023

Respectfully submitted,

/s/

Jeffrey S. Beelaert (VSB No. 81852)  
STEIN MITCHELL BEATO & MISSNER LLP  
901 15th Street NW, Suite 700  
Washington, DC 20005  
Tel: (202) 661-0923  
Fax: (202) 296-8312  
Email: jbeelaert@steinmitchell.com

*Attorney for Plaintiff Empower Oversight  
Whistleblowers & Research*

# Exhibit A

**Congress of the United States**  
**Washington, DC 20515**

March 6, 2018

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Dear Attorney General Sessions:

We write regarding the Department of Justice's (DOJ) enforcement of the Foreign Agents Registration Act (FARA).

On August 17, 2017, the DOJ National Security Division determined that RTTV America, a state-sponsored media organization funded by the Russian government, is obligated to register under the FARA. While we welcome this determination, Congress needs clarification as to whether additional foreign principals should also be required to register under FARA, including Qatar's Al Jazeera, which the U.S. State Department has indicated is state-controlled.

Founded by state charter in 1996 and headquartered in Doha, the Al Jazeera Media Network maintains an estimated global reach of 310 million people in more than 160 countries, and a presence in U.S. cities including Washington, New York, Chicago, Miami, and Los Angeles. Its broadcasts are easily accessible, including via social media, and, as stated by the U.S. Ambassador to Qatar in 2009, Al Jazeera is "one of Qatar's most valuable political and diplomatic tools" and was "used as a chip" to shape Qatar's relations with other governments.

We find it troubling that the content produced by this network often directly undermines American interests with favorable coverage of U.S. State Department-designated Foreign Terrorist Organizations, including Hamas, Hezbollah, Palestinian Islamic Jihad, and Jabhat al-Nusra, al-Qaeda's branch in Syria. Furthermore, Al Jazeera's record of radical anti-American, anti-Semitic, and anti-Israel broadcasts warrants scrutiny from regulators to determine whether this network is in violation of U.S. law. Such an investigation should cover the full range of activities undertaken by Al Jazeera in the United States, including reports that it infiltrated American 501(c)(3) and (c)(4) nonprofit organizations.

As highlighted by your Department, "the purpose of FARA is to inform the American public of the activities of agents working for foreign principals to influence U.S. Government officials or the American public with reference to the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations of a foreign country or a foreign political party."

We urge you and the Department to ensure that this law is rigorously enforced and applied fairly and uniformly to protect U.S. national interests from the undue influence of foreign nations. As such, we respectfully request that you provide our offices with detailed information about the DOJ's investigative process, and whether additional entities, including Al Jazeera,



meet the legal definition of "foreign principal" and if so, whether its subsidiaries should be required to register as "foreign agents" under FARA.

American citizens deserve to know whether the information and news media they consume is impartial, or if it is deceptive propaganda pushed by foreign nations.

Thank you for your attention to this important issue. We look forward to your prompt response.

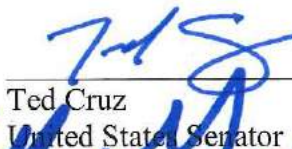
Sincerely,



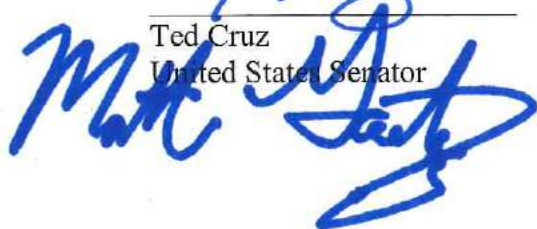
Josh Gottheimer  
Member of Congress



Lee Zeldin  
Member of Congress



Ted Cruz  
United States Senator



Matt Gaetz  
Member of Congress



Ron DeSantis  
Member of Congress



Louie Gohmert  
Member of Congress



Vicente Gonzalez  
Member of Congress



Darrell Issa  
Member of Congress



Mike Johnson  
Member of Congress



Peter King  
Member of Congress



Ted Poe  
Member of Congress



Tom Reed  
Member of Congress



Keith Rothfus  
Member of Congress



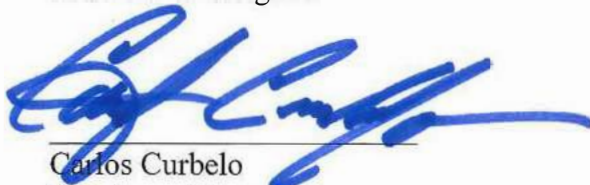
David Rouzer  
Member of Congress



Steve Stivers  
Member of Congress



Tom Suozzi  
Member of Congress



Carlos Curbelo  
Member of Congress



Steve Chabot  
Member of Congress



John Ratcliffe  
Member of Congress

# Exhibit B



**Congress of the United States**  
**Washington, DC 20510**

June 18, 2019

**VIA ELECTRONIC TRANSMISSION**

The Honorable William Barr  
Attorney General  
United States Department of Justice  
Washington, D.C. 20220

Dear Attorney General Barr:

For several years, in both the Obama and Trump administrations, Congress has conducted oversight of the Justice Department's lax and selective enforcement of the Foreign Agents Registration Act (FARA).<sup>1</sup> FARA is an important statute that was designed not to prohibit activity but rather to require individuals to register with the DOJ if they are acting as an agent of a foreign government or enterprise to influence U.S. policy or public opinion. This helps ensure transparency and accountability in the public policy arena. In that sense, FARA is a content-neutral regulatory scheme that would not require any entity or individual to refrain from certain types of speech.

