

St. Petersburg Tribune, San Diego Union Tribune, European Stars & Stripes, Christian Science Monitor, U.S. News and World Report, Mother Jones and Salon Magazine.

4. Defendant Central Intelligence Agency (“CIA”) is an agency within the meaning of 5 U.S.C. § 552 (e), and is in possession and/or control of the records requested by JMP which are the subject of this action.

BACKGROUND

5. John L. Helgerson (“Mr. Helgerson”) has served as the Inspector General of the CIA since April 26, 2002. Since his appointment, Mr. Helgerson has led numerous internal investigations into controversial programs that began in the aftermath and as a result of the September 11, 2001, terrorist attacks, including such high-profile programs as the CIA’s detention and interrogation of terrorist suspects. Mr. Helgerson also conducted an investigation into the CIA’s actions prior to the September 11, 2001, terrorist attacks, resulting in a report which recommended “accountability boards” to consider disciplinary action against a handful of senior officials.

6. Upon information and belief, the prolonged and aggressive nature of these investigations has caused bitter resentment on the part of certain CIA operatives and officials towards the Office of the Inspector General (“OIG”) in general and Mr. Helgerson in particular.

7. On October 12, 2007, the CIA confirmed that Director General Michael V. Hayden (“Director Hayden”) had authorized an internal investigation into the operations of the CIA’s OIG, specifically focusing on the conduct of Mr. Helgerson. The basis of the review is to address complaints that the OIG’s investigations have not consisted of a fair and impartial review but rather as a “crusade” against CIA officials involved in controversial programs. CIA spokesman Paul Gimigliano refused to characterize the internal review – which is being overseen by Robert L. Deitz, Senior Counselor to Director Hayden, and Michael J. Morell, Associate Deputy Director - as an

“investigation” and insisted that Director Hayden’s only objective was to assist the OIG in doing “its vital work even better.”

8. Upon information and belief, the CIA’s stated basis for and characterization of the internal investigation is both misleading and inaccurate. Upon further information and belief, the commencement of such an investigation poses a conflict of interest and threatens to undermine the independence of the OIG.

9. Frederick P. Hitz, who served as the CIA’s Inspector General from 1990 to 1998 and currently teaches at the University of Virginia, stated on October 12, 2007, that any investigation by Director Hayden into the OIG’s work would “not be proper.”

10. Pursuant to the Inspector General Act of 1978, only the President of the United States may remove the Inspector General of a Cabinet-level or major agency. In the event of such action, both houses of Congress must be notified of the rationale justifying the removal.

11. Upon information and belief, Director Hayden lacks the authority to initiate an internal investigation designed to address complaint(s) against both the OIG as a whole and Mr. Helgeson in particular.

12. Pursuant to Executive Order 12993, allegations of misconduct by an Inspector General and/or senior staff members of an agency’s OIG are referred to the Integrity Committee of the President’s Council on Integrity and Efficiency (“PCIE”). Pursuant to Section 2(c) of Executive Order 12993, the Integrity Committee shall determine if there is a substantial likelihood that the allegation “discloses a violation of any law, rule or regulation, or gross mismanagement, gross waste of funds or abuse of authority.” To the extent that an investigation is necessary, the Public Integrity Section of the Department of Justice or the Federal Bureau of Investigation will conduct the investigation on behalf of the Integrity Committee.

13. Upon information and belief, to date, Director Hayden has not referred any complaint(s) against Mr. Helgeson and/or his staff to the Integrity Committee of the PCIE.

COUNT ONE

14. JMP repeats and realleges the allegations contained in paragraphs 5 through 13 above, inclusive.

15. By letter dated October 18, 2007, JMP submitted to the CIA a FOIA request which sought copies of all internal CIA documents pertaining to discussions concerning the decision to initiate an internal review of the operations of Mr. Helgeson, and of the OIG as a whole. Copies of news articles from the *Los Angeles Times*, *New York Times*, and *USA Today* that detailed the CIA's confirmation that an internal review had been authorized were included. The request sought a waiver of all fees, noting that JMP is a non-profit organization with the ability to disseminate information on a wide scale, the information would contribute to the public's understanding of government operations or activities and is in the public interest, and that JMP had been granted a fee waiver on all prior requests.

16. By letter dated November 5, 2007, the CIA acknowledged receipt of JMP's request and assigned it Request No. F-2008-00103. The CIA also granted JMP's request for a waiver of fees.

17. By telephone on February 21, 2008, JMP's Deputy Executive Director, Bradley P. Moss, contacted CIA's FOIA Requester Service Center for a status update on the request. The CIA stated that the request was still being processed and indicated that it could not provide a concrete date upon which the process would be completed.

18. By letter dated March 3, 2008, CIA informed JMP that the request was still being processed.

19. As twenty working days have elapsed without a substantive determination by the CIA, JMP has constructively exhausted all required administrative remedies.

20. JMP has a legal right under the FOIA to obtain the information it seeks, and there is no legal basis for the denial by the CIA of said right.

WHEREFORE, plaintiff James Madison Project prays that this Court:

(1) Orders the Central Intelligence Agency to disclose the requested records in their entireties and make copies promptly available to it;

(2) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552 (a)(4)(E) and/or 28 U.S.C. § 2412 (d);

(3) Expedite this action in every way pursuant to 28 U.S.C. § 1657 (a); and

(4) Grant such other relief as the Court may deem just and proper.

Date: April 21, 2008

Respectfully submitted,

/s/

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