

5. The CIA has possession, custody and control of the records Plaintiff sought from the CIA in his FOIA request to that agency.

JURISDICTION AND VENUE

6. This action arises under the Freedom of Information Act (“FOIA”), 5 USC § 552.

7. This Court has jurisdiction over the parties and subject matter pursuant to 5 USC § 552(a)(4)(B).

8. Venue is proper in this district pursuant to 5 USC § 552(a)(4)(B).

STATEMENT OF FACTS

BACKGROUND

9. Plaintiff has submitted FOIA requests pertaining to Rolihlahla Mandela, a/k/a Nelson Mandela, a/k/a Madiba, a/k/a Tata. Mandela (July 18, 1918 to December 5, 2013) was a South African anti-apartheid revolutionary and politician who served over 27 years in prison for his activism prior to becoming South Africa’s first black president following his release from prison in 1990. Among numerous other awards, Mandela was the recipient of the Nobel Peace Prize and the U.S. Presidential Medal of Freedom.

10. The CIA was reportedly involved in Mandela’s 1962 arrest that led to his decades-long incarceration. Mandela was denounced by his critics, including numerous leading U.S. conservative politicians and pundits, as a Marxist terrorist.

11. Though the U.S. intelligence community is long believed to have been involved in Mandela’s arrest, little specific public information exists regarding this involvement. Similarly,

though the U.S. intelligence community is long understood to have routinely provided information to the South African regime regarding the anti-apartheid movement more broadly, little specific public information exists about these activities either. Further, despite now being universally hailed as a hero and freedom fighter against gross injustice, Mandela was designated a terrorist by the United States government and remained on the U.S. terror watch list until 2008.

12. Plaintiff anticipates that the records to which he seeks access will begin to answer the following questions: What was the extent and purpose of the U.S. intelligence community's surveillance of Nelson Mandela prior to his arrest? What role did the U.S. intelligence community play in Mandela's arrest and prosecution? What role did the U.S. intelligence community play in the broader effort to surveil and subvert the South African anti-apartheid movement? To what extent, and for what objectives, did the U.S. intelligence community surveil Mandela following his release from prison? To what extent, if any, did the U.S. intelligence community continue providing information regarding Mandela to the apartheid regime following Mandela's release from prison? What information did the U.S. intelligence community provide American policymakers regarding Mandela and the South African anti-apartheid movement? To what extent, and to what ends, did the U.S. intelligence community surveil the anti-apartheid movement in the United States? How did the United States government come to designate Nelson Mandela a terrorist threat to this country? How did this designation remain unchanged until 2008? And what was the role of the U.S. intelligence community in this designation and the maintenance thereof?

PLAINTIFF'S FOIA REQUESTS

13. On December 11, 2013, Plaintiff sent FOIA requests to the FBI, CIA, DIA, and NSA via Certified mail, requesting copies of records mentioning or referring to Mandela.

14. Plaintiff's FOIA request to the CIA is attached to this Complaint as Exhibits 1, with his signature replaced with "/s/ RNS". Exhibit 1A is a set of five enclosures which were submitted with the request. Exhibits 1 and 1A are incorporated by reference as if set forth fully herein. In his requests to the FBI, CIA, DIA, and NSA, Plaintiff requested expedited processing and a fee waiver.

15. According to the records of the U.S. Postal Service, the FOIA request to the CIA described in Paragraph 14 was received by the CIA on December 19, 2013.

16. With respect to the request to the CIA described in Paragraph 14, Plaintiff has not received any communication from the CIA acknowledging receipt, assigning a tracking number, or ruling on his requests for expedited processing and a fee waiver.

DEFENDANT'S FAILURE TO DETERMINE WHETHER PLAINTIFF IS ENTITLED TO EXPEDITED PROCESSING ON HIS REQUESTS

17. The CIA's response to Plaintiff's request for expedited processing with respect to the request described in Paragraph 14 was due ten calendar days after the CIA received it on December 19, 2013, which would have been December 29, 2013.

18. As of the filing of this Complaint, Plaintiff has not received a response to his FOIA request to the CIA, described in Paragraph 14, with a determination as to whether the CIA will grant expedited processing.

COUNT I:
VIOLATION OF FOIA

19. This Count realleges and incorporates by reference all of the preceding paragraphs.

20. Plaintiff is entitled to expedited processing on his request to the CIA, which is described in Paragraph 14.

21. Defendant has violated FOIA by failing to grant Plaintiff's request for expedited processing within the time limit prescribed by the statute.

22. Plaintiff has been and will continue to be irreparably harmed until Defendant is ordered to grant Plaintiff's request for expedited processing on his FOIA requests described in Paragraph 14.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Declare Defendant's failure to comply with FOIA to be unlawful;
- (2) Declare that Plaintiff is entitled to expedited processing of his FOIA request;
- (3) Grant Plaintiff an award of attorney fees and other litigation costs reasonably incurred in this action pursuant to 5 USC § 552(a)(4)(E)(i);
- (4) Grant Plaintiff 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.Light@yahoo.com

Counsel for Plaintiff