FARA continues to be very relevant. For example, news articles have reported activities in which Al Jazeera Media Network (Al Jazeera) is engaged that raise legitimate questions about whether it should register as a foreign agent. Al Jazeera is a global organization spanning dozens of countries, including the United States, and reaches hundreds of millions of people worldwide. In 2016, its off-shoot, Al Jazeera America, closed. However, Al Jazeera expanded its digital presence via Al Jazeera Plus (AJ+), its online news channel which is headquartered in the United States. As of May 2019, AJ+ had 11.1 million cumulative followers and subscribers on Facebook.<sup>2</sup> In that same month, AJ+ was the fortieth ranked "overall creator" of content cross-platform.<sup>3</sup> By comparison, in May 2019 the Washington Post had 6.3 million cumulative followers and subscribers on Facebook and was the one-hundredth ranked "overall creator" of

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<sup>1</sup> The FARA requires individuals to register with the Department of Justice (DOJ) if they act, even through an intermediary, "as an agent, representative, employee, or servant" or "in any other capacity" at the behest of a foreign principal, including a foreign political party, government, or corporation, for purposes of engagement with a United States official to influence U.S. policy or the public. The registration applies to anyone who attempts to influence a U.S. government official on behalf of a foreign principal in an effort to "formulat[e], adopt[,], or chang[e] the domestic or foreign policies of the United States." Likewise, an individual whose activities are subject to registration under FARA and who sends informational material "for or in the interest of [a] foreign principal" with the intent or belief that such material will be circulated among at least two persons must transmit the material to the Attorney General no later than 48 hours after actual transmission. Notably, an ongoing failure to register with the DOJ is a continuing offense. 22 U.S.C. § 611 – Definitions: The term "foreign principal" includes - (1) a government of a foreign country and a foreign political party; (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

<sup>2</sup> Tubular Labs, AJ+, <https://tubularlabs.com/creator/Iwh57miuVY/AJ+> (last visited June 14, 2019).

<sup>3</sup> *Id.*

content cross-platform.<sup>4</sup> Clearly, Al Jazeera has established and is building a significant reach within the United States.<sup>5</sup>

Al Jazeera was founded by Qatari charter in 1996.<sup>6</sup> It is a state-owned enterprise, and the Qatari government has provided the majority of its funding.<sup>7</sup> Al Jazeera's videos on YouTube are stamped with the disclaimer, "Al Jazeera is funded in whole or in part by the Qatari government." Thus, Al Jazeera is not only a foreign principal but it is also owned by a foreign principal – the government of Qatar. Several members of the ruling family of Qatar have held senior positions at Al Jazeera: Sheikh Hamad bin Thamer Al-Thani, a member of the ruling family of Qatar, is the Chairman of Al Jazeera;<sup>8</sup> Sheikh Abdulrahman bin Hamad bin Jassim bin Hamad Al-Thani is the CEO of Qatar Media Corporation and a Board Member of Al Jazeera;<sup>9</sup> Sheikh Ahmed bin Jassim Al-Thani served as the Director General of Al Jazeera from 2011 until June 2013.<sup>10</sup> Given that members of the ruling family are in charge of managing the media network, it is more likely than not that the government can and will assert editorial control over media content.

There is evidence that this is the case. The network frequently features content promoting the apparent policy priorities of its owner. For example, the Qatari government reportedly supports the Muslim Brotherhood, and Al Jazeera has reportedly featured that organization in a moderate light and described it as one that can "foster regional stability."<sup>11</sup> In addition, Qatar has not only allowed U.S. State Department-designated terrorist organizations such as Hamas to operate within the country but also has regularly hosted Hamas supporters and its leaders on Al Jazeera.<sup>12</sup> News articles have reported that Al Jazeera "conducted a months-long spy operation on a slew of American pro-Israel officials" for a documentary on alleged Jewish influence on the U.S. Government.<sup>13</sup> Multiple videos on AJ+ appear to support anti-Israeli and anti-American positions. Qatar's officials have said that government-controlled media is a form of "soft power."<sup>14</sup> As such, one can reasonably infer that Al Jazeera is a messaging tool for the Qatari government, and, on its behalf, has engaged in inherently political activities and sought to influence public opinion in the United States.

Mohamed Fahmy, a former Al Jazeera English Egypt bureau chief who was jailed due to his affiliation with the network and ultimately pardoned by Egyptian authorities, has spoken out

<sup>4</sup> Tubular Labs, *Washington Post*, <https://tubularlabs.com/creator/pJrnOWDIB4/Washington-Post> (last visited June 14, 2019).

