



245 Murray Lane, SW )  
Washington, DC 20528 )  
 )  
DEFENDANTS )  
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**COMPLAINT**

**THE PARTIES**

1. Plaintiff Jason Leopold is an investigative reporter covering a wide-range of issues, including Guantanamo, national security, counterterrorism, civil liberties, human rights, and open government. His reporting has been published in VICE News, The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English, and Al Jazeera America.

2. Plaintiff Ryan Noah Shapiro is a Ph.D. candidate in the Department of Science, Technology, and Society (HASTS) at the Massachusetts Institute of Technology, as well as a Research Affiliate at the Berkman Klein Center for Internet & Society at Harvard University. Plaintiff is an historian of national security, the policing of dissent, and governmental transparency..

3. Defendant Department of Justice (DOJ) is an agency of the United States.

4. The Executive Office of the United States Attorneys (EOUSA) is a component of Defendant DOJ.

5. The United States Attorney’s Office for the Southern District of Alabama (USAO-SDAL) is a component of Defendant DOJ.

6. The USAO-SDAL has possession, custody and control of the records Plaintiffs seeks.

7. Defendant Department of Defense (DOD) is an agency of the United States.

8. The United States Army (Army) is a component of DOD.

9. The Army has possession, custody and control of the records Plaintiffs seeks.
10. The United States Central Command (CENTCOM) is a component of DOD.
11. CENTOM has possession, custody and control of the records Plaintiffs seeks.
12. Defendant Department of State (DOS) is an agency of the United States.
13. DOS has possession, custody and control of the records Plaintiffs seeks.
14. Defendant Equal Employment Opportunity Commission (EEOC) is an agency of the United States.
15. EEOC has possession, custody and control of the records Plaintiffs seeks.
16. The Environmental Protection Agency (EPA) is an agency of the United States.
17. EPA has possession, custody and control of the records Plaintiffs seeks.
18. Defendant National Security Agency (NSA) is an agency of the United States.
19. NSA has possession, custody and control of the records Plaintiffs seeks.
20. The Securities and Exchange Commission (SEC) is an agency of the United States.
21. The SEC has possession, custody and control of the records Plaintiffs seeks.
22. Defendant Department of Homeland Security (DHS) is an agency of the United States.
23. The United States Secret Service (USSS) is a component of Defendant DHS.
24. USSS has possession, custody and control of the records Plaintiffs seeks.

#### JURISDICTION AND VENUE

25. This action arises under the Freedom of Information Act (“FOIA”), 5 USC § 552.
26. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B).
27. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

**Background**

28. Jefferson Beauregard “Jeff” Sessions III (aka Jeff Sessions) was born on 24 Dec. 1946 in Selma, AL. Sessions is an attorney and Republican politician.

29. From 1975 through 1981, Sessions was an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of Alabama.

30. From 1981 through 1994, Sessions was the U.S. Attorney for the Southern District of Alabama.

31. In 1986, President Ronald Reagan nominated Sessions to be a judge of the U.S. District Court for the Southern District of Alabama. However, due to Sessions’ history of racist and anti-civil libertarian comments and actions, his nomination was fiercely opposed by the NAACP and other civil rights and civil liberties organizations. Sessions’ nomination was ultimately rejected by the Senate Judiciary Committee.

32. In 1994, Sessions was elected Attorney General of Alabama.

33. In 1996, Sessions was elected as a United States Senator from Alabama. He has held that position ever since.

34. Sessions is the ranking Republican member on the Senate Budget Committee, a former ranking member of the Senate Judiciary Committee, and a senior member of the Armed Services Committee. Sessions also serves on the Environment and Public Works Committee.

35. Sessions was an early supporter of the presidential candidacy of Donald Trump, and was a major policy adviser to the Trump campaign, especially in regard to immigration and national security. On February 28, 2016, Sessions officially endorsed Donald Trump for president. The Trump campaign considered Sessions for the position of running mate.

