

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
CHICAGO DIVISION**

JACQUELINE STEVENS,

*Plaintiff*

v.

UNITED STATES DEPARTMENT OF STATE

*Defendant*

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking wrongfully withheld agency records relating to the establishment of U.S. University campuses in foreign countries.

2. Jacqueline Stevens ("Dr. Stevens") seeks declaratory, injunctive and all other appropriate relief with respect to the unlawful withholding of these agency records by the United States Department of State (“DOS”).

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 522(a)(4)(B). Jurisdiction lies to grant declaratory relief pursuant to 28 U.S.C. §§ 2201-2202.

4. Venue is proper under 5 U.S.C. § 552(a)(4)(B) because Dr. Stevens works and resides within this District.

## PARTIES

5. Plaintiff Jacqueline Stevens is a Professor of Political Science and the Director of the Deportation Research Clinic at Northwestern University. Her office and principal place of residence are in Cook County, Illinois.

6. Defendant U.S. Department of State is an executive agency component of the United States government and is principally responsible for representing the United States at diplomatic locations around the world, including embassies, consulates and missions to international organizations. DOS has possession and control over all agency records Dr. Stevens seeks. DOS is an agency within the meaning of 5 U.S.C. § 552(f)(1).

## NATURE OF THE ACTION

7. Northwestern University in Qatar was founded in 2008 with support from the Qatar Foundation. The campus is based in Education City, Qatar.

8. In 2015, Stephen Eisenman, the president of Northwestern's Faculty Senate, authored a report raising concerns about Northwestern operating a campus within Qatar, an authoritarian state with limited free press. He found evidence of restrictions on speech and freedom of opinion on campus.<sup>1</sup> His report was featured in several publications.<sup>2</sup>

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1 See Stephen Eisenman, *A Report On Northwestern University Qatar: Nine Proposals* (Mar. 2015) available at <https://www.scribd.com/document/293469131/Senate-Commentary-A-Report-on-NUQ-Mar-2015-Eisenman-3#>

2 See Washington Post, "Northwestern Professor Raises Questions about its branch in Qatar." (Dec. 2015) available at <https://www.washingtonpost.com/news/grade-point/wp/2015/12/17/northwestern-professor-raises-questions-about-its-branch-in-qatar> GulfNews Journal "Northwestern Professor Raises Questions" available at <http://gulfnnewsjournal.com/stories/510718195-northwestern-professor-raises-questions-about-its-branch-in-qatar>

9. As part of her research, Dr. Stevens investigated and published on the Qatar campus, and its financial ties to the Qatar Foundation.<sup>3</sup> A cable from the U.S. Embassy in Qatar described the U.S. Government's interest in affecting Al Jazeera's coverage, and said Northwestern University's Qatar campus, "can act as a resource and help professionalize Al Jazeera's staff."<sup>4</sup>

10. In 2013, Northwestern University in Qatar signed a Memorandum of Understanding with Al-Jazeera, to "deepen ties between the two organizations."<sup>5</sup> Several publications noted the positive shift in Al-Jazeera's coverage of the U.S in recent years, especially concerning U.S. drone strikes.<sup>6</sup>

11. Several high profile media outlets have reported on the U.S. government's use of universities' satellite campuses to increase U.S. influence in these regions.<sup>7</sup>

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3 Jacqueline Stevens, *Forensic Intelligence and the Deportation Research Clinic: Toward a New Paradigm* (Sept. 2015), p.728 available at <http://deportationresearchclinic.org/S1537592715001279a.pdf>.

4 Available at [https://wikileaks.org/plusd/cables/08DOHA664\\_a.html/](https://wikileaks.org/plusd/cables/08DOHA664_a.html/).

5 <http://web.archive.org/web/20131127215155/http://qatar-news.northwestern.edu/al-jazeera-mou/>.

