

COUNT ONE

5. On March 12, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in New Orleans, Louisiana, for "all records (including "see references" or cross references) maintained by your agency pertaining to Anti-Communist League of the Caribbean for the years 1960-65. Maurice Gatlin, Sr., of New Orleans was general counsel to this organization." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 1a, attached hereto)

6. On March 29, 1982, defendant acknowledged receipt of the request, but produced no records. The reply stated that a search of the "central records system" revealed no records pertaining to the request. (See Exhibit 1b, attached hereto)

7. On April 2, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 1c, attached hereto)

8. On May 11, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of April 2, 1982, was being denied. (See Exhibit 1d, attached hereto)

9. Plaintiffs assert that their administrative remedies have been exhausted.

10. No records have been produced to date.

COUNT TWO

11. Paragraphs 1-4 are herein incorporated by reference.

12. On March 11, 1982, plaintiffs made a formal request under FOIA to

the FBI Field Office in New Orleans, Louisiana, for "all records (including "see references" or cross references) maintained by your agency pertaining to Maurice Brooks Gatlin, Sr., during the years 1960-64. Mr. Gatlin was a New Orleans attorney. Among his clients were the Anti-Communist League of the Caribbean. He was a close associate of W. Guy Banister. In 1964 he fell or was pushed from a hotel window and died instantly." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 2a, attached hereto)

13. On March 29, 1982, defendant acknowledged receipt of the request, but produced no records. The reply stated that a search of the central records system revealed no record identifiable with the request. (See Exhibit 2b, attached hereto)

14. On April 2, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 2c, attached hereto)

15. On May 11, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of April 2, 1982, was being denied. (See Exhibit 1d, attached hereto)

16. Plaintiffs assert that their administrative remedies have been exhausted.

17. No records have been produced to date.

COUNT THREE

18. Paragraphs 1-4 are herein incorporated by reference.

19. On March 13, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in New Orleans, Louisiana, for "all records (including

"see references" or cross references) maintained by your agency pertaining to the use of Lee Harvey Oswald's birth certificate by an imposter while Oswald was in the U.S.S.R. See letter of June 3, 1960 from J. Edgar Hoover to the Office of Security of the Department of State (attached)." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 3a, attached hereto)

20. On April 1, 1982, defendant acknowledged receipt of the request, but produced no records. (See Exhibit 3b, attached hereto)

21. On April 5, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 3c, attached hereto)

22. On May 11, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of April 5, 1982, was being denied. (See Exhibit 1d, attached hereto)

23. Plaintiffs assert that their administrative remedies have been exhausted.

24. No records have been produced to date.

COUNT FOUR

25. Paragraphs 1-4 are herein incorporated by reference.

26. On March 16, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in New Orleans, Louisiana, for "all records (including "see references" or cross references) maintained by your agency pertaining to Schlumberger Well Services Company during the years 1959-1964. The company headquarters is in Houston, Texas. It is alleged that the company engaged in anti-Gaullist activities." It was pointed out in the request that the records

were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 4a, attached hereto)

27. On April 5, 1982, defendant acknowledged receipt of the request, but produced no records. The reply stated that a search of the Central Records system revealed no records responsive to the request. (See Exhibit 4b, attached hereto)

28. On April 7, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 4c, attached hereto)

29. On May 11, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of April 7, 1982, was being denied. (See Exhibit 4d, attached hereto)

30. Plaintiffs assert that their administrative remedies have been exhausted.

31. No records have been produced to date.

COUNT FIVE

32. Paragraphs 1-4 are herein incorporated by reference.

33. On March 15, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in New Orleans, Louisiana, for "all records (including "see references" or cross references) maintained by your agency pertaining to Jerry Milton Brooks, a resident of New Orleans, who was a researcher for W. Guy Banister & Associates in 1962-63. At one time Brooks was a member of the Minute Men. The records sought are confined to the period 1959-1964." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public

concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 5a, attached hereto)

34. On March 30, 1982, defendant acknowledged receipt of the request, but produced no records. The reply stated that the request was being considered under both the FOIA and Privacy Act and that records would be released only upon production of a waiver of privacy by Mr. Brooks. (See Exhibit 5b, attached hereto)

35. On April 7, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 5c, attached hereto)

36. On May 11, 1982 defendant's Office of Legal Policy replied to the effect that the appeal of April 7, 1982, was being denied. (See Exhibit 1d, attached hereto)

37. Plaintiffs assert that their administrative remedies have been exhausted.

38. To date, no records have been produced.

COUNT SIX

39. Paragraphs 1-4 are herein incorporated by reference.

40. On March 18, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in New Orleans, Louisiana, for "all records (including "see references" or cross references) maintained by your agency pertaining to Hugh Ward, a New Orleans private investigator and pilot whom Jim Garrison claimed was involved with David Ferrie and anti-Castro Cuban exiles. He worked for W. Guy Banister. He was a member of the Minutemen and the anti-Communist League of the Caribbean. He was killed when a plane he was piloting for Delesseps Morrison crashed in Mexico on May 23, 1965." It was pointed out in the request that the records were sought in connection with an investigation

of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees.

