

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,)	
425 Third Street S.W., Suite 800)	
Washington, DC 20024,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	
UNITED STATES CAPITOL POLICE,)	
119 D Street, N.E.)	
Washington, DC 20510,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against U.S. Capitol Police to compel compliance with the common law right of access to public records. As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1361.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street S.W., Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from various governmental entities at the federal and state

levels. Plaintiff analyzes the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Capitol Police is a law enforcement agency within the legislative branch. Defendant has possession, custody, and control of the public records Plaintiff seeks.

STATEMENT OF FACTS

5. On January 21, 2021, Plaintiff submitted a request to Defendant for copies of the following public records:

- A. Email communications between the U.S. Capitol Police Executive Team and the Capitol Police Board concerning the security of the Capitol on January 6, 2021. The timeframe of this request is from January 1, 2021 through January 10, 2021.**
- B. Email communications of the Capitol Police Board with the Federal Bureau of Investigation, the U.S. Department of Justice, and the U.S. Department of Homeland Security concerning the security of the Capitol on January 6, 2021. The timeframe of this request is from January 1, 2021 through January 10, 2021.**
- C. All video footage from within the Capitol between 12pm and 9pm on January 6, 2021.**

6. By email dated February 11, 2021, Defendant declined to provide the requested records to Plaintiff.

7. As of the date of this Complaint, Defendant has not produced the requested records to Plaintiff.

COUNT I **(Common Law Right of Access)**

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.

9. Defendant is in violation of the common law right of access to public records.

10. The requested communications and video footage are public records because they were created or received by an agency of the legislative branch for the purpose of recording

official actions. In addition, the requested communications and video footage are of legal significance.

11. The public interest in the requested communications and video footage outweighs Defendant's interest in keeping them secret.

12. Defendant has a non-discretionary duty to make these public records available upon request.

13. Plaintiff is being irreparably harmed by Defendant's violation, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

14. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare that Defendant's refusal to release the requested public records is a violation of the common law right of access to public records; (2) issue a writ of mandamus compelling Defendant to carry out its non-discretionary duty to make all of the requested records available; (3) award Plaintiff its costs and reasonable attorneys' fees in this action; and (4) grant Plaintiff such other relief as the Court deems just and proper.

Dated: February 16, 2021

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha (D.C. Bar No. 995749)
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Counsel for Plaintiff