

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. 82-2379

8/23/82

*June Green*

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 May 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 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 June 1, 1982, defendant acknowledged receipt of the requested, assigned it Number 226741, but produced no records. (See Exhibit 1b, attached hereto)

7. On June 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 1c, attached hereto)

8. On July 2, 1982, defendant replied to the effect that the appeal was 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 released.

COUNT TWO

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

12. On May 17, 1982, plaintiffs made a formal request under FOIA to defendant for "all records (incouding "see references" or cross references)

maintained by your agency pertaining to Roy William Pike, AKA Mike Pike, during the years 1960-65. At the time of the Kennedy assassination, he and his wife lived in an apartment on Connecticut Lane, Dallas. He worked for Collins Ford in Dallas from Sept.-Dec 1963. On Dec 10, 1963, he went back to California. He was associated with Jack Ruby of Dallas and Judge J.C. Duvall of Ft. Worth. His activities are chronicled in Warren Commission Document CD 736. His FBI Los Angeles file # is Los Angeles 44-895." 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 May 25, 1982, defendant acknowledged receipt of the request, assigned it Number 225557, but produced no records. (See Exhibit 2b, attached hereto)

14. On June 16, 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 July 2, 1982, defendant replied to the effect that the appeal was 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 released.

#### COUNT THREE

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

19. On May 18, 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 Manuel Rodriguez Orcarberro, who was

born in Santiago de Cuba, Oriente, Cuba, 11-8-28. He entered the U.S. on Nov 29, 1960. Upon arrival he lived at 1541 S.W. 4th St., Miami, Florida. An FB rap sheet dated 1-11-61 indicates that he was printed by INS on 12-30-60 for violation of immigration laws. Miami Police show him under file no. C-303-75 Agent Ellsworth of ATF interviewed him on 1-16-64. His FBI (Dallas) file is DL 105-1740." 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 May 28, 1982, defendant acknowledged receipt of the request, assigned it Number 226639, but produced no records. (See Exhibit 3b, attached hereto)

21. On June 16, 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 July 2, 1982, defendant replied to the effect that the appeal was denied. (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 released.

#### COUNT FOUR

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

26. On May 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 John Thomas Masen, of Masen's Gunshop, Dallas, (see Warren Commission Exhibit CE 2694; CD 853A, p-2; and CD 897.83) who told the FBI that he acquired and sold ten boxes of Mannbicher-Carrano

ammunition in 1963. Masen had been investigated for violation of the Firearms Act before the assassination (CD 853A.2) and admitted association with a prominent member of Alpha 66, Manuel Rodriguez." 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 27, 1982, defendant acknowledged receipt of the request, assigned it Number 226590, but produced no records. (See Exhibit 4b, attached hereto)

28. On June 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 4c, attached hereto)

29. On July 2, 1982, defendant replied to the effect that the appeal was denied. (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 released.

#### COUNT FIVE

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

33. On April 30, 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 Dean Adams Andrews, Jr. for the years 1962-1968. Mr. Andrews was a member of the bar of Louisiana. In 1964, he lived at 207 Metairie Drive, Metairie, La. He provided legal services to Lee Harvey Oswald. He testified before the Warren Commission on July 21, 1964, and his testimony can be found at p325 of Vol. XI of the Hearings. Mr. Andrews

died in Jefferson Parish, La., in 1981." 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 11, 1982, defendant acknowledged receipt of the request, assigned it Number 226146, but produced no records. (See Exhibit 5b, attached hereto)

35. On May 28, 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 June 15, 1982, defendant replied to the effect that the appeal had been denied. (See Exhibit 5d, 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 released.

#### COUNT SIX

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

40. On May 3, 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 Dr. Carlos Bringuier for the years 1962-1964. Dr. Bringuier is an anti-Castro Cuban living in New Orleans. He was head of the Cuban Student Directorate. He scuffled with Oswald in the streets of New Orleans. Bringuier filed a defamation suit against Gambi Publications, Inc. and Harold Weisberg. Dr. Bringuier was born in Havana on June 22, 1934. He came to the U.S. on Feb. 8, 1961. He was trained as a lawyer in 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 6a, attached hereto)

41. On May 11, 1982, defendant acknowledged receipt of the request, assigned it Number 226171, but produced no records. (See Exhibit 6b, attached hereto)

42. On June 1, 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 June 15, 1982, defendant replied to the effect that the appeal had been denied. (See Exhibit 5d, 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 released.

#### COUNT SEVEN

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

47. On May 4, 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 Fair Play for Cuba Committee (FPCC) for the years 1960-65. One of the organizers was Dr. Charles A. Santos-Buch. The national headquarters was at 799 Broadway, N.Y. City. The national organization was run by Vincent "Ted" Lee. He New Orleans "chapter" was run by Lee Harvey Oswald." 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 13, 1982, defendant acknowledged receipt of the request, assigned it Number 226227, but produced no records. (See Exhibit 7b, attached hereto)

49. On June 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 7c, attached hereto)

50. On June 15, 1982, defendant replied to the effect that the appeal had been denied. (See Exhibit 5d, 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 released.



REQUESTED RELIEF

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

54. Plaintiffs have exhausted their administrative remedies.

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

56. 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.



---

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

Counsel to Plaintiffs

Dated: July 28, 1982