

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICA FIRST LEGAL
FOUNDATION,
611 Pennsylvania Ave SE #231
Washington, DC 20003,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
STATE,
2201 C St NW
Washington, DC 20451,

UNITED STATES SECRET SERVICE,
245 Murray Ln SW, Bldg T-5,
Washington, DC 20223,

UNITED STATES DEPARTMENT OF
THE INTERIOR
1849 C Street, N.W.
Washington, DC 20240,

and

UNITED STATES DEPARTMENT OF
JUSTICE
950 Pennsylvania Ave. NW
Washington, DC 20530,

Defendants.

Civil Action 24-3117

COMPLAINT

1. Plaintiff America First Legal Foundation (“AFL”) brings this action against the United States Department of State to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

JURISDICTION AND VENUE

2. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201 *et seq.*

3. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

4. Plaintiff AFL is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public.

5. Defendant United States Department of State is an “agency” within the meaning of 5 U.S.C. § 552(f), with its offices located at 2201 C St NW, Washington, DC 20451. The Department of State has possession and control of the records AFL seeks.

6. Defendant United States Secret Service (“USSS”) is an “agency” within the meaning of 5 U.S.C. § 552(f), with its offices located at 245 Murray Ln SW, Bldg

T-5, Washington, DC 20223. USSS has possession and control of the records AFL seeks.

7. Defendant United States Department of Interior (“DOI”) is an “agency” within the meaning of 5 U.S.C. § 552(f), with its offices located at 1849 C Street, N.W. Washington DC 20240. DOI has possession and control of the records AFL seeks.

8. Defendant United States Department of Justice is an “agency” within the meaning of 5 U.S.C. § 552(f), with its offices located at 950 Pennsylvania Ave. NW, Washington, D.C. 20530. The Department of Justice has possession and control of the records AFL seeks.

FACTS

Department of State, Request F-2024-16207

9. On August 1, 2024, AFL submitted a FOIA request to the United States Department of State seeking records related to the sabotage of the Watergate Complex while Prime Minister Netanyahu was present at the location. *See Ex. 1.*

10. On August 1, 2024, the Department of State emailed AFL, stating that the AFL’s FOIA request had been “Received.” *See Exs. 2, 3.*

11. On August 28, 2024, the Department of State emailed AFL, stating that the AFL’s FOIA request had been split into two requests and stated that the other request, assigned the tracking number F-2024-18956, would be acknowledged by another office. *See Ex. 4.*

12. As of the date of filing, AFL has received no further communications from the Department of State concerning this FOIA request.

Department of State, Request F-2024-18956

13. On August 28, 2024, the Department of State confirmed receipt of the request, assigning the tracking number F-2024-18956. *See Exs. 5, 6.*

14. On September 4, 2024, the Department of State emailed AFL, stating that the Department of State “will not be able to respond within the 20 days provided by the statute due to ‘unusual circumstances.’ See 5 U.S.C. § 552(a)(6)(B)(i)-(iii).” *See Ex. 7.*

15. On September 4, 2024, the Department of State emailed AFL, stating that the request’s status had been updated to “In Process.” *See Ex. 8.*

16. As of the date of filing, AFL has received no further communications from the Department of State concerning this FOIA request.

Department of State, Request F-2024-19919

17. On September 4, 2024, the Department of State emailed AFL stating that request F-2024-18956 had been duplicated “so that it may be processed appropriately.” *See Ex. 9.* It assigned the new request the tracking number F-2024-19919. *Id.*

18. On September 4, 2024, the Department of State emailed AFL, stating that the request’s status had been updated to “Received.” *See Ex. 10, 11.*

19. As of the date of filing, AFL has received no further communications from the Department of State concerning this FOIA request.

United States Secret Service, Request 20241234

20. On August 1, 2024, AFL submitted a FOIA request to USSS seeking records related to the sabotage of the Watergate Complex while Prime Minister Netanyahu was present at the location. *See Ex. 12.*

21. On August 2, 2024, USSS emailed AFL, stating that the request had been updated to received and that it had been assigned the tracking number FOIA-20241234. *See Ex. 13.*

22. As of the date of filing, AFL has received no further communications from USSS concerning this FOIA request.

Department of Interior, Request DOI-NPS-2024-001377

23. On August 1, 2024, AFL submitted a FOIA request to DOI seeking records related to pro-Hamas protests occurring in Washington, DC. *See Ex. 14.*

24. On September 25, 2024, DOI emailed AFL, stating that the request's status had been updated to "Received" and that it had been assigned the tracking number #DOI-NPS-2024-001377. *See Ex. 15.*

25. As of the date of filing, AFL has received no further communications from DOI concerning this FOIA request.

Department of Justice, Request FOIA-2024-00364

26. On November 21, 2023, AFL submitted a FOIA request to DOJ seeking records related to targeted harassment of the American Jewish community and supporters of Israel. *See Ex. 16.*

27. On November 28, 2023, DOJ emailed AFL, stating that the request had been updated to received and that it had been assigned the tracking number FOIA-2024-00364. *See Ex. 17.*

28. DOJ stated that it would “need to extend the time limit to respond to your request beyond the ten additional days provided by the statute.” *See id.*

29. As of the date of filing, AFL has received no further communications from the DOJ concerning this FOIA request.

CLAIM FOR RELIEF

Violation of FOIA, 5 U.S.C. § 552

30. AFL repeats paragraphs 1–29.

31. AFL properly requested records within the possession, custody, and control of the Defendants.

32. The Defendants have failed to produce the requested records within the statutory time limit.

33. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(c)(i).

34. The Defendants have violated the FOIA by failing, within the prescribed time limit, to reasonably search for records responsive to AFL’s FOIA requests and release nonexempt records.

RELIEF REQUESTED

WHEREFORE, AFL respectfully requests this Court:

- i. Declare that the records sought by these requests, as described in the foregoing, must be disclosed pursuant to 5 U.S.C. § 552;
 - ii. Order the Defendants to conduct searches immediately for all records responsive to AFL's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records;
 - iii. Order the Defendants to produce by a date certain all non-exempt records responsive to AFL's FOIA requests, accompanied by a Vaughn index of any responsive records or portions of responsive records being withheld under a claim of exemption.
 - iv. Order the Defendants to grant AFL's requests for fee waivers.
 - v. Award AFL attorney's fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E);
- and
- vi. Grant AFL such other and further relief as this court deems proper
- November 1, 2024.

Respectfully submitted,

/s/ William Scolinos

William Scolinos (DC Bar No. 90023488)

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