(See Exhibit 6a, attached hereto)

41. On April 5, 1982, defendant acknowledged receipt of the request, but produced no records. The reply stated "that a search of the indices of the central records system was conducted and no entry presently therein can be located identifiable with your request." (See Exhibit 6b, attached hereto)

42. On April 9, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 6c, attached hereto)

43. On May 11, 1982, defendant replied to the effect that the appeal of April 5, 1982, was being denied. (See Exhibit 6d, attached hereto)

44. Plaintiffs assert that their administrative remedies have been exhausted.

45. To date, no records have been produced.

COUNT SEVEN

46. Paragraphs 1-4 are herein incorporated by reference.

47. On March 9, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in New Orleans, Louisiana, for "all records (including "see references" or cross references) maintained by your agency pertaining to Jacques Roy, a French naval lieutenant, who deserted from the French Navy to join the anti-gaullist "secret army" (OAS). He was arrested and tried for subversion. He was born in approximately 1915." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 7a, attached hereto)

48. On May 21, 1982, defendant acknowledged receipt of the request, but produced no records. The reply stated that no records would be released without a waiver of privacy from Mr. Roy. (See Exhibit 7d, attached hereto)

49. On April 2, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 7b, attached hereto)

50. On May 11, 1982, the Office of Legal Policy of the defendant replied to the effect that the office could not act upon the appeal until an initial determination had been made by the FBI. (See Exhibit 7c, attached hereto)

51. Plaintiffs construe this as a further denial and assert that their administrative remedies have been exhausted.

52. To date, no records have been produced.

COUNT EIGHT

53. Paragraphs 1-4 are herein incorporated by reference.

54. On March 8, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in Miami, Florida, for "all records (including "see references" or cross references) maintained by your agency pertaining to Miguel Casas Saez who was born in Remedios, Las Villas, Cuba. Left Cuba on Sept. 26, 1963 by small boat, was caught in hurricane, and ended up in Puerto Rico, thence to Miami. Was in Dallas on Nov. 22, 1963. Flew to Tijuana, Mexico City, and Havana. See CIA declassified JFK documents 256-96; 510-199 and 491-201." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 8a, attached hereto)

55. On March 17, 1982, defendant acknowledged receipt of the request,

but produced no records. The reply stated that no records would be produced without more biographical data and a privacy waiver by Senor Saez. (See Exhibit 8b, attached hereto)

56. On April 2, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 8c, attached hereto)

57. On May 11, 1982, defendant replied to the effect that the appeal of April 2, 1982, was being denied. (See Exhibit 1d, attached hereto)

58. Plaintiffs assert that their administrative remedies have been exhausted.

59. To date, no records have been produced.

COUNT NINE

60. Paragraphs 1-4 are herein incorporated by reference.

61. On March 10, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in Miami, Florida, for "all records (including "see references" or cross references) maintained by your agency pertaining to Alpha 66, a Miami-based Cuban exile organization, for the years 1960-1964. The organization mounted a number of raids against Castro's Cuba." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 9a, attached hereto)

62. On March 24, 1982, defendant acknowledged receipt of the request, acknowledged that there were records responsive to the request, but produced none of the records. The reply stated that they were exempt under 552(b)(7)(a). (See Exhibit 9b, attached hereto)

63. On April 2, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. Plaintiffs pointed out the records sought were 20 years old and could hardly be exempt for law enforcement purposes. (See Exhibit 9c, attached hereto)

64. On May 5, 1982, defendant's Office of Legal Policy replied to the effect that a substantial backlog of appeals made it impossible to process plaintiffs' appeal. (See Exhibit 9d, attached hereto)

65. On June 7, 1982, the Office of Legal Policy reversed course, denied the existence of records, and "closed" the appeal. (See Exhibit 9e, attached hereto)

66. Plaintiffs construe this as a further denial and assert that their administrative remedies have been exhausted.

67. To date, no records have been produced.

COUNT TEN

68. Paragraphs 1-4 are herein incorporated by reference.

69. On March 10, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in New York for "all records (including "see references" or cross references) maintained by your agency pertaining to Spas T. Raikin, a representative of the Travelers Aid Society who met the Oswald family when they arrived in Hoboken from the U.S.S.R. in 1962. Raikin was the secretary-general of the American Friends of the Anti-Bolshevik Bloc of Nations, an emigre group in direct touch with the FBI and American military establishment. Relevant FBI files are: Bureau 105-82555; Newark 105-15291; Cincinnati 105-2505; N.Y. 105-38431." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 10a, attached hereto)

