

COUNT ONE

5. On April 19, 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 Jacqueline Lancelot during the years 1959-64. During the time in question, Ms. Lancelot owned the Picardy Restaurant in Haitianville, Haiti. After the assassination of President Kennedy, she is said to have declared that \$200,000.00 had been deposited to the account of Mr. George de Mohrenschildt in Port-au-Prince." 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 April 29, 1982, defendant acknowledged receipt of the request, assigned it Number 225786, but produced no records. (See Exhibit 1b, attached hereto)

7. On May 17, 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 June 14, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 17, 1982, could not be currently processed. (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 April 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 Herman Edward Kimsey who grew up in Gallup, New Mexico. He was a Special Agent (CIA). Kimsey was brought into the Central Intelligence Agency by Director Allen Dulles in 1953. Kimsey used the cover identity "Philip Harbin". Kimsey was dismissed from the CIA in 1963. Subsequently, he ran a private security agency in Washington, D.C. He died of a heart attack in the early 1970'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 2a, attached hereto)

13. On April 29, 1982, defendant acknowledged receipt of the request, assigned it Number 225764, but produced no records. (See Exhibit 2b, attached hereto)

14. On May 18, 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 June 14, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 18, 1982, could not be currently processed. (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 April 21, 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 Judge J.C. Duvall of Fort Worth, Texas for the years 1960-64. Judge Duvall sat on the bench of Tarrant County Criminal Court for many years. He was born in Owen County, Kentucky, circa 1899. He passed the Texas Bar in 1926. Judge Duvall died on Feb. 13, 1982, at the age of 83." 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 29, 1982, defendant acknowledged receipt of the request, assigned it Number 225808, but produced no records. (See Exhibit 3b, attached hereto)

21. On May 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 June 14, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 19, 1982, could not be currently processed. (See Exhibit 1d, 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 22, 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 Louis Mortimer Bloomfield, a partner in the law firm of Phillips, Bloomfield, Vineberg and Goodman of Montreal.

Mr. Bloomfield was a Major in the OSS. Later, he was a principal shareholder in Permindex, a Swiss corporation." 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 May 3, 1982, defendant acknowledged receipt of the request, assigned it Number 225872, but produced no records. (See Exhibit 4b, attached hereto)

28. On May 20, 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 June 15, 1982, defendant replied to the effect that the appeal of May 20, 1982, could not currently be processed. (See Exhibit 4d, attached hereto)

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

31. To date, no records have been produced.

COUNT FIVE

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

33. On April 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 visit (2) by Lee Harvey Oswald to Mexico, 1962-63." 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 May 21, 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. On June 15, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 21, 1982, could not be currently processed. (See Exhibit 5d, attached hereto)

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

37. To date, no records have been produced.

COUNT SIX

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

39. On April 28, 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 ownership in November, 1963, of a 1955 green Ford (California plates KVV 191) which was parked near Soviet Embassy in Mexico City and was referenced in a CIA document of November 24, 1963 (copy 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 6a, attached hereto)

40. On May 15, 1982, defendant acknowledged receipt of the request, assigned it Number 226209, but produced no records. (See Exhibit 6b, attached hereto)

41. On May 26, 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)

42. On June 15, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 26, 1982, could not be currently processed.

(See Exhibit 4d, attached hereto)

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

44. To date, no records have been produced.

COUNT SEVEN

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

46. On April 28, 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 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 7a, attached hereto)

47. On May 10, 1982, defendant acknowledged receipt of the request, assigned it Number 226074, but produced no records. (See Exhibit 7b, attached hereto)

48. On May 26, 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)

49. On June 15, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 26, 1982, could not be currently processed.

(See Exhibit 4d, attached hereto)

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

51. To date, no records have been produced.

COUNT EIGHT

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

53. On April 27, 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 de Menil during the years 1959-1964. Mr. de Menil was a resident of Houston and Paris during the referenced period. He had married into the famous French family Schlumberger and was President or Chairman of the Board of the Schlumberger Company of Houston. He was alleged to have been engaged in anti-Gaullist activities. Mr. de Menil died a number of years ago." 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)

54. On May 7, 1982, defendant acknowledged receipt of the request, assigned it Number 226033, but produced no records. (See Exhibit 8b, attached hereto)

55. On May 26, 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)

56. On June 15, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 26, 1982, could not be currently processed. (See Exhibit 4d, attached hereto)

57. Plaintiffs construe this as a further denial and assert that their

administrative remedies have been exhausted.

58. To date, no records have been produced.

COUNT NINE

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

60. On April 26, 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 Clemard Joseph Charles during the years 1959-1964. Charles was a Haitian citizen and was a banker. He was a close friend of "Papa Doc" Duvalier." 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)

61. On May 26, 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)

62. On June 23, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 26, 1982, could not be currently processed. (See Exhibit 9d, attached hereto)

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

64. To date, no records have been produced.

COUNT TEN

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

66. On April 29, 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 Elizabeth Catlett Mora, who allegedly had knowledge of Oswald's activities with "training men to fight Cuba". See FBI Bureau file #105-82555; Warren Commission documents CD 181, pp. 1-2, CD 794; CD 794.2." 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)

67. On May 10, 1982, defendant acknowledged receipt of the request, assigned it Number 226078, but produced no records. (See Exhibit 10b, attached hereto)

68. On May 27, 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)

69. On June 15, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of May 27, 1982, could not be currently processed. (See Exhibit 4d, attached hereto)

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

71. To date, no records have been produced.

REQUESTED RELIEF

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

73. Plaintiffs have exhausted their administrative remedies.

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

75. 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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