6 See *The Guardian*, "WikiLeaks cable claims Al-Jazeera changed coverage to suit Qatari foreign policy." (Dec. 2010) available at <https://www.theguardian.com/world/2010/dec/05/wikileaks-cables-al-jazeera-qatari-foreign-policy>; *U.S. Center on Public Diplomacy*, "WikiLeaks, Al-Jazeera and Qatari public diplomacy." (Dec. 2010) available at <http://uscpublicdiplomacy.org/blog/wikileaks-al-jazeera-and-qatari-public-diplomacy-challenge>; *The Times Higher Education*, "Sway: WikiLeaks, Universities and 'Soft Power'" (Feb. 2012).

7 See *Washington Post* "In Qatar's Education City, U.S. Colleges are building an academic oasis." (Dec. 2015) available at [https://www.washingtonpost.com/local/education/in-qatars-education-city-us-colleges-are-building-an-academic-oasis/2015/12/06/6b538702-8e01-11e5-ae1f-af46b7df8483\\_story.html?utm\\_term=.a89c68eea485](https://www.washingtonpost.com/local/education/in-qatars-education-city-us-colleges-are-building-an-academic-oasis/2015/12/06/6b538702-8e01-11e5-ae1f-af46b7df8483_story.html?utm_term=.a89c68eea485); *GulfNews Journal* "Roots of American Universities grow deeper in Qatar, drawing criticism" (June 2015) <http://gulfnewsjournal.com/stories/510548507-roots-of-american-universities-grow-deeper-in-qatar-drawing-criticism>; *GulfNews Journal*, "While U.S. Universities see dollar signs in Qatari partnerships, some cry foul", (Sept. 2015) <http://gulfnewsjournal.com/stories/510639673-while-u-s-universities-see-dollar-signs-in-qatari-partnerships-some-cry-foul>; *GulfNews Journal* "Advocate questions motive behind Qatar financial ties to U.S. colleges" (Apr. 2016) <http://gulfnewsjournal.com/stories/510712102-advocate-questions-motive-behind-qatar-s-financial-ties-to-u-s-colleges>.

## PLAINTIFF'S FOIA REQUESTS

12. Dr. Stevens has published findings in scholarly journals on Northwestern University ties to U.S. State Department.<sup>8</sup> She also made a presentation to the Northwestern Faculty Senate noting that the Board of Trustees is dominated by General Dynamics, Boeing and Caterpillar, and discussing Northwestern role in what Senator William Fullbright called the "Military Industrial Academic Complex."<sup>9</sup>

13. Dr. Stevens to support her research sought records maintained by the DOS. The DOS has failed to search and disclose all agency records in a timely and adequate manner for three separate FOIA requests filed between February 11<sup>th</sup>, 2015 and February 18<sup>th</sup>, 2015 regarding Northwestern's contracts with the DOS and the DOS policy on U.S. university campuses in the region.

### **A. State HQ And Consular material referencing Northwestern University's Qatar campus.**

14. On February 11, 2015, Professor Stevens submitted a FOIA request for the following:

Your agency recently unlawfully ruled a prior and perfectly legal request "invalid." (F-2015-00663) I am therefore breaking the request into components. Failure to produce responsive records absent a specific legal reason under the Freedom of Information Act will prompt litigation. Please note that by resubmitting this request I am not waiving my right to litigate the constructive denial of my prior request within the 60 days allowed under FOIA. Northwestern University has coordinated with officials from the U.S. State Department since the mid-2000s to open a campus in Doha, Qatar. My request is for: All State HQ and consular Qatar materials in all system records and elsewhere referencing Northwestern University's Qatar campus. Material requested includes but is not limited to memorandums, cables or email, notes, reports, correspondence with other agencies, members of Congress (or staff) and private firms or individuals. Please consult in particular the following

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<sup>8</sup> Jacqueline Stevens, Forensic Intelligence and the Deportation Research Clinic: Toward a New Paradigm (Sept. 2015), p.728 available at <http://deportationresearchclinic.org/S1537592715001279a.pdf>

<sup>9</sup> See Minutes from Northwestern Faculty Senate Meeting, April 6, 2016, *available at* [http://www.northwestern.edu/faculty-senate/documents/2015-2016/Minutes\\_Fac\\_Sen\\_Apr\\_06\\_16.pdf](http://www.northwestern.edu/faculty-senate/documents/2015-2016/Minutes_Fac_Sen_Apr_06_16.pdf)

components: Policy Planning Staff, Bureau of Administration, Bureau of Diplomatic Security, Office of Management Policy, Rightsizing, and Innovation, Office of White House Liaison, Bureau of Intelligence and Research and Office of the Chief of Protocol, as well as all other components that may contain responsive information including J5, or the Policy Division. The time period of my request is from 01/01/2005 to present.

