

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

HUMAN RIGHTS DEFENSE CENTER)
 1028 N. Federal Highway)
 Lake Worth, FL 33460)
)
 Plaintiff,)
)
 v.)
)
TRANSPORTATION SECURITY)
ADMINISTRATION)
 6595 Springfield Center Drive)
 Springfield, VA 22150)
)
 Defendant.)
 _____)

Civil Action
No.

COMPLAINT

This lawsuit is an action under the Freedom of Information Act, 5 U.S.C. §552, *et seq.*, seeking production of records responsive to requests submitted by the Human Rights Defense Center (HRDC) to the Transportation Security Administration (TSA).

JURISDICTION AND VENUE

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201(a) and 2202.
2. Venue is appropriate in this Court under to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §1391.

PARTIES

3. Plaintiff HRDC is a nonprofit charitable organization incorporated in the state of Washington, with principal offices in Lake Worth, Florida.
4. Defendant TSA is a component of the United States Department of Homeland Security and an agency under 5 U.S.C. §552(f)(1) and 5 U.S.C. § 701.

FACTS

Human Rights Defense Center's Background and Mission

5. HRDC (previously named Prison Legal News) has spent over thirty years dedicated to public education, prisoner education, advocacy, and outreach to support the rights of prisoners and to further basic human rights.
6. To accomplish its mission, HRDC gathers information from governmental entities around the country and publishes the information in its journals and on its websites.
7. HRDC publishes and distributes books, magazines, and other information containing news and analysis about prisons, jails, and other detention facilities, prisoners' rights, court rulings, management of prison facilities, prison conditions, and other matters about the rights and interests of incarcerated individuals.
8. HRDC publishes two magazines: *Prison Legal News (PLN)* and *Criminal Legal News (CLN)*.

9. *PLN* is a legal journal that reports news and litigation about carceral facilities. *PLN* has published monthly since 1990 and has thousands of subscribers across all 50 states. *PLN*'s subscribers include lawyers, journalists, judges, courts, public libraries, and universities. *PLN* also maintains a website that receives around 300,000 unique visitors per month based on site analytics.
10. *CLN* is a legal journal launched in November 2017. *CLN* reports on criminal law decisions from the states and federal systems, focusing on legal developments affecting the fact and duration of confinement. *CLN* also covers civil rights litigation against police, prosecutors, and court systems.
11. Through its publishing arm, HRDC also publishes books about the criminal justice system and legal issues affecting prisoners.

THE TRANSPORTATION SECURITY ADMINISTRATION

12. The TSA was created in 2001 and is a law enforcement agency that has authority over the security of the traveling public in the United States.
13. As of the fiscal year 2020, the TSA had a budget of over \$7 billion, and employed over 40,000 Transportation Security Officers, Behavior Detection Officers, Transportation Security Specialists, Federal Air Marshals, and other security personnel.

REQUEST AT ISSUE

14. On May 28, 2021, HRDC sent to the TSA via electronic mail a FOIA request for records of litigation against the TSA.

15. Specifically, the May 28, 2021, FOIA request sought:

1. Records, regardless of physical form or characteristics, sufficient to show for all claims or lawsuits brought against the TSA and/or any of its agents or employees in which payments totaling \$1,000 or more were disbursed from January 1, 2011 to the present:

- The name of all parties involved;
- The case or claim number;
- The jurisdiction in which the case or claim was brought (e.g., U.S. District Court for the District of Columbia, D.C. Superior Court, etc.);
- The date of resolution;
- The amount of money involved in the resolution and to whom it was paid.

2. For each case or claim detailed above:

- The complaint or claim form and any amended versions;
- The verdict form, final judgment, settlement agreement, consent decree, or other paper that resolved the case.

16. On June 1, 2021, the TSA responded to HRDC's request: "your FOIA request is too broad in scope or did not specifically identify the records which you are seeking." The TSA asked HRDC to specify the exact records it was requesting, and to state whether it was seeking records from a specific TSA component or office.

17. On June 2, 2021, HRDC reiterated the terms of its request, offered to clarify any parts of the request that the TSA did not understand, and stated that the request applied to all TSA components and offices that had documents falling within the scope of the request.

18. On June 29, 2021, having had no further communication from the TSA, HRDC sent a

follow up email inquiring as to the status of the request.

19. HRDC has received no communication from the TSA since June 1, 2021.

20. HRDC never received any documents in response to its FOIA request to the TSA.

HRDC'S CLAIM FOR RELIEF

21. HRDC incorporates paragraphs 1-20 by reference.

22. The TSA wrongly withheld documents responsive to HRDC's properly submitted request.

23. HRDC has a statutory right to the records it seeks, and there is no basis for the TSA to withhold them.

24. As a result, by failing to release the records specifically requested by HRDC, the TSA has violated FOIA.

25. HRDC has a legal right to the responsive documents.

Requested Relief

HRDC therefore respectfully requests that this Court:

1. Declare that the records sought by HRDC are subject to FOIA;

2. Order the TSA to disclose the requested records;
3. Award costs and attorney's fees under 5 U.S.C. (a)(4)(E); and
4. Grant any other relief that the Court may consider just and proper.

Date: August 2, 2021.

Respectfully submitted,

/s/ Deborah M. Golden

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