<sup>5</sup> According to an estimate by Amazon, during a 30 day period in May and June 2019, aljazeera.com had over 2.5 million unique visitors, 33.4% of whom were from the United States. Available at <https://www.alexa.com/siteinfo/aljazeera.com> (last visited June 18, 2019). See also, Nick Vivarelli, "New Al Jazeera Digital Division Chief on How Facebook, Google, Control News (Exclusive)" *Variety* (July 1, 2016), available at <https://variety.com/2016/digital/global/new-al-jazeera-digital-division-chief-on-how-facebook-google-control-news-exclusive-1201806421/> (last accessed June 18, 2019).

<sup>6</sup> Christopher M. Blanchard, *Qatar: Background and U.S. Relations*, CRS at 19 (June 6, 2012).

<sup>7</sup> *Id.*

<sup>8</sup> Al Jazeera Media Network, *Sheikh Hamad bin Thamer Al Thani: Chairman of Board of Directors*, <https://network.aljazeera.com/about-us/management-profiles/sheikh-hamad-bin-thamer-al-thani>.

<sup>9</sup> Doha Film Institute, *Doha Film Institute Announces Board of Trustees* (Nov. 29, 2016), <http://www.dohafilminstitute.com/press/doha-film-institute-announces-board-of-trustees>.

<sup>10</sup> The Business Year, *Optimal & Prime* (2015), <https://www.thebusinessyear.com/qatar-2015/optimal-prime/interview>.

<sup>11</sup> Kenneth Katzman, *Qatar: Governance, Security, and U.S. Policy*, CRS at 11 (March 1, 2018).

<sup>12</sup> *Id.* at 16.

<sup>13</sup> Adam Kredo, *Qatar-Backed Spy Operation on U.S. Jews Put Al Jazeera in Congressional Crosshairs*, *Washington Free Beacon* (February 13, 2018).

<sup>14</sup> Ministry of Foreign Affairs, *Al Diplomacy*, Issue 37 at 37 (December 2017), available at <https://en.calameo.com/read/0051217641e12ed91c1e0>.

about the close relationship between Al Jazeera and the Qatari regime. According to Fahmy, “The more the network coordinated and takes directions from the [Qatar] government, the more it becomes a mouthpiece for Qatari intelligence.”<sup>15</sup> Regarding Al Jazeera English, Fahmy has noted that contrary to his expectations before he was hired, the network “coordinated and took directives from Qatar’s government. This reflected on even us the English reporters and we had some of the best...”<sup>16</sup>

When the available evidence is taken as a whole, it appears that Al Jazeera’s broadcasts, including AJ+, mirror the policies and preferences of the Qatari government, which, together with the state funding and other indicia of agency, demonstrate that Al Jazeera and its media subsidiaries act as alter egos of the Qatari government in ensuring dissemination of the government’s viewpoints.

In addition to Al Jazeera seemingly operating as an agent of the Qatari government, its potential obligation to register under FARA may be triggered by two other provisions in the statute. First, because it produces and distributes content and secures access within the United States, it has arguably “engage[d] directly or indirectly in the ... dissemination of ... broadcasts,” and therefore may have served as a “publicity agent.”<sup>17</sup> Second, because its programming concerned “conditions” of a foreign government or “foreign country,” including but not limited to Qatar, Al Jazeera may have served as an “information-service employee” by “furnishing, disseminating, or publishing” its programs.<sup>18</sup>

Similarly, on November 13, 2017, DOJ’s National Security Division announced that it required T&R Productions, LLC to register under FARA as an agent for ANO TV-Novosti, the “Russian government entity responsible for the worldwide broadcasts of the RT Network” and on December 11, 2017, RTTV America registered as well.<sup>19</sup> Reportedly, DOJ has required the same of Xinhua News Agency and China Global Television Network.<sup>20</sup> In a press release regarding RT, DOJ said the following:

Americans have a right to know who is acting in the United States to influence the U.S. government or public on behalf of foreign principals. The Department of Justice is committed to enforcing FARA and expects compliance with the law by all entities engaged in specified activities on behalf of any foreign principal, regardless of its nationality.<sup>21</sup>

Further, that same press release said:

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<sup>15</sup> Frantzman, Seth J. “A Weapon against Its Neighbors’: Former Al Jazeera Bureau Chief Speaks out against Network.” The Jerusalem Post (Aug. 24, 2017), <http://www.jpost.com/Middle-East/A-weapon-against-its-neighbors-former-Al-Jazeera-bureau-chief-speaks-out-against-network-503206>.

<sup>16</sup> *Id.*

<sup>17</sup> 22 U.S.C. § 611(h).

<sup>18</sup> 22 U.S.C. § 611(i).

<sup>19</sup> Department of Justice Press Release, *Production Company Registers Under the Foreign Agent Registration Act as Agent for the Russian Government Entity Responsible for Broadcasting RT* (November 13, 2017).

