

United States District Court

**FOR THE
DISTRICT OF NEW JERSEY**

CIVIL ACTION FILE NO. 44-71

EMORY L. BROWN, JR.,

Plaintiff

v.

**JOHN MITCHELL, Attorney General