70. On April 2, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 10b, attached hereto)

71. On April 12, 1982, defendant replied to the effect that no search would be made without more biographical data and a privacy waiver. Defendant declared that the request would be considered under both the FOIA and the Privacy Act, not under FOIA as per the request. (See Exhibit 10c, attached hereto)

72. Plaintiffs construe this as a further denial and assert that their administrative remedies have been exhausted.

73. No records have been produced to date.

COUNT ELEVEN

74. Paragraphs 1-4 are herein incorporated by reference.

75. On March 13, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in New York for "all records (including "see references" or cross references) maintained by your agency pertaining to Gloria Orsony, who is believed to have been from Caracas, Venezuela, and who stayed at the Carousel Hotel in Dallas from Nov. 20-22, 1963. Her activities are described at pp. 16-18 of Warren Commission Document CD 14. A summary is attached." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 11a, attached hereto)

76. On April 5, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 11b, attached hereto)

77. On April 12, 1982, defendant replied to the effect that no search would be made without more biographical data and a privacy waiver as required by the Privacy Act, though the request was made under FOIA. (See Exhibit 11c, attached hereto)

78. Plaintiffs construe this as a further denial and assert that their administrative remedies have been exhausted.

79. No records have been produced to date.

COUNT TWELVE

80. Paragraphs 1-4 are herein incorporated by reference.

81. On March 13, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in Houston, Texas, for "all records (including "see references" or cross references) maintained by your agency pertaining to Gloria Orsony, who is believed to have been from Caracas, Venezuela, and who stayed at the Carousel Motel in Dallas from Nov. 20-22, 1963. Her activities are described at pp. 16-18 of Warren Commission Document CD 14. A summary is attached." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 12a, attached hereto)

82. On April 1, 1982, defendant acknowledged receipt of the request, but produced no records. The reply stated that no search would be made without more biographical data and a privacy waiver. (See Exhibit 12b, attached hereto)

83. On April 5, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 12c, attached hereto)

84. On May 11, 1982, defendant's Office of Legal Policy replied to the

effect that the appeal of April 5, 1982, was being denied. (See Exhibit 1d, attached hereto)

85. Plaintiffs assert that their administrative remedies have been exhausted.

86. No records have been produced to date.

COUNT THIRTEEN

87. Paragraphs 1-4 are herein incorporated by reference.

88. On March 17, 1982, plaintiffs made a formal request under FOIA to the FBI Field Office in Houston, Texas, for "all records (including "see references" or cross references) maintained by your agency pertaining to Schlumberger Well Services Company during the years 1959-1964. The company headquarters is in Houston, Texas. It is alleged that the company engaged in anti-Gaullist activities." It was pointed out in the request that the records were sought in connection with an investigation of the John F. Kennedy assassination, and, because of the public concern with that matter, defendant was asked for a waiver of search and copying fees. (See Exhibit 13a, attached hereto)

89. On April 1, 1982, defendant acknowledged receipt of the request, but produced no records. The reply stated that a search revealed no relevant records. (See Exhibit 13b, attached hereto)

90. On April 8, 1982, the statutory time for production or denial of access having passed, plaintiffs made an administrative appeal under 5 U.S.C. 552(a)(6)(A) and under the defendant agency's regulations. (See Exhibit 13c, attached hereto)

91. On May 11, 1982, defendant replied to the effect that the appeal of April 8, 1982, was being denied. (See Exhibit 1d, attached hereto)

92. Plaintiffs assert that their administrative remedies have been exhausted.

93. To date, no records have been produced.

REQUESTED RELIEF

94. Pursuant to 5 U.S.C. 552(a)(3), plaintiffs are entitled to access to the requested records.

95. Plaintiffs have exhausted their administrative remedies.

96. There is no legal basis for defendant's withholding of such access.

97. Defendant has abused its discretion and acted in an arbitrary and capricious manner in withholding records sought by plaintiffs.

WHEREFORE, plaintiffs pray that the Court:

a) Order defendant by a date certain to produce the requested documents to them for inspection and copying, and a draft order to this effect is appended for the Court's consideration;

b) In cases of withholding or deletions, order defendant by a date certain 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), and a draft order to this effect is appended for the Court's consideration;

c) Provide for expeditious proceedings in this action as provided in 5 U.S.C. 552(2)(4)(D);

d) Because of the great public interest in the Kennedy assassination, order a fee waiver as to search and duplication costs;

e) Award plaintiffs their costs and reasonable attorneys' fees in this case; and

f) Grant such other and further relief as the Court may deem just and proper.



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