

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.

DEPARTMENT OF THE TREASURY  
Washington, D.C. 20223,

Defendant.

Civil Action No. 82-2380

5/23/82

*[Handwritten signature]*

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 9, 1982, plaintiffs made a formal request under FOIA to defendant's Secret Service 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 costs. (See Exhibit 1a, attached hereto)

6. On March 30, 1982, defendant acknowledged receipt of the request, but produced no records. The Secret Service stated that it could find no relevant records. (See Exhibit 1b, attached hereto)

7. On May 24, 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 8, 1982, defendant replied to the effect that a further review of files revealed no relevant records. (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 March 10, 1982, plaintiffs made a formal request under FOIA to defendant's Secret Service for "all records (including "see references" or cross references) maintained by your agency pertaining to a visit by General de Gaulle to New Orleans and the Caribbean in May, 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 March 30, 1982, defendant acknowledged receipt of the request, but produced no records. The Secret Service stated that it could find no relevant records. (See Exhibit 2b, attached hereto)

14. On May 24, 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 8, 1982, defendant replied to the effect that a re-check of records still produced no relevant documents. (See Exhibit 2d, attached hereto)

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

17. To date, no records have been released.

REQUESTED RELIEF

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

19. Plaintiffs have exhausted their administrative remedies.

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

21. 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 28, 1982