

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 12 1997

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

ACCURACY IN MEDIA, INC.,)
4455 Connecticut Avenue, N.W.)
Washington, D.C. 20008)
Plaintiff,)
v.)
NATIONAL PARK SERVICE)
Defendant.)

CASE NUMBER 1:97CV02109

JUDGE: Thomas F. Hogan

DECK TYPE: FOIA

DATE STAMP: 09/12/97

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Comes now Plaintiff, Accuracy in Media, Inc., and hereby files a complaint for compliance with the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* ("FOIA"). Plaintiff respectfully alleges as follows:

JURISDICTION AND VENUE

1. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1346(a)(2) (United States as defendant), and 5 U.S.C. § 552(a)(4)(B) (FOIA).
2. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff, whose principal place of business is 4455 Connecticut Avenue, N.W., Washington, D.C. 20008, is organized as a non-profit corporation under the laws of the District of Columbia. Plaintiff, who requested certain documents under FOIA, intends to disseminate the requested documents to its supporters and benefactors, government officials, appropriate news media, and to the American public at large. The documents Plaintiff seeks are likely to contribute

significantly to the public's understanding of the operations and activities of the Defendant National Park Service. Plaintiff is empowered to undertake educational and other programs to promote and protect the public interest in connection with this and other matters.

4. Defendant National Park Service is an agency and entity of the United States Government. Defendant has its principal place of business in the District of Columbia. Defendant has possession of the documents to which Plaintiff seeks access.

COUNT I

5. Plaintiff filed with Defendant June 6, 1997, *via* certified mail, a FOIA request in the form of a letter to defendant's Freedom of Information and Privacy Act Officer, requesting access to certain records under FOIA. Access was requested to records referring or relating to matters including, but not limited to:

(1) The investigations(s) performed by officers of the U.S. Park Police into death of Deputy White House Counsel Vincent Foster, including but not limited to examinations of Mr. Foster's body, his automobile, the crime scene, and the gun allegedly used to kill Mr. Foster, and interviews with other persons present in Fort Marcy Park on the day Mr. Foster's body was discovered there.

(2) The decision of the U.S. Park Police to close the investigation(s) into the death of Vincent Foster and to rule the death a suicide;

(3) Any and all communications between the U.S. Park Police and the Federal Bureau of Investigation ("FBI"), the U.S. Secret Service, the White House, the Department of Justice, the Bureau of Alcohol, Tobacco & Firearms, state or local police or medical examiners in Virginia, the District of Columbia, or the Office of the Independent Counsel regarding the investigations into the death of Vincent Foster, including but not limited to requests for assistance with any aspect of this investigation;

(4) Any and all communications between the U.S. Park Police or any of its officers and the White House, the FBI, or the U.S. Secret Service

or any employee of any of these entities, relating to notification that Vincent Foster's body had been found; and

(5) Any interviews of Park Police officers involved in the investigation of the death of Vincent Foster conducted by investigators for the Federal Bureau of Investigation, committees or members of the U.S. Senate or House of Representatives, or the Office of Independent Counsel.

6. Pursuant to 5 U.S.C. § 552(a)(6)(A)(i), Defendant was required to respond to Plaintiff's FOIA request within ten (10) working days, or by June 20, 1997.

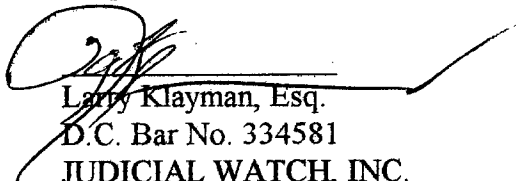
7. As of September 9, 1997, Plaintiff had received no response to its FOIA request.

8. Pursuant to 5 U.S.C. § 552(a)(6)(C), Defendant's failure to respond within this time limit means that Plaintiff shall be deemed to have exhausted its administrative remedies with respect to this request,

9. Pursuant to 5 U.S.C. § 552(a)(3), Plaintiff has a right of access to the documents requested in its FOIA request, and Defendant has no legal basis for refusing to disclose these documents to Plaintiff.

WHEREFORE, Plaintiff prays that this Court: (1) declare that Defendant's refusal to disclose the documents requested by Plaintiff is unlawful; (2) order Defendant to make the requested documents available to Plaintiff; (3) award Plaintiff its costs and reasonable attorneys' fees in this action; and (4) grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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