15. DOS acknowledges receipt of Professor Stevens' request on February 12, 2015 and assigned the tracking number F-2015-03180.
16. On September of 2015, Professor Stevens called the FOIA request center and was told that queries had been sent to eight components and no response had been received. She was given an estimated completion date of April, 2016.
17. In March 2016 FOIA agents told Dr. Stevens that materials were forthcoming, but nothing has been received.
18. On February 9, 2017, Professor Stevens' research assistant called the FOIA request center and confirmed that the case was still open, with no additional material sent, and no new estimated completion date.
19. Professor Stevens has subsequently received no materials in the two years since she made the request. 745 days have elapsed since the initial statutory deadline.

**B. Documents regarding State Department's coordination with U.S. universities and the Qatar Foundation to establish campuses in Education City, Qatar.**

20. On January 5 2015, Professor Stevens submitted a FOIA request for the following:

Documents publicly available indicate that Department of State has coordinated with U.S. Universities and the Qatar Foundation to establish campuses in "Education City," Qatar. I am requesting all \*policy and planning materials\* pertaining to \*establishing U.S. university campuses in foreign countries, including but not limited to Qatar, Abu Dhabi, and Singapore. This includes but is not limited to memorandums, cables or email, notes, reports, correspondence with other agencies,

members of Congress (or staff), and private firms or individuals. Please consult in particular the following components: Policy Planning Staff, Bureau of International Administration, Bureau of Diplomatic Security, Office of Management Policy, Rightsizing, and Innovation, Office of White House Liaison, Bureau of Intelligence and Research, and Office of the Chief of Protocol, as well as all other components that may contain responsive information. The time period of my request is from 01/01/2003 to present.

21. DOS acknowledged receipt of Dr. Stevens' request on February 12, 2015 and assigned the tracking number F-2015-03181.
22. In September of 2015, Dr. Stevens called FOIA and confirmed that the search was on hold with no requests sent to any component and no other results. She brought this information to the FOIA Ombudsman office, noting that in eight months no action had been taken.
23. On Wednesday, March 23, 2016, FOIA Analyst Avery Bullard confirmed via email that he had no documents yet for the case, and the search was still pending.
24. On February 9, 2017, Dr. Stevens' research assistant called FOIA request center and confirmed that the case was still open, with no estimated completion date.
25. Dr. Stevens has received no response to this request in the two years that have elapsed since she made it.

**C. Records regarding USAID or the MEPI and its components concerning U.S. funds transferred to the Independent Center of Journalists.**

26. On February 18, 2015, Dr. Stevens submitted a FOIA request by telephone requesting the following:

All contracts, memoranda, reports, notes, and email and any other material in any medium produced, received or maintained by either USAID and its components or the Middle East Partnership Initiative and its components from January 1, 2004 to

present concerning U.S. government funds transferred to the Independent Center of Journalists. 2) All contracts, memoranda, reports, notes, and email and any other material in any medium produced, received or maintained by either USAID and its components or the Middle East Partnership Initiative and its components from January 1, 2004 to present concerning Northwestern University and its components, including but not limited to the Medill School of Journalism and Qatar. 3) All contracts, memoranda, reports, notes, and email and any other material in any medium produced, received or maintained by either USAID and its components or the Middle East Partnership Initiative and its components from January 1, 2004 to present concerning Center(s) of Journalism Excellence.

