

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

and )

MARK ALLEN )  
607 N. Carolina Avenue, S.E. )  
Washington, D.C. 20003, )

Plaintiffs, )

v. )

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

Defendant. )

Civil Action No. §2-2110

7/28/82

*Ruby*

COMPLAINT  
For Declaratory and Injunctive Relief

1. This case is brought under the Freedom of Information Act, 5 U.S.C. 552, as amended, and the Administrative Procedure Act, 5 U.S.C. 301 and 701-706, to require defendant to permit access to certain records in its possession and under its control.
2. This Court has jurisdiction over this cause of action pursuant to 5 U.S.C. 552(a)(4)(B) and 5 U.S.C. 702.
3. Plaintiff J. Gary Shaw is an individual residing in Cleburne, Texas; and plaintiff Mark Allen is an individual residing at 607 N. Carolina Avenue, S.E., Washington, D.C. 20003.
4. Defendant is an agency of the United States and has possession of the records to which plaintiffs seek access.

COUNT ONE

5. On March 20, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to activities of the "French secret army" (OAS) in Canada, the United States, and the Caribbean, 1961-64." 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 30, 1982, defendant acknowledged receipt of the request, assigned it Number 224526, but produced no records. (See Exhibit 1b, attached hereto)

7. On April 13, 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 replied to the effect that the appeal of April 13, 1982, was being denied. (See Exhibit 1d, attached hereto)

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

10. To date, no records have been produced.

COUNT TWO

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

12. On March 23, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to de Gaulle's attendance at the funeral of President Kennedy in November, 1963." 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 April 5, 1982, defendant acknowledged receipt of the request, assigned it Number 224831, but produced no records. (See Exhibit 2b, attached hereto)

14. On April 15, 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 replied to the effect that the appeal of April 15, 1982, was being denied. (See Exhibit 1d, attached hereto)

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

17. To date, no records have been produced.

### COUNT THREE

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

19. On March 25, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to attempts on the life of General de Gaulle, 1961-64." 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 5, 1982, defendant acknowledged receipt of the request, assigned it Number 224747, but produced no records. (See Exhibit 3b, attached hereto)



21. On April 19, 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 25, 1982, defendant replied to the effect that relevant documents may have been located but that delays in processing would be encountered. (See Exhibit 3d, attached hereto)

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

24. To date, no records have been produced.

#### COUNT FOUR

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

26. On April 9, 1982, plaintiffs made a formal request under FOIA to defendant 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 4a, attached hereto)

27. On April 20, 1982, defendant acknowledged receipt of the request, assigned it Number 225428, but produced no records. (See Exhibit 4b, attached hereto)

28. On May 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. Plaintiffs assert that their administrative remedies have been exhausted.

30. To date, no records have been produced.

COUNT FIVE

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

32. On April 8, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to Pierre Quang Diez de Ure AKA Pierre Owen Diez de Ure, a French citizen who was accused by Fidel Castro of being involved in a plot to assassinate Castro. Reference is made to him on pp. 298-299 of Volume V of the Hearings of the House Select Committee on Assassinations. (See 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 5a, attached hereto)

33. On April 23, 1982, defendant acknowledged receipt of the request, assigned it Number 225429, but produced no records. (See Exhibit 5b, attached hereto)

34. On May 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)

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

36. To date, no records have been produced.

COUNT SIX

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

38. On April 10, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to the French anti-Gaullist M. Francois Duprat AKA Louis de Conde. Mr. Duprat was the leader of "Jeune Nation" organization in Algiers prior to the Algerian independence in June, 1962. He was a participant in the Petit-Clamart assassination attempt on de Gaulle. In 1974 he represented the Canadian Ukrainians in the World Anti-Communist League. Mr. Duprat died in approximately 1978." 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)

39. On April 22, 1982, defendant acknowledged receipt of the request, assigned it Number 225553, but produced no records. (See Exhibit 5b, attached hereto)

40. On May 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)

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

42. To date, no records have been produced.

COUNT SEVEN

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

44. On April 13, 1982, plaintiffs made a formal request under FOIA to



defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to Jean Denis Raingeard during the years 1960-1964. Mr. Raingeard was an anti-Gaullist officer who deserted from the French Army during the Algerian war. He became a member of the O.A.S." 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)

45. On April 22, 1982, defendant acknowledged receipt of the request, assigned it Number 225581, but produced no records. (See Exhibit 7b, attached hereto)

46. On May 11, 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 7c, attached hereto)

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

48. To date, no records have been produced.

#### COUNT EIGHT

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

50. On April 12, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to Hungarian General Ferenc Farkas de Kisbarnak. The General was exiled from Hungary and was generally resident in Paris. He was a delegate for the preparation meetings in Mexico and Guatamala in 1958 which ultimately resulted in the formation of the World Anti-Communist League." 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)

51. On April 23, 1982, defendant acknowledged receipt of the request, assigned it Number 225580, but produced no records. (See Exhibit 8b, attached hereto)

52. On May 11, 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)

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

54. To date, no records have been produced.

#### COUNT NINE

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

56. On April 14, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to Sergeant Jean Petit of the French Army during the years 1960-65. Sergeant Petit deserted and joined the anti-Gaullist "secret army" (OAS) in 1961. He was the founder of "Ressurrection-Patrie". Sergeant Petit, who used the alias of "Petitjean", was sentenced by a French court to 15 years in 1962." 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)

57. On April 22, 1982, defendant acknowledged receipt of the request, assigned it Number 225583, but produced no records. (See Exhibit 9b, attached hereto)



58. On May 12, 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 9c, attached hereto)

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

60. To date, no records have been produced.

#### COUNT TEN

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

62. On April 16, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (including "see references" or cross references) maintained by your agency pertaining to "Ressurrection-Patrie" an offshoot of the Rench "secret army" (OAS). Both grew out of the Algerian War and were violently anti-Gaullist. The records sought are for the years 1961-1965." 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 10a, attached hereto)

63. On April 28, 1982, defendant acknowledged receipt of the request, assigned it Number 225775, but produced no records. (See Exhibit 10b, attached hereto)

64. On May 14, 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 10c, attached hereto)

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

66. To date, no records have been produced.

REQUESTED RELIEF

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

68. Plaintiffs have exhausted their administrative remedies.

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

70. 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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Dated: July 12, 1982