

3/15/82

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

J. GARY SHAW)
105 Poindexter)
Cleburne, Texas 76031)

Plaintiff,)

v.)

FEDERAL BUREAU OF INVESTIGATION)
Washington, D.C. 20535)

Defendant.)

Civil Action No. 82-0755

COMPLAINT
For Declaratory and Injunctive Relief

1. This case is brought under the Freedom of Information Act, 5 U.S.C. Sec. 552, as amended by Pub. L. No. 93-502, 88 Stat. 1561, and the Administrative Procedure Act, 5 U.S.C. Secs. 701-706, to require defendant to permit access to certain records in its possession.

2. This Court has jurisdiction over this cause of action pursuant to 5 U.S.C. Sec. 552(a)(4)(B) and 5 U.S.C. Sec. 702.

3. Plaintiff J. Gary Shaw is an individual residing at 105 Poindexter, Cleburne, Texas 76031.

4. Defendant Federal Bureau of Investigation is an agency of the United States and has possession of the records to which plaintiff seeks access.

5. On May 13, 1980, plaintiff made a formal request under the Freedom of Information Act, 5 U.S.C. Sec. 552, to defendant Federal Bureau of Investigation for copies of six photographs and identification of six people in the photographs ("one of which could be Oswald") which were brought from Mexico City to Dallas by the Federal Bureau of Investigation. Plaintiff explained that he learned of the existence of the photographs from CIA

Document 555-809 which was declassified JFK material which was released in 1977.

6. The FBI labeled this request No. 98,306.

7. On May 23, 1980, and again on June 18, 1980, the FBI responded that they needed further identifying details before they would make a search.

8. On June 25, 1980, plaintiff responded that all of the identifying details had been "sanitized" when the CIA released its documents referring to the FBI's bringing of the photos to Dallas. Plaintiff asked the FBI to query the CIA, adding: "It is obvious from the (CIA) document that the photographs would be a subject of memorandum both to the CIA and your agency."

9. On July 9, 1980, defendant Federal Bureau of Investigation again refused to make a search, repeating their suggestion that plaintiff contact the CIA.

10. On July 15, 1980, plaintiff appealed to the Associate Attorney General: "In the Bureau's last correspondence they stated that the photographs appear to be the property of the CIA but gave no basis for their determination. I hereby respectfully appeal this determination and request that a further search be conducted as to the existence, identity and location of these photographs."

11. On August 18, 1980, his appeal was denied by the Department.

REQUESTED RELIEF

12. Pursuant to 5 U.S.C. Sec. 552(a)(3), plaintiff is entitled to a thorough FBI search and access to the requested records.

13. There is no legal basis for defendant's refusal to search and its withholding of such access.

14. The defendant has abused its discretion and acted in an arbitrary and capricious manner in refusing to search and in withholding information

sought by plaintiff.

WHEREFORE, plaintiff prays that the Court (1) order defendant to make a thorough search and to produce the requested photographs to him for inspection and copying; (2) in cases of withholding or deletions, order defendant to prepare an index, description, and justification in accordance with the requirements of Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974); (3) provide for expeditious proceedings in this action as provided in 5 U.S.C. Sec. 552(2)(4)(D); (4) award plaintiff his costs and reasonable attorneys' fees in this case; and (5) grant such other and further relief as the Court may deem just and proper.



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Dated: March 15, 1982