

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JACQUELINE STEVENS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 17 C 2494
	)	
UNITED STATES DEPARTMENT OF	)	Judge Lee
STATE,	)	
	)	
Defendant.	)	

**ANSWER**

The United States Department of State, by its attorney, Joel R. Levin, Acting United States Attorney for the Northern District of Illinois, for its answer to the complaint, states as follows:

**First Defense**

Plaintiff fails to state a claim as a matter of law.

**Second Defense**

Plaintiff’s claims are barred to the extent that she has failed to exhaust her administrative remedies.

**Third Defense**

Answering the specific allegations of the complaint, defendant admits, denies, or otherwise avers as follows:

1. **Complaint:** 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.

**Response:** Admit that this is an action brought under FOIA, and admit that the complaint alleges that the Department of State wrongfully withheld agency records. Deny remainder of the allegations in paragraph 1.

2. **Complaint:** 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”).

**Response:** Admit that plaintiff seeks declaratory, injunctive, and other relief, and admits that she alleges that State unlawfully withheld agency records. Deny that plaintiff is entitled to the relief she requests.

### **JURISDICTION AND VENUE**

3. **Complaint:** 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.

**Response:** Admit.

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

**Response:** Admit.

### **PARTIES**

5. **Complaint:** 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.

**Response:** Admit.

6. **Complaint:** 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).

**Response:** Admit the allegations in the first and third sentences of paragraph 6.

Deny the allegations in the second sentence of paragraph 6.

### **NATURE OF THE ACTION**

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

**Response:** Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8; accordingly, they are denied.

8. **Complaint:** 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. His report was featured in several publications.

**Response:** Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8; accordingly, they are denied.

9. **Complaint:** As part of her research, Dr. Stevens investigated and published on the Qatar campus, and its financial ties to the Qatar Foundation. 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."

**Response:** Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9; accordingly, they are denied.

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

**Response:** Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10; accordingly, they are denied.

11. **Complaint:** 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.

**Response:** Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11; accordingly, they are denied.

### **PLAINTIFF'S FOIA REQUESTS**

12. **Complaint:** Dr. Stevens has published findings in scholarly journals on Northwestern University ties to U.S. State Department. She has 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."

**Response:** Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12; accordingly, they are denied.

13. **Complaint:** 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.

**Response:** Admit that plaintiff has sought records from the Department. Deny the remainder of the allegations in paragraph 13.

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

14. **Complaint:** 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 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.

**Response:** Admit.

15. **Complaint:** DOS acknowledges receipt of Professor Stevens' request on February 12, 2015 and assigned the tracking number F-2015-003180.

**Response:** Admit.

16. **Complaint:** 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.

**Response:** Admit that plaintiff contacted the Department in September 2015 and that she was given an estimated completion date of April 2016. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 16; accordingly, they are denied.

17. **Complaint:** In March 2016 FOIA agents told Dr. Stevens that materials were forthcoming, but nothing has been received.

**Response:** Admit that plaintiff contacted the Department in March 2016. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 17; accordingly, they are denied.

18. **Complaint:** 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.

**Response:** Admit that plaintiff contacted the Department in February 2017. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 18; accordingly, they are denied.

19. **Complaint:** 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.

**Response:** Deny.

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

20. **Complaint:** 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.

**Response:** Deny that the FOIA request described in paragraph 20 was submitted on January 5, 2015, but otherwise admit.

21. **Complaint:** DOS acknowledged receipt of Dr. Stevens' request on February 12, 2015 and assigned the tracking number F-2015-03181.

**Response:** Admit.

22. **Complaint:** In September of 2015, Dr. Stevens called FOIA and confirmed that the search was on hold with no requests sent to any components and no other results. She brought this information to the FOIA Ombudsman's office, noting that in eight months no action had been taken.

**Response:** Admit that plaintiff contacted the Department in September 2015. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 22; accordingly, they are denied.

23. **Complaint:** 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.

**Response:** Admit that FOIA Analyst Avery Bullard stated via e-mail that searches were still pending for request 03181; deny the remaining allegations in paragraph 23.

24. **Complaint:** 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.

**Response:** Admit that plaintiff contacted the Department on February 9, 2017. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 24; accordingly, they are denied.

25. **Complaint:** Dr. Stevens has received no response to this request in the two years that have elapsed since she made it.

**Response:** Deny.

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

26. **Complaint:** 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 or 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.

**Response:** Admit that the Department received a FOIA request from plaintiff; deny that it was received via telephone.

27. **Complaint:** DOS acknowledge[d] receipt of Dr. Stevens' request on February 26, 2015 and assigned the tracking number F-2015-03575.

**Response:** Admit.

28. **Complaint:** 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.

**Response:** Admit that plaintiff contacted the Department in September 2015. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 28; accordingly, they are denied.

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

**Response:** Admit that the Department has not produced any materials in response to the request at issue. Deny the remainder of the allegations in paragraph 29.

30. **Complaint:** 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.

**Response:** Admit that plaintiff contacted the Department on February 9, 2017. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 30; accordingly, they are denied.

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

**Response:** Admit.

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

32. **Complaint:** DOS has failed to comply with the time limits set forth in 5 U.S.C. § 522(a)(6)(B) with respect to all three FOIA requests made by Dr. Stevens. She has additionally contacted the FOIA Ombudsman's office and received no aid. As such, she has constructively exhausted all administrative remedies.

**Response:** Defendant lacks knowledge or information sufficient to form a belief about whether plaintiff contacted the FOIA Ombudsman's office and what response if any she received; accordingly, those allegations are denied. Deny the remainder of the allegations in paragraph 32.

#### **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. **Complaint:** All previous paragraphs are incorporated as though fully set forth herein.



**Response:** Defendant incorporates by reference its responses to Paragraphs 1 through 32 of the complaint as if set forth in full here.

34. **Complaint:** 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.

**Response:** Admit that plaintiff has a legal right to obtain responsive, non-exempt agency records located after the agency has conducted a good-faith search for records responsive to her request. Deny the remainder of the allegations in paragraph 34.

35. **Complaint:** 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.

**Response:** Deny.

**SECOND CAUSE OF ACTION:**

**Violation of the FOIA**

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

36. **Complaint:** All previous paragraphs are incorporated as though fully set forth herein.

**Response:** Defendant incorporates by reference its responses to Paragraphs 1 through 36 of the complaint as if set forth in full here.

37. **Complaint:** 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.

**Response:** Admit that plaintiff has a legal right to obtain responsive, non-exempt agency records that are located after the agency has conducted a good-faith search for records responsive to her request. Deny the remainder of the allegations in paragraph 37.

38. **Complaint:** 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.

**Response:** Deny.

**THIRD CAUSE OF ACTION:**

**Violation of the FOIA**

**Failure to Adequately Search for and Disclose Agency Records  
Responsive to Request F-2015-035875**

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

**Response:** Defendant incorporates by reference its responses to Paragraphs 1 through 38 of the complaint as if set forth in full here.

40. **Complaint:** 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.

**Response:** Admit that plaintiff has a legal right to obtain responsive, non-exempt agency records located after the agency has conducted a good-faith search for records responsive to her request. Deny the remainder of the allegations in paragraph 40.

41. **Complaint:** 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.

**Response:** Deny.

WHEREFORE, the United States requests that this case be dismissed with costs and that the court award such other relief as may be appropriate.

Respectfully submitted,

JOEL R. LEVIN  
Acting United States Attorney

By: Alex Hartzler  
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ALEX HARTZLER  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604  
(312) 886-1390  
alex.hartzler@usdoj.gov