<sup>20</sup> Kate O’Keeffe and Aruna Viswanatha, *Justice Department Has Ordered Key Chinese State Media Firms to Register as Foreign Agents*, Wall Street Journal (Sept. 18, 2018).

<sup>21</sup> Department of Justice Press Release, *Production Company Registers Under the Foreign Agent Registration Act as Agent for the Russian Government Entity Responsible for Broadcasting RT* (November 13, 2017).

Congress passed FARA in 1938, intending to ensure that the American public and our lawmakers know the source of information that is provided at the behest of a foreign principal, where that information may be intended to influence U.S. public opinion, policy and laws.<sup>22</sup>

Those statements apply equally to Al Jazeera, which is controlled by a foreign government, receives financial support therefrom, and engages in activity to influence the U.S. Government and public on behalf of foreign principals.

In sum, Al Jazeera, to include AJ+, may be obligated to register under FARA because: (1) through its production and distribution of programming in the United States it seeks to “influence...any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations” of Qatar, for or in the interests of Qatar, and is therefore most likely engaged in “political activities”;<sup>23</sup> and (2) it has acted as an agent for the Qatari government and Al Jazeera Media Network in producing and distributing the content constituting those political activities.<sup>24</sup>

The American public deserves to know when foreign entities are operating in and attempting to influence U.S. public policy and public opinion. DOJ must explain to Congress and the American people why Al Jazeera and its employees have not been required to register.

Accordingly, please answer the following no later than July 2, 2019:

1. What actions has the DOJ taken to assess whether Al Jazeera or its employees should register under FARA for work on behalf of the Qatari government?
2. Has the DOJ sent a letter of inquiry or letter of determination to Al Jazeera, any of its affiliated entities, or any of its employees? If so, please provide a copy. If not, why not?
3. Under 28 C.F.R. § 5.2, any present or prospective agent of a foreign entity may request an advisory opinion from the Justice Department regarding the need to register. Has Al Jazeera or any of its entities or employees ever requested an opinion in relation to work done on behalf of Qatar? If so, please provide a copy of the request and opinion.
4. Please explain why the DOJ has not required Al Jazeera or its employees to register under FARA.
5. Please provide all prosecutorial memoranda, correspondence between DOJ and Al Jazeera, and all reports and summaries of interviews relating to Al Jazeera and its obligations to register under FARA.

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<sup>22</sup> *Id.*

<sup>23</sup> 22 U.S.C. § 611(o)

<sup>24</sup> Notably, although FARA does provide an exception for “bona fide news or journalistic activities,” 22 U.S.C. § 611(d), that statutory exemption does not apply to Al Jazeera because the media exemption only applies if a media outlet is not “owned, directed, supervised, controlled, subsidized, financed, and none of its policies are determined by any foreign principal.”

Please send all unclassified material directly to the signers of this letter. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the signers, and provide a classified addendum to the Office of Senate Security and Office of House Security. The signers comply with all laws and regulations governing the handling of classified information. The signers are not bound, absent their prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Finance Committee



Tom Cotton  
U.S. Senator



John Cornyn  
U.S. Senator



Todd Young  
U.S. Senator



Marco Rubio  
U.S. Senator



Ted Cruz  
U.S. Senator



Mike Johnson  
U.S. Representative



Lee Zeldin  
U.S. Representative

# Exhibit C



**United States Senate**  
WASHINGTON, DC 20510

July 1, 2021

**VIA ELECTRONIC TRANSMISSION**

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice

Dear Attorney General Garland:

For several years, in both the Obama and Trump administrations, Congress has conducted oversight of the Justice Department's lax and selective enforcement of the Foreign Agents Registration Act (FARA).<sup>1</sup> FARA is an important statute that was designed not to prohibit activity but rather to require individuals to register with the DOJ if they are acting as an agent of a foreign government or enterprise to influence U.S. policy or public opinion. This helps ensure transparency and accountability in the public policy arena. In that sense, FARA is a content-neutral regulatory scheme that would not require any entity or individual to refrain from certain types of speech.

Proper enforcement of, and compliance with, FARA remains a top priority of ours as foreign governments and enterprises continue to use agents within the United States as conduits to lobby for policy changes and engage in public relations activity for the benefit of foreign principals.<sup>2</sup> On June 18, 2019, consistent with our FARA oversight, we sent a letter to DOJ with respect to our concerns that Al Jazeera Media Network was engaged in activity that required it to register as a foreign agent under FARA.<sup>3</sup> In that letter, we stated that:

[w]hen the available evidence is taken as a whole, it appears that Al Jazeera's broadcasts, including AJ+, mirror the policies and preferences of the Qatari government, which, together with the state funding and other indicia of agency, demonstrate that Al Jazeera and its media subsidiaries act as alter egos of the Qatari government in ensuring dissemination of the government's viewpoints.<sup>4</sup>

