



COUNT ONE

5. On March 12, 1982, plaintiffs made a formal request under FOIA to defendant's Immigration and Naturalization Service 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 1a, attached hereto)

6. On March 25, 1982, INS acknowledged receipt of the request, assigned it Number C02.12-C (2338), but produced no records. INS explained that they handled requests on a first in, first out basis. (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, could not be currently processed and that plaintiffs, if they wished, could treat the reply as a denial. (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. However, on June 24, 1982, INS replied further: "We have searched our centralized Master Index of all INS records, but none were located which related to your request." (See Exhibit 1e, attached hereto)

COUNT TWO

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

12. On March 18, 1982, plaintiffs made a formal request under FOIA to defendant's Immigration and Naturalization Service for "all records (including "see references" or cross references) maintained by your agency pertaining to Nadine Bestougeff, a French national of Russian parentage who arrived in New York from Paris on Aug. 22, 1963. On November 23, 1963, she was interviewed by the FBI in New York. She possessed French passport number 755315 and was issued a B-2 visa by the U.S. Embassy in Paris on July 17, 1963. Some information about her may be found in Warren Commission Document 1107; CD 14, pp. 37-39; CD 301, pp. 28-31; CIA No. 288-692. Ms. Bestougeff was born on Oct. 8, 1937." 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, assigned it Number C)-2.12-C (2391), but produced no records. (See Exhibit 2b, attached hereto)

14. 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 2c, attached hereto)

15. On June 24, 1982, INS replied to the effect that no records could be located in response to the request. (See Exhibit 2d, 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 16, 1982, plaintiffs made a formal request under FOIA to defendant's Immigration and Naturalization Service for "all records (including "see references" or cross references) maintained by your agency pertaining to Gilberto Policarpo Lopez who was born in Cuba on Jan. 26, 1940. He came to the U.S. soon after Castro took power. In July 1960 he was issued U.S. passport 310162. In 1962 he married an American woman and they lived in Key West, Florida. In 1963, he and his wife moved to Tampa. He was involved with the Fair Play for Cuba Committee. See Warren Commission Document 205 pp. 750-51, CIA 118, CIA 308-114, House Select Committee Report pp. 118-121." 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 March 23, 1982, defendant acknowledged receipt of the request, assigned it Number C02.12-C (2349), but produced no records. (See Exhibit 3b, attached hereto)

21. 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 3c, attached hereto)

22. On May 11, 1982, defendant replied to the effect that the appeal of April 7, 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 March 15, 1982, plaintiffs made a formal request under FOIA to defendant's Immigration and Naturalization Service for "all records (including "see references" or cross references) maintained by your agency pertaining to Enrique Ruedolo Concora, who was born in Guantanamo, Cuba on 3-11-18, for the years 1960-1964. Passport No. 17422. Once in training camp for Bay of Pigs. Concora arrived Madrid on 11-29-63, his passage having been paid by U.S. Held in Carabanchel Prison for lack of valid visa to leave Spain. Story found in CIA Documents 365-148, 414-63, and 356-143. (Declassified 1977)" 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 March 23, 1982, defendant acknowledged receipt of the request, assigned it Number 2.12C (2342), but produced no records. (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 replied to the effect that the appeal of April 7, 1982, could not be currently 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. However, on June 24, 1982, INS replied further that no responsive records can be found. (See Exhibit 4d, attached hereto)

COUNT FIVE

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

33. On March 19, 1982, plaintiffs made a formal request under FOIA to defendant's Immigration and Naturalization Service for "all records (including "see references" or cross references) maintained by your agency pertaining to Dominique de Roux, a French citizen, born in Algeria circa 1935. His father was governor of the Bank of France in Algeria. Mr. Roux became a well-known politician and writer and was married to the daughter of a former mayor of Royan. He was a member of Aginter Presse. Many of his activities during the 1970's involved Mozambique, Angola, and Cabinda. He died of a heart attack in 1976 at the age of 41." 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 29, 1982, defendant acknowledged receipt of the request, assigned it Number C02.12-C (2392), but produced no records. (See Exhibit 5b, attached hereto)

35. On April 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 5c, attached hereto)

36. On May 11, 1982, defendant replied to the effect that the appeal of April 12, 1982, could not be currently processed. (See Exhibit 1d, attached hereto)

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

38. To date, no records have been produced. However, on June 24, 1982, INS replied further that no responsive records could be located. (See Exhibit 5d, attached hereto)

COUNT SIX

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

40. On March 13, 1982, plaintiffs made a formal request under FOIA to defendant's Immigration and Naturalization Service 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 6a, attached hereto)

41. On March 23, 1982, defendant acknowledged receipt of the request, assigned it Number C02.12-C (2341), but produced no records. (See Exhibit 6b, attached hereto)

42. 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 6c, attached hereto)

43. On May 11, 1982, defendant's Office of Legal Policy replied to the effect that the appeal of April 5, 1982, could not be currently processed. (See Exhibit 1d, attached hereto)

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

45. To date, no records have been produced. However, on June 24, 1982, INS replied further that no records responsive to the request could be located. (See Exhibit 6d, attached hereto)

COUNT SEVEN

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

47. On March 10, 1982, plaintiffs made a formal request under FOIA to defendant's Immigration and Naturalization Service for "all records (including "see references" or cross references) maintained by your agency pertaining to request by INS Washington to INS Dallas on or about November 22, 1963, to pick up an alien; request handled by INS investigator Hal Norwood who informed INS Washington that the alien was already in custody, having been turned over by the Dallas Police Department." 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 April 9, 1982, defendant acknowledged receipt of the request, but produced no records. (See Exhibit 7c, 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, defendant replied to the effect that the appeal of April 2, 1982, could not be currently processed. (See Exhibit 1d, 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 11, 1982, plaintiffs made a formal request under FOIA to defendant's Immigration and Naturalization Service for "all records (including "see references" or cross references) maintained by your agency pertaining to a Frenchman picked up in Dallas by INS Investigator Virgil Bailey on or about November 22, 1963. It is Bailey's remembrance that the Frenchman was circa 50 years of age and slightly over six feet tall, and that he was a temporary resident of Dallas." 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 April 8, 1982, defendant acknowledged receipt of the request, but produced no records. (See Exhibit 8c, 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 8b, attached hereto)

57. On May 11, 1982, defendant replied to the effect that the appeal of April 2, 1982, could not be currently processed. (See Exhibit 1d, attached hereto)

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

59. To date, no records have been produced.

REQUESTED RELIEF

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

61. Plaintiffs have exhausted their administrative remedies.

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

63. 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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