

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

THE JAMES MADISON PROJECT
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036

Plaintiff

v.

CENTRAL INTELLIGENCE AGENCY
Washington, D.C. 20505

Defendant.

Civil Action No. 07- _____

* * * * *

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, for the disclosure of agency records improperly withheld from plaintiff The James Madison Project by defendant Central Intelligence Agency.

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendant pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

VENUE

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

PARTIES

3. Plaintiff The James Madison Project (“JMP”) is a non-profit organization under the laws of the District of Columbia and has the ability to disseminate information on a wide scale. Stories concerning our activities have received prominent mention in many publications including, but not limited to, *The Washington Post*, *The Washington Times*,

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.

COUNT ONE

5. By letter dated May 18, 2000, JMP submitted to the CIA a FOIA request which sought copies of all internal CIA regulations on or pertaining to (1) personnel issues; (2) the granting or revocation of security clearances; (3) grievance procedures; (4) disciplinary procedures; (5) the Prepublication Review Board; (6) declassification of information; (7) the Historical Advisory Board; and (8) the implementation of the Freedom of Information and Privacy Acts. JMP noted it was seeking a waiver of fees on the grounds that JMP is a non-profit organization with the ability to disseminate information on a wide scale, that 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.

6. The CIA acknowledged receipt of JMP’s request and assigned it Request No. F-2000-01097.

7. By letter dated July 26, 2002, CIA denied JMP’s request and informed JMP it could file an administrative appeal within sixty days

8. By letter dated August 8, 2002, JMP informed the CIA of its decision to appeal the denial of its request.

9. As twenty working days have elapsed without a determination by the CIA concerning JMP’s appeal, JMP has therefore constructively exhausted all required administrative remedies.

10. 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 The James Madison Project prays that this Court:

(1) Orders the Central Intelligence Agency to disclose the requested records in their entirety 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: June 27, 2007

Respectfully submitted,

/s/

Mark S. Zaid, Esq.
D.C. Bar #440532
Mark S. Zaid, P.C.
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
(202) 454-2809
(202) 330-5610 fax
ZaidMS@aol.com

Attorney for Plaintiff

Bradley P. Moss, Esq.
IL Bar #6290290
Mark S. Zaid, P.C.
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036

Of Counsel