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<sup>1</sup> The FARA requires individuals to register with the Department of Justice (DOJ) if they act, even through an intermediary, "as an agent, representative, employee, or servant" or "in any other capacity" at the behest of a foreign principal, including a foreign political party, government, or corporation, for purposes of engagement with a United States official to influence U.S. policy or the public. The registration applies to anyone who attempts to influence a U.S. government official on behalf of a foreign principal in an effort to "formulat[e], adopt[], or chang[e] the domestic or foreign policies of the United States." Likewise, an individual whose activities are subject to registration under FARA and who sends informational material "for or in the interest of [a] foreign principal" with the intent or belief that such material will be circulated among at least two persons must transmit the material to the Attorney General no later than 48 hours after actual transmission. Notably, an ongoing failure to register with the DOJ is a continuing offense. 22 U.S.C. § 611 – Definitions: The term "foreign principal" includes - (1) a government of a foreign country and a foreign political party; (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

<sup>2</sup> Dep't of Justice, Recent FARA cases, (Nov. 13, 2019), <https://www.justice.gov/nsd-fara/recent-cases>

<sup>3</sup> Letter from Senator Grassley, Chairman, Senate Finance Committee, et al. to The Honorable William Barr, Attorney General, Department of Justice (June 18, 2019), <https://www.grassley.senate.gov/news/news-releases/lawmakers-seek-fara-evaluation-qatari-owned-al-jazeera>

<sup>4</sup> *Id.*

On September 14, 2020, according to reports, DOJ's National Security Division made the determination that AJ+, a subsidiary unit of Al Jazeera Media Network, must register under FARA because it engages in "political activities" on behalf of Qatar's government and is designed to "influence American perceptions" of "domestic policy," among other reasons.<sup>5</sup> Based on reporting, it is unclear whether DOJ has required Al Jazeera Media Network to register as a foreign agent in addition to AJ+.

To date, AJ+ has willfully ignored DOJ's mandate and has failed to register as a foreign agent. With AJ+'s refusal to register under FARA, agents of the Qatari government continue to operate in the United States in violation of the law. We note that foreign agents of other countries have complied with DOJ letters of determination.<sup>6</sup> Moreover, in addition to refusing to register under FARA, Al Jazeera Media Network created and launched a new media platform aimed at American audiences called "Rightly." The same factual and legal basis with respect to Al Jazeera's nexus to the Qatari government, for which DOJ determined AJ+ must register as a foreign agent, appears to apply equally to this new platform.<sup>7</sup> Accordingly, the Department must explain what steps it has taken to require it, and its employees, to register under FARA.

In a press release that the Department issued regarding a Russian production company registering as a foreign agent, DOJ said the following:

Americans have a right to know who is acting in the United States to influence the U.S. government or public on behalf of foreign principals. The Department of Justice is committed to enforcing FARA and expects compliance with the law by all entities engaged in specified activities on behalf of any foreign principal, regardless of its nationality.<sup>8</sup>

Further, that same press release said:

Congress passed FARA in 1938, intending to ensure that the American public and our lawmakers know the source of information that is provided at the behest of a foreign principal, where that information may be intended to influence U.S. public opinion, policy and laws.<sup>9</sup>

Those statements apply equally to Al Jazeera Media Network and its related entities, which are controlled by a foreign government, receive financial support therefrom, and engage in activity to influence the U.S. Government and public on behalf of foreign principals.

Accordingly, it is imperative for DOJ to explain what, if any, steps it has taken to enforce the law and require Al Jazeera Media Network, AJ+ and Rightly to register under FARA. Please answer the following questions no later than July 16, 2021:

1. Since the Department of Justice has determined that AJ+ must register as a foreign agent under FARA, has the Department determined the same for Al Jazeera Media Network and Rightly? If so, what steps has the Department taken to enforce compliance? If not, why not?

<sup>5</sup> Marc Tracy and Lara Jakes, *U.S. Order Al Jazeera Affiliate to Register as Foreign Agent*, The New York Times (Sept. 15, 2020; updated Oct. 30, 2020), <https://www.nytimes.com/2020/09/15/business/media/al-jazeera-fara.html>

<sup>6</sup> Registered in accordance with FARA on March 12, 2020; see <https://efile.fara.gov/docs/6780-Exhibit-AB-20200312-1.pdf>. Registered in accordance with FARA on May 5, 2021; see <https://efile.fara.gov/docs/6958-Exhibit-AB-20210505-1.pdf>.

<sup>7</sup> "Rightly" is a news organization launched by Al Jazeera, thereby making it an extension of the Qatari government. Bill Chappell, "Al Jazeera Is Launching A Right-Leaning News Outlet Called Rightly," *NPR*, Feb. 23, 2021, available at: <https://www.npr.org/2021/02/23/970654967/al-jazeera-is-launching-a-right-leaning-news-outlet-called-rightly>.

<sup>8</sup> Department of Justice Press Release, *Production Company Registers Under the Foreign Agent Registration Act as Agent for the Russian Government Entity Responsible for Broadcasting RT* (November 13, 2017).

