

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. 82-0756

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 October 24, 1979, 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 photographs of participants in a Quebec-Washington-Guantanamo Walk for Peace, which are referenced in Warren Commission Document # 729.

6. On November 6, 1979, this request was assigned # 87,985.
7. On February 8, 1980, the Federal Bureau of Investigation wrote to plaintiff denying access on grounds of exemption (b)(1).
8. On February 18, 1980, plaintiff appealed from this decision to the Associate Attorney General, pointing out that the photographs were taken at a well-publicized public event which occurred almost seventeen years earlier.
9. On March 31, 1980, Mr. Quinlan Shea of the Department of Justice affirmed the denial.

REQUESTED RELIEF

10. Pursuant to 5 U.S.C. Sec. 552(a)(3), plaintiff is entitled to access to the requested records.
11. There is no legal basis for defendant's withholding of such access.
12. The defendant has abused its discretion and acted in an arbitrary and capricious manner in withholding information sought by plaintiff.

WHEREFORE, plaintiff prays that the Court (1) order defendant to produce the requested documents 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.


BERNARD FENSTERWALD, JR.
Fensterwald & Associates
1000 Wilson Blvd., Suite 900
Arlington, Virginia 22209
703-276-9297

Counsel for Plaintiff

Dated: March 15, 1982