36. On 18 Nov. 2016, President-elect Trump designated Sessions as his intended nominee for Attorney General of the United States.

37. As with his earlier nomination by President Reagan for federal judgeship, Sessions' nomination by Trump for U.S. Attorney General has produced heated opposition. This includes opposition from civil rights and civil libertarian organizations, Democratic lawmakers, and over 1,100 law school professors.

38. The conservative organization Judicial Crisis Network, has created the website [www.confirmsessions.com](http://www.confirmsessions.com) to support Sessions' nomination for U.S. Attorney General.

39. Judicial Crisis Network (aka JCN, aka Judicial Confirmation Network) is a conservative 501(c)(4) organization devoted to promoting conservative judicial appointees. JCN was founded in 2005 (as Judicial Confirmation Network). JCN is run by Carrie Severino, a former law clerk for Supreme Court Justice Clarence Thomas.

### **Plaintiffs' FOIA Requests**

40. On January 9, 2017, Plaintiffs submitted FOIA requests to the Army, CENTCOM, DOS, EEOC, EOUSA, EPA, NSA, SEC, and USSS for records relating to Jefferson Beauregard "Jeff" Sessions III (aka Jeff Sessions), Judicial Crisis Network, and [confirmsessions.com](http://confirmsessions.com).

41. Each of the requests sought expedited processing.

42. As of the filing of this Complaint, over 10 calendar days have elapsed and Plaintiffs have not received a response from CENTCOM, EEOC, EOUSA, EPA, NSA, SEC, or USSS as to whether or not their request for expedited processing will be granted.

43. In a letter dated January 17, 2017, the Army acknowledged receipt of Plaintiffs' FOIA request and assigned it tracking number FA 17-0422. The letter further stated that Plaintiffs' request was "very broad" and a search could not be completed with reasonable effort based on the information provided. The letter from the Army did not provide Plaintiffs with any appeal rights and did not provide Plaintiffs an adequate opportunity to narrow or clarify the scope of their request prior to closure of the request.

44. In a letter dated January 12, 2017, DOS acknowledged receipt of Plaintiffs' FOIA request and assigned it tracking number F-2017-00289. The letter further stated that Plaintiffs' request did not reasonable describe the records sought and that the request was therefore invalid and the case was being closed. The letter from DOS did not provide Plaintiffs with any appeal rights and did not provide Plaintiffs an adequate opportunity to narrow or clarify the scope of their request prior to closure of the request.

COUNT I:  
VIOLATION OF FOIA

45. This Count realleges and incorporates by reference all of the preceding paragraphs. All documents referenced in this Complaint are incorporated by reference as if set forth fully herein.

46. Defendants CENTCOM, EEOC, EOUSA, EPA, NSA, SEC, and USSS have failed to grant or even rule on Plaintiffs' request for expedited processing.

47. Plaintiffs are deemed to have exhausted their administrative remedies because over 10 calendar days have elapsed without a determination as to whether or not they are entitled to expedited processing.

48. The Army and DOS improperly refused to process Plaintiffs' FOIA requests. Because these agencies did not process Plaintiffs' FOIA requests and offered Plaintiffs no appeal rights, there were no available administrative remedies for Plaintiffs to exhaust.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare Defendants' failure to comply with FOIA to be unlawful;
- (2) Order each of the Defendants to grant Plaintiffs' requests expedited processing and immediately process their FOIA requests;
- (3) Enjoin the Army and DOS from withholding responsive, non-exempt records;
- (4) Grant Plaintiffs an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i);
- (5) Grant Plaintiffs such other and further relief which the Court deems proper.

Respectfully Submitted,

/s/ Jeffrey Light

Jeffrey L. Light  
D.C. Bar #485360  
1712 Eye St., NW  
Suite 915  
Washington, DC 20006  
(202)277-6213  
Jeffrey@LawOfficeOfJeffreyLight.com

*Counsel for Plaintiffs*