<sup>9</sup> *Id.*



2. With respect to AJ+'s refusal to register under FARA, what steps has the Department taken to require them to do so? For example, has the Department begun enforcement proceedings against it? If not, why not?
3. Please provide all letters of inquiry and letters of determination the Department of Justice has sent to Al Jazeera Media Network, AJ+, Rightly and affiliated entities.
4. Under 28 C.F.R. § 5.2, any present or prospective agent of a foreign entity may request an advisory opinion from the Justice Department regarding the need to register. Has Al Jazeera, AJ+, Rightly or any of its entities or employees ever requested an opinion in relation to work done on behalf of Qatar? If so, please provide a copy of the request and opinion.

Please send all unclassified material directly to the signers. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the signers, and provide a classified addendum to the Office of Senate Security. The signers comply with all laws and regulations governing the handling of classified information. They are not bound, absent their prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this important matter.



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary



Marco Rubio  
U.S. Senator



Tom Cotton  
U.S. Senator



Ted Cruz  
U.S. Senator



Todd Young  
U.S. Senator

# Exhibit D

# EMPOWER OVERSIGHT

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*Whistleblowers & Research*



January 28, 2022

VIA ELECTRONIC TRANSMISSION: FOIA STAR, [NSDFOIA@USDOJ.GOV](mailto:NSDFOIA@USDOJ.GOV)

Douglas Hibbard  
Chief, Initial Request Staff  
Office of Information Policy  
Department of Justice  
6th Floor  
441 G St NW  
Washington, DC 20530

Arnetta Mallory, FOIA Initiatives Coordinator  
National Security Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.,  
Room 6150  
Washington, DC 20530

**RE: FOIA Request for Records Relating to Al Jazeera, FARA Registration, and Congressional Oversight**

Dear FOIA Officers:

## INTRODUCTION

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seek to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

## BACKGROUND

On June 4, 2018, the Justice Department’s Foreign Agents Registration Act (“FARA”) Unit sent a letter to lawyers for Al Jazeera’s social media-focused subsidiary, AJ+, explaining why it may be obligated to register under FARA.

That was more than three-and-a-half years ago.

According to an 11-page letter from Jay I. Bratt, then Chief of DOJ’s Counterintelligence and Export Control Section, to Al Jazeera’s attorneys at DLA Piper on September 14, 2020:

It is apparent that the Government of Qatar considers the Al Jazeera brand to be a means with which to project soft power. Qatari Ambassador Ahmed bin Saeed Al-Ruhaihi, an official in the Ministry of Foreign Affairs, recently stated: “For more

than two decades, the media represents an element of soft power for the State of Qatar.”

\* \* \*

By producing and disseminating news programming in the United States as an agent of [its parent company] AJMN and the Government of Qatar, AJ+ meets the definition of acting as a publicity agent, and thus obligated to register under FARA.

\* \* \*

AJ+ is obligated to register under FARA because it acts at the direction and control of both the Government of Qatar and AJMN. AJ+' s activities on behalf of the Government of Qatar and AJMN satisfy the definition of two specified categories of activities that require registration under FARA: (1) engaging in political activities, and (2) acting as a publicity agent. The content produced by AJ+ and disseminated in the United States seeks to "influence ... any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations" of Qatar and other countries in the region, and is therefore "political activity." See 22 U.S.C. § 611(o). AJ+'s role in producing and disseminating video news segments in the United States, at the order, request, or under the direction and control of the Government of Qatar and AJMN, means that it is serving as a "publicity agent," separately triggering an obligation to register under the Act. See 22 U.S.C. § 611(h).

\* \* \*

Please effect AJ+'s registration within thirty (30) calendar days of the date of this letter.

That was 16 months ago.

FARA is intended to ensure "*complete public disclosure*" by those who conduct political activity in the interests of foreign principals. Yet, the Justice Department has been criticized extensively for its "lax and selective enforcement" of the Act.

On March 6, 2018, nineteen Members of Congress wrote to Attorney General Sessions asking about Al Jazeera and its obligations under FARA.<sup>1</sup> On June 18, 2019, and July 1, 2021, Members of Congress including Senators Charles Grassley, Marco Rubio, Tom Cotton, Ted Cruz, and Todd Young wrote to then-Attorney General Barr<sup>2</sup> and Attorney General Garland about this matter as well.<sup>3</sup> The most recent of the letters, sent seven months ago, sought among other things to learn what steps the Justice Department had taken to ensure that AJ+ registered as is required. It also sought copies

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<sup>1</sup> [https://gottheimer.house.gov/uploadedfiles/3.6\\_gottheimer\\_zeldin\\_cruz\\_letter\\_to\\_doj\\_final\\_signed\\_copy.pdf](https://gottheimer.house.gov/uploadedfiles/3.6_gottheimer_zeldin_cruz_letter_to_doj_final_signed_copy.pdf)

<sup>2</sup> <https://www.grassley.senate.gov/news/news-releases/lawmakers-seek-fara-evaluation-qatari-owned-al-jazeera>

<sup>3</sup> <https://www.grassley.senate.gov/news/news-releases/qatari-backed-media-still-not-registered-under-foreign-agents-law-despite-justice-department-determination-senators-want-to-know-why>

of “all letters of inquiry and letters of determination the Department of Justice has sent to Al Jazeera Media Network, AJ+” and affiliated entities.

