

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

AMERICAN CIVIL LIBERTIES UNION  
125 Broad Street  
New York, NY 10004,

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
125 Broad Street  
New York, NY 10004,

Plaintiffs,

v.

DEPARTMENT OF STATE  
2201 C Street, N.W.  
Washington, DC 20520,

Defendant.

No. \_\_\_\_\_

**COMPLAINT FOR INJUNCTIVE RELIEF**

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for injunctive and other appropriate relief, seeking the immediate processing and release of agency records requested by Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation (collectively “ACLU”) from Defendant U.S. Department of State (“DOS”).

2. Plaintiffs submitted a FOIA request (“the Request”) to DOS seeking twenty-three specifically identified DOS embassy cables pertaining to the United States’ diplomatic response to foreign investigations of United States abduction, interrogation, detention, and rendition practices; the federal government’s efforts with respect to the prosecution and release of Guantanamo detainees; the federal government’s use of unmanned aerial vehicles; and the

diplomatic response to President Obama's decision to oppose the release of photographs depicting U.S. interrogations of persons suspected of terrorism. The Request was submitted on April 12, 2011.

3. Eight weeks have elapsed since the Request was filed and DOS has not released the records requested. Plaintiffs now ask this Court to order the Defendant immediately to process all records responsive to the Request.

### **Jurisdiction and Venue**

4. This Court has both subject matter jurisdiction of the FOIA claim and personal

8. Defend

13. On March 1, 2011, the Department of Defense (“DOD”) issued a Charge Sheet specifying charges under the Uniform Code of Military Justice (“UCMJ”) against Private First Class Bradley E. Manning. The Charge Sheet included the allegation that Private First Class Manning did “steal, purloin, or knowingly convert to his use or the use of another, a record or thing of value of the United States or of a department or agency thereof, to wit: the Department of State Net-Centric Diplomacy database containing more than 250,000 records belonging



interest” fee waiver, stating that it would decide the issue only after determining “whether the disclosure of any records responsive to [the] request is in the public interest.”

22. On May 4, 2011, Plaintiffs timely filed an administrative appeal of DOS’s denial of expedited processing.

23. On May 23, 2011, DOS denied Plaintiffs’ administrative appeal of DOS’s decision to deny Plaintiffs’ application for expedited processing.

### **Causes of Action**

24. Defendant’s failure to make a reasonable effort to search for records sought by the Request violates the FOIA, 5 U.S.C. § 552(a)(3), and DOS regulations, 22 C.F.R. § 171.12.

25. Defendant’s failure to promptly make available the records sought by the Request violates the FOIA, 5 U.S.C. § 552(a)(3)(A), and DOS regulations, 22 C.F.R. § 171.12.

26. Defendant’s failure to grant Plaintiffs’ request for expedited processing violates the FOIA, 5 U.S.C. § 552(a)(6)(E), and DOS regulations, 22 C.F.R. § 171.12(b).

27. Defendant’s failure to respond to Plaintiffs’ request for a waiver of search, review, and duplication fees violates the FOIA, 5 U.S.C. § 552(a)(4)(A)(iii) and DOS regulations, 22 C.F.R. § 171.17(a).

### **Requested Relief**

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Order the Defendant immediately to process all records responsive to the Request;
- B. Enjoin the Defendant from charging Plaintiffs search, review, or duplication fees for the processing of the Request;
- C. Award Plaintiffs their costs and reasonable attorneys’ fees incurred in this action; and
- D. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,

/s/

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Arthur B. Spitzer (D.C. Bar No. 235960)  
American Civil Liberties Union  
of the Nation's Capital  
1400 20th Street, N.W., Suite 119  
Washington, DC 20036  
Phone: (202) 457-0800  
Fax: (202) 452-1868  
artspitzer@aol.com

Ben Wizner  
Dror Ladin  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004  
Phone: (212) 549-2517  
Fax: (212) 549-2654  
bwizner@aclu.org  
nsp\_dl@aclu.org

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