



COUNT ONE

5. On May 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 William George Gaudet, an informant for the CIA in New Orleans. For many years Gaudet edited and published the Latin American Newsletter. After the assassination of President Kennedy, he telephoned the FBI and gave them information relative to the activities of Jack Ruby. He had his office in the "old" International Trade Mart building in New Orleans. He lived in Waveland, Mississippi, until his recent death. He was born circa 1908. He is the subject of one report in Warren Commission Document 75." 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 May 21, 1982, defendant acknowledged receipt of the request, but produced no records. Defendant refused to process the request without (a) more biographic data; (b) proof of death; and (c) a commitment to pay all search and copying charges. ( See Exhibit 1b, attached hereto)

7. On June 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 July 7, 1982, defendant replied to the effect that defendant would not process the request without the items specified in their letter of May 21, 1982.

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 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 Kerry Wendell Thornley, a writer, who served in the Marine Corps with Lee Harvey Oswald. Thornley wrote a book which included an Oswald-like character. He gave the Warren Commission extensive testimony of Oswald's Marine days. Mr. Thornley was born on April 17, 1938. His testimony appears at p82, Vol. XI of the Warren Commission Hearings." 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 June 2, 1982, defendant acknowledged receipt of the request, but produced no records. The defendant refused to process the request without (a) more biographical data; (b) a waiver of privacy, and (c) a commitment to pay all search and copying costs. (See Exhibit 2b, attached hereto)

14. 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 2c, attached hereto)

15. On June 28, 1982, defendant replied to the effect that defendant would not process the request until receiving the several items outlined in their letter of June 2, 1982. (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 released.

COUNT THREE

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

19. On May 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 Friends of Democratic Cuba, a group organized by William Dalzell of New Orleans and whose headquarters were located in the Balter Building. It was begun in late 1960." 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 June 2, 1982, defendant acknowledged receipt of the request, but produced no records. Defendant refused to process the request without a commitment to pay all search and copying costs. (See Exhibit 3b, attached hereto)

21. 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 3c, attached hereto)

22. On June 28, 1982, defendant replied to the effect that it would not proceed with processing the request until it received the commitment outlined in its letter of June 2, 1982. (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 released.

COUNT FOUR

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

26. On May 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 Anti-Communist League of the Caribbean for the years 1960-65. Maurice Gatlin, Sr., of New Orleans was general counsel to this organization." 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 June 14, 1982, defendant acknowledged receipt of the request, but produced no records. Before beginning processing, defendant required an agreement as to records dated 1960-65, and a commitment to pay all search and copying costs. (See Exhibit 4b, attached hereto)

28. 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 4c, attached hereto)

29. On June 28, 1982, defendant replied to the effect that it could not begin processing the request without the items outlined in its letter of June 28, 1982. (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 June 17, 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. The 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 5a, attached hereto)

34. On June 24, 1982, defendant acknowledged receipt of the request, but produced no records. The defendant stated that before it could process the request it required (a) an agreement that the request related only to records dated 1960-65; and (b) a commitment to pay all search and copying costs. (See Exhibit 5b, attached hereto)

35. On July 1, 1982, plaintiffs wrote back, agreeing to the change in the request and agreeing to pay both search and copying fees not to exceed \$250.00. (See Exhibit 5c, attached hereto)

36. On July 14, 1982, defendant replied to the effect that it could not begin processing the request because of a back-log and said that plaintiffs could construe this as a denial. (See Exhibit 5d, attached hereto)

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

38. To date, no records have been released.

#### REQUESTED RELIEF

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

40. Plaintiffs have exhausted their administrative remedies.

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

42. 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, and a draft order to this effect is appended for the Court's consideration; <sup>MOTION, memo, and</sup>
- e) Award plaintiffs their costs and reasonable attorneys' fees in this case; and
- g) Grant such other and further relief as the Court may deem just and proper.



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