As of today, the Justice Department appears to have been entirely unresponsive to the congressional oversight letters on this issue. The public has a right to know why Justice Department has failed to enforce FARA in this instance and failed to be responsive to congressional oversight on this topic.

### **RECORDS REQUEST**

Accordingly, pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Empower Oversight hereby requests expedited production of all records related to:

1. the Justice Department’s receipt of, discussions related to, processing of, and response to all Congressional correspondence regarding Al Jazeera or any of its affiliates and FARA, including the March 6, 2018, June 18, 2019, and July 1, 2021 congressional oversight letters cited above; and
2. communications regarding FARA and Al Jazeera (or its affiliates) between the Justice Department and DLA Piper (or any other agent or representative of Al Jazeera, its affiliates, or the Government of Qatar), including the June 4, 2018 and September 14, 2020 Justice Department letters referenced above.

Please ensure the Department’s searches include all relevant custodians in the National Security Division, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, and the Office of Legislative Affairs.

### **DEFINITIONS**

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

“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.



“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,” “BEARS UPON,” 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.

### **INSTRUCTIONS**

The time period of the requested records is March 6, 2018, through the present.

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request.

If any the requested information is withheld, please: (1) identify that information, describe the basis for it being withheld, and explain any specific statutory exemptions that you think justify (or justifies) any such withholding of information; and (2) release any reasonably segregable portions.

If you have any questions about this request, please contact Bryan Saddler by e-mail at bsaddler@empowr.us.

### **FEE WAIVER REQUEST**

Empower Oversight agrees to pay up to \$25.00 in applicable fees, but notes that it qualifies as a “representative of the news media”<sup>4</sup> and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same. Empower Oversight has no commercial interest in making this request.

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<sup>4</sup> On September 23, 2021, the Securities Exchange Commission conceded that Empower Oversight qualifies as a news media requester for purposes of fees assessed pursuant to the FOIA. “Empower Oversight Wins Appeal of Erroneous SEC Fee Decision: Must be treated as a “media requestor” in seeking ethics records of senior officials,” Empower Oversight Press Release (Sep 24, 2021), <https://empowr.us/empower-oversight-wins-appeal-of-erroneous-sec-fee-decision-must-be-treated-as-a-media-requestor-in-seeking-ethics-records-of-senior-officials/>

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public understanding of (1) the Justice Department's enforcement of FARA, (2) the involvement of foreign governments in political activity within the United States, and (3) the Justice Department's responsiveness to Congressional oversight of on those issues.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that that Empower Oversight receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please don't hesitate to contact me with any questions.

Cordially,

/Jason Foster/

Jason Foster  
Founder & President

# Exhibit E





**U.S. Department of Justice**  
Office of Information Policy  
*Sixth Floor*  
441 G Street, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

February 2, 2022

Jason Foster  
Empower Oversight  
[info@empowr.us](mailto:info@empowr.us)

Re: FOIA-2022-00692  
DRH:EAH:MSH

Dear Jason Foster:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated and received in this Office on January 28, 2022 in which you requested records concerning communications pertaining to Al Jazeera and FARA.

You have requested expedited processing of your request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." See 28 C.F.R. § 16.5(e)(1)(ii) (2018). Based on the information you have provided, I have determined that your request for expedited processing under this standard should be denied. This Office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally. Please be advised that, although your request for expedited processing has been denied, it has been assigned to an analyst in this Office and our processing of it has been initiated.

To the extent that your request requires a search in another Office, consultations with other Department components or another agency, and/or involves a voluminous amount of material, your request falls within "unusual circumstances." See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V 2017). Accordingly, we will need to extend the time limit to respond to your request beyond the ten additional days provided by the statute. For your information, we use multiple tracks to process requests, but within those tracks we work in an agile manner, and the time needed to complete our work on your request will necessarily depend on a variety of factors, including the complexity of our records search, the volume and complexity of any material located, and the order of receipt of your request. At this time we have assigned your request to the complex track. In an effort to speed up our process, you may wish to narrow the scope of your request to limit the number of potentially responsive records so that it can be placed in a different processing track. You can also agree to an alternative time frame for processing, should records be located, or you may wish to await the completion of our records search to discuss either of these options. Any decision with regard to the application of fees will be made only after we determine whether fees will be implicated for this request.