27. DOS acknowledge receipt of Dr. Stevens' request on February 26, 2015 and assigned the tracking number F-2015-03575.

28. In September of 2015, Dr. Stevens called the FOIA request center and confirmed that the case was still open with no progress made. She subsequently brought this information to the FOIA Ombudsman office, noting that in eight months no action had been taken.

29. Despite representations made in March 2016 that materials were forthcoming, nothing has been received.

30. On February 9, 2017, Dr. Stevens' research assistant called FOIA request center and confirmed that the case was still open, with no estimated completion date.

31. Dr. Stevens has received no materials responsive to this request in the two years that have elapsed since she made it.

#### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

32. DOS has failed to comply with the time limits set forth in 5 U.S.C § 552(a)(6)(B) with respect to all three FOIA requests made by Dr. Stevens. She has additionally contacted the FOIA Ombudsman office and received no aid. As such, she has constructively exhausted all administrative remedies.

**CLAIMS FOR RELIEF**

**FIRST CAUSE OF ACTION:**

**Violation of the FOIA**

**Failure to Adequately Search for and Disclose Agency Records  
Responsive to Request F-2015-03180**

33. All previous paragraphs are incorporated as though fully set forth herein.
34. Plaintiff has a legal right under the FOIA to obtain agency records requested from Defendant DOS in connection with Request No. F-2015-03180, and no legal basis exists for Defendant's failure to adequately search for and promptly make available the requested records.
35. Defendant's failure to make reasonable efforts to search for responsive records and wrongful withholding of agency records sought in connection to F-2015-03180 violates the FOIA, 5 U.S.C. §§ 552(a)(3)(A), 552(a)(3)(C), and 552(a)(6)(A), as well as DOS regulations promulgated thereunder.

**SECOND CAUSE OF ACTION:**

**Violation of the FOIA**

**Failure to Adequately Search for and Disclose Agency Records  
Responsive to Request F-2015-03181**

36. All previous paragraphs are incorporated as though fully set forth herein.
37. Plaintiff has a legal right under the FOIA to obtain agency records requested from Defendant DOS in connection with Request No. F-2015-03181, and no legal basis exists for Defendant's failure to adequately search for and promptly make available the requested records.
38. Defendant's failure to make reasonable efforts to search for responsive records and wrongful withholding of agency records sought in connection to F-2015-03181 violates the



FOIA, 5 U.S.C. §§ 552(a)(3)(A), 552(a)(3)(C), and 552(a)(6)(A), as well as DOS regulations promulgated thereunder.

**THIRD CAUSE OF ACTION:**  
**Violation of the FOIA**  
**Failure to Adequately Search for and Disclose Agency Records**  
**Responsive to Request F-2015-03575**

39. All previous paragraphs are incorporated as though fully set forth herein.

40. Plaintiff has a legal right under the FOIA to obtain agency records requested from Defendant DOS in connection with Request No. F-2015-03575, and no legal basis exists for Defendant's failure to adequately search for and promptly make available the requested records.

41. Defendant's failure to make reasonable efforts to search for responsive records and wrongful withholding of agency records sought in connection to F-2015-03575 violates the FOIA, 5 U.S.C. §§ 552(a)(3)(A), 552(a)(3)(C), and 552(a)(6)(A), as well as DOS regulations promulgated thereunder.

**REQUEST FOR RELIEF**

**WHEREFORE**, Plaintiff requests that judgement entered in her favor and against Defendant and that:

- A. Defendant and any of Defendant's agents or other persons, departments, or components acting for, with, by, through, or under them be ordered to conduct a reasonable search for records responsive to Plaintiff's requests under the FOIA;

B. Defendant and any of Defendant's agents or other persons, departments, or components acting for, with, by, through, or under them be enjoined and restrained from continuing to withholding information relevant to Plaintiff's requests under the FOIA;

C. the Court declare that the requested records are not exempt from disclosure under the FOIA and order Defendant to disclose the requested records in their entirety and make copies available to the Plaintiff;

D. the Court enter a judgment awarding Plaintiff reasonable attorneys' fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E); and the Court award all other relief to Plaintiff that it deems just, equitable, and proper.

Jacqueline Stevens

March 31, 2017

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