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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN FRANCISCO DIVISION**

12 ELECTRONIC FRONTIER FOUNDATION, )  
13 )  
14 Plaintiff, )  
15 v. )  
16 UNITED STATES DEPARTMENT )  
OF STATE, )  
17 Defendant. )

**COMPLAINT FOR INJUNCTIVE  
RELIEF FOR VIOLATION OF THE  
FREEDOM OF INFORMATION ACT,  
5 U.S.C. § 552**

18  
19 **INTRODUCTION**

20 1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for  
21 injunctive and other appropriate relief. Plaintiff seeks the processing and release of records requested  
22 from Defendant Department of State (“State Department” or “Defendant”). Specifically, Plaintiff  
23 seeks the disclosure of records pertaining to the role of the U.S. government in technology and social  
24 media platforms’ decisions to censor events featuring Palestinian speaker Leila Khaled.

25 2. To learn more about the government’s role in technology platforms’ decisions to  
26 censor Khaled’s speech, Plaintiff the Electronic Frontier Foundation (“EFF” or “Plaintiff”)  
27 submitted a FOIA request (“the Request”) on June 21, 2021 to the State Department seeking relevant  
28 records.



1 11. The following year, San Francisco State University’s Arab and Muslim Ethnicities  
2 and Diaspora Studies program again planned an event featuring Khaled. The event, titled “Whose  
3 Narratives? What Free Speech for Palestine?,” was co-sponsored by the University of California,  
4 Merced and the University of California Humanities Research Institute, and was scheduled to take  
5 place over Zoom on April 23, 2021. Zoom again refused to host the event on its platform, and  
6 Eventbrite removed the event from its platform.

7 12. Similarly, in October 2020, New York University hosted a webinar titled “We Will  
8 Not Be Silenced” featuring Khaled. Zoom deleted the link to the webinar without notice.

9 13. Zoom has banned other virtual events featuring Khaled as well.

10 ***The FOIA Request***

11 14. On June 21, 2021, EFF submitted the Request to the State Department, seeking  
12 records pertaining to the U.S. government’s role in the removal from social media of accounts and  
13 events featuring Palestinian activist Leila Khaled.

14 15. The Request sought the following records:

- 15 a. Any and all communications or records of communication between the United  
16 Sates Department of State and its subsidiary agencies and Zoom Video  
17 Communications pertaining to a person named Leila Khaled from June 2019  
18 until the present.
- 19 b. Any and all communications or records of communication between the United  
20 Sates Department of State and its subsidiary agencies and Facebook, Inc.  
21 pertaining to a person named Leila Khaled from June 2019 until the present.
- 22 c. Any and all communications or records of communication between the United  
23 Sates Department of State and its subsidiary agencies and Google LLC,  
24 including YouTube LLC, pertaining to a person named Leila Khaled from  
25 June 2019 until the present.
- 26 d. Any and all communications or records of communication between the United  
27 Sates Department of State and its subsidiary agencies and Eventbrite  
28 pertaining to a person named Leila Khaled from June 2019 until the present.

1 e. Any and all communications or records of communication between the United  
2 Sates Department of State and its subsidiary agencies and *any online service*  
3 *provider* pertaining to Leila Khaled from June 2019 until the present.

4 f. Any and all internal records inside the United Sates Department of State that  
5 discuss “material support of terrorism” and/or 18 U.S.C. § 2339(A) in relation  
6 to Leila Khaled from June 2019 until the present.

7 16. EFF requested a waiver of document search, review, and duplication fees on the  
8 grounds that (a) EFF is a representative of the news media and (b) disclosure of the requested  
9 records is in the public interest.

10 ***Agency Response***

11 17. By email on October 25, 2021, the State Department acknowledged receipt of the  
12 Request and informed EFF that the Request had been assigned reference number F-2021-07622. The  
13 email stated that “our Office will provide you with a status update.” The email did not provide a time  
14 frame for the status update. The email did not acknowledge EFF’s request for a fee waiver.

15 18. To date, the State Department has not responded to EFF’s request for a fee waiver or  
16 produced any records responsive to the Request.

17 19. EFF has exhausted the applicable administrative remedies with respect to the  
18 Request.

19 20. The State Department has exceeded the twenty-day statutory deadline for processing  
20 of any FOIA request.

21 21. The State Department has wrongfully withheld the requested records from EFF.

22 **CAUSES OF ACTION**

23 22. Defendant’s failure to process Plaintiff’s Request as soon as practicable violates  
24 FOIA, 5 U.S.C. § 552(a)(6)(E)(iii), and Defendant’s corresponding regulations, 22 C.F.R. § 171 *et*  
25 *seq.*

26 **PRAAYER FOR RELIEF**

27 Plaintiff respectfully requests that this Court:

28 a. Order Defendant to immediately conduct a thorough search for records

1 responsive to Plaintiff's request;

2 b. Order Defendant, upon completion of such expedited processing, to  
3 immediately process and release any responsive records in their entirety;

4 c. Order Defendant to waive all fees associated with the processing and release  
5 of the responsive records;

6 d. Award Plaintiff its reasonable costs and attorneys' fees incurred in this action;  
7 and

8 e. Grant such other relief as the Court may deem just and proper.

9 DATED: January 20, 2022

By: /s/ Naomi Gilens

10 Naomi Gilens

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