For your information, the FOIA operation for both the Department of Justice and the

-2-

federal government is decentralized and each Department component and federal entity maintains and handles FOIA requests for its own records. Accordingly, you need to direct your letter to the office(s) you believe have records pertaining to the subject of your request. Additional information regarding the federal government's administration of the FOIA, including a listing of FOIA contact information, is available at [www.foia.gov](http://www.foia.gov). Based on the information you have provided, you may wish to also direct your request to the National Security Division as the federal entity most likely to maintain the records you are seeking.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the analyst handling your request, Monique Hill, by telephone at the above number or you may write to them at the above address. You may contact our FOIA Public Liaison, Valeree Villanueva, for any further assistance and to discuss any aspect of your request at: Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001; telephone at 202-514-3642.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request for expedited processing, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Sixth Floor, 441 G Street, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically submitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



for

Douglas R. Hibbard  
Chief, Initial Request Staff

# Exhibit F



Bryan Saddler <bsaddler@empowr.us>

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## FW: NSD FOIA #22-099

3 messages

jf@empowr.us <jf@empowr.us>  
To: Bryan Saddler <bsaddler@empowr.us>

Tue, Mar 8, 2022 at 1:47 PM

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**From:** Mallory, Arnetta (NSD) <Arnetta.Mallory@usdoj.gov>  
**Sent:** Tuesday, March 8, 2022 1:45 PM  
**To:** jf@empowr.us  
**Subject:** NSD FOIA #22-099

Jason Foster

601 King Street, Suite 200

Alexandria, VA 22314-3151

[jf@empowr.us](mailto:jf@empowr.us)

Re: FOIA/PA #22-099

Dear Mr. Foster:

This is to acknowledge your email dated January 28, 2022 for information pertaining to 1. the Justice Department's receipt of, discussions related to, processing of, and response to

all Congressional correspondence regarding Al Jazeera or any of its affiliates and FARA, including the March 6, 2018, June 18, 2019, and July 1, 2021 congressional oversight letters cited above; and 2. communications regarding FARA and Al Jazeera (or its affiliates) between the Justice Department and DLA Piper (or any other agent or representative of Al Jazeera, its affiliates, or the Government of Qatar), including the June 4, 2018 and September 2020 Justice Department letters referenced above. Our FOIA office received your Freedom of Information Act request on January 28, 2022.

In response to the COVID-19 public health emergency, the NSD FOIA staff is teleworking full time. Our FOIA operations have been diminished while we are teleworking and our FOIA intake and FOIA processing will be slower than normal.

Our policy is to process FOIA requests on a first-in, first-out basis. Consistent with this policy, every effort will be made to respond to your request as quickly as possible. The actual processing time will depend upon the complexity of the request, whether it involves sensitive or voluminous records, and whether consultations with other agencies or agency components are appropriate.

You may contact our Government Information Specialist, Arnetta Mallory, for any further assistance and to discuss any aspect of your request at:

U.S. Department of Justice  
Records and FOIA Unit  
3 Constitution Square  
175 N Street N.E. 12th Floor  
Washington, DC 20530  
(202) 233-2639

Sincerely,

Arnetta Mallory  
Government Information Specialist

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**jf@empowr.us** <jf@empowr.us>  
To: Bryan Saddler <bsaddler@empowr.us>

Mon, Apr 11, 2022 at 6:03 PM

This is ripe to sue I presume?

[Quoted text hidden]

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**Bryan Saddler** <bsaddler@empowr.us>  
To: Jason Foster <jf@empowr.us>  
Affirmative.

Mon, Apr 11, 2022 at 6:16 PM

As a result of the HB developments, I did not mention ripeness for judicial review in my email last week. We have more than a 1/2 dozen.

[Quoted text hidden]

# Exhibit G



Bryan Saddler <bsaddler@empowr.us>

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## Fwd: FOIA-2022-00692

1 message

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**Info Account** <info@empowr.us>

Fri, Mar 25, 2022 at 9:27 AM

To: Bryan Saddler <bsaddler@empowr.us>

----- Forwarded message -----

From: **Delake, Nadege (OIP)** <Nadege.Delake@usdoj.gov>

Date: Mon, Mar 14, 2022 at 5:02 PM

Subject: FOIA-2022-00692

To: [info@empowr.us](mailto:info@empowr.us) <info@empowr.us>

Dear Jason Foster:

This pertains to your above-referenced Freedom of Information Act (FOIA) request dated and received in this Office on January 28, 2022, seeking records concerning communications pertaining to Al Jazeera and FARA.

Please be advised that we have initiated records searches in response to your request. However, we are inquiring as whether you would be amenable to narrow the date range of records search, which could help speed-up the processing of your request.

We will appreciate if you could provide a specific time frame for the search of records.

Sincerely,

Nadege Delake

Office of Information Policy

U.S. Department of Justice

202-514-3642 (Main Line)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Empower Oversight Whistleblowers &amp; Research

(b) County of Residence of First Listed Plaintiff Alexandria, VA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jeffrey S. Beelaert, 202-661-0923, Stein Mitchell Beato & Missner LLP, 901 15th Street NW, Washington, DC 20005

**DEFENDANTS**

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
FOIA, 5 U.S.C. § 552

Brief description of cause:

Complaint for declaratory and injunctive relief for failure to timely respond to FOIA request and produce responsive records

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

January 20, 2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jeffrey S. Beelaert

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.