

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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ADAM JOHNSON,	:	
<i>Plaintiff,</i>	:	
- v. -	:	
CENTRAL INTELLIGENCE AGENCY,	:	
<i>Defendant.</i>	:	

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COMPLAINT

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to order the production of Central Intelligence Agency (“CIA”) records concerning correspondence between the agency’s Office of Public Affairs (“OPA”) and members of the news media.

PARTIES

- 2. Plaintiff Adam Johnson is an independent journalist whose work is frequently published in The Nation, Alternet, Fairness and Accuracy in Media (“FAIR”), and numerous other prominent news outlets. His reports have been read by tens of millions of readers worldwide.
- 3. The CIA is an agency of the United States with possession and control of the records sought by plaintiff.

JURISDICTION AND VENUE

- 4. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).
- 5. Adam Johnson’s principal place of business is New York City and therefore venue is

appropriate under 5 U.S.C. § 552(a)(4)(B).

FACTS

Background of Request

6. The OPA serves as the CIA's liaison to the news media. The OPA's stated objective is to be as responsive as possible to the media and therefore the American public while protecting classified information and intelligence sources and methods.
7. Members of the news media frequently contact OPA staff seeking information or comment from the agency.
8. In 2012, then-Gawker Media journalist John Cook requested several months of correspondence between the OPA and several prominent members of the news media: Jo Becker, reporter for the New York Times; Scott Shane, reporter for the New York Times; David Ignatius, reporter for the Washington Post; Ken Dilanian, reporter for the Los Angeles Times; Brian Bennett, reporter for the Los Angeles Times; Matt Apuzzo, reporter for the Associated Press; Adam Goldman, reporter for the Associated Press; Siobhan Gorman, reporter for the Wall Street Journal; Devlin Barrett, reporter for the Wall Street Journal; and Evan Perez, reporter for the Wall Street Journal.
9. On September 14, 2014, Mr. Cook, then Editor-in-Chief of *The Intercept*, published the documents produced by the CIA in response to his request at:
<https://www.documentcloud.org/documents/1283562-cia-public-affairs-emails.html>
10. While the journalists' inquiries and comments were disclosed, the substance of the OPA spokespersons' emails were redacted, despite being shared with professional journalists.

FOIA Request and Constructive Denial

11. On February 13, 2017, Adam Johnson, filed a FOIA request, via fax, seeking the very same

documents requested by Mr. Cook. To preserve his ability to contest the redactions, Mr. Johnson offered the CIA the opportunity to reassess the exemptions it asserted so that he would have the opportunity to appeal them administratively.

12. The agency has neither produced the documents requested nor informed Mr. Johnson that it seeks to reassess its application of exemptions.
13. By failing to provide a response within twenty working days, the CIA has constructively denied Plaintiff's access to agency records by failing to produce -- or even formally deny -- the Request.

CAUSE OF ACTION

Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records

14. Plaintiff repeats and realleges paragraphs 1-13.
15. Defendant CIA has wrongfully withheld agency records requested by plaintiff.
16. Plaintiff has constructively exhausted all administrative remedies on the basis of Defendant CIA's refusal to produce -- or formally deny -- access to the records.

REQUESTED RELIEF

WHEREFORE, plaintiff requests this Court:

- (A) Order defendant to provide access to the requested documents in their entirety;
- (B) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (C) Award plaintiff costs and reasonable attorney fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (D) Grant such other and further relief as may deem just and proper.

Dated: March 15, 2017

By: /s/ Daniel Novack_____

Daniel Novack

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Counsel for Plaintiff

C06012551

Approved for Release: 2013/12/23

(b)(3)
(b)(6)

[Redacted]

From: [Redacted]
Sent: Friday, May 18, 2012 3:44 PM
To: [Redacted]
Cc: [Redacted]
Subject: Re: a couple other fact checks

[Redacted]

Take care,

[Redacted]

From: Gorman, Siobhan [Redacted]
Sent: Friday, May 18, 2012 03:00 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: a couple other fact checks

Thanks for the help. I hope I wasn't the cause of the dental appointment delay. This is very helpful as I try to tie up loose ends on this story. Sometimes "fun" stories take as much work as their "less fun" brethren. Sorry for all the qus.

=====
Siobhan Gorman
Intelligence Correspondent
The Wall Street Journal.
(202) 862-9234 (w) [Redacted]

From: [Redacted]
Sent: Friday, May 18, 2012 2:30 PM
To: Gorman, Siobhan
Cc: [Redacted]
Subject: RE: a couple other fact checks

Siobhan,

[Redacted]

C06012551

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We can chat more on Monday, hope this helps,

[Redacted]

Media Spokesperson
CIA Office of Public Affairs

[Redacted]

From: Gorman, Siobhan [Redacted]

Sent: Friday, May 18, 2012 2:11 PM

To: [Redacted]

Subject: a couple other fact checks

[Redacted]

I know you probably won't be able to check this until Monday, but there are two other things I wanted to fact check on the gym:

I'm told that on runs, Director Petraeus's security detail hands him bottles of water, relay-style, so as not to slow him down. And you mentioned the director's running a 6-minute mile, but I was told that the agency-wide invitation was that if you could run a 7-minute mile, you can come run with the director. I wanted to make sure both are accurate.

On the chart, it's accurate to say that the congressional gym and the Pentagon gym ranked high, right?

And I was just told that the facilities at the black sites were better than the ones at CIA. Don't know whether that's something you want to weigh in on, but I thought I'd see if you did.

Thanks,
Siobhan

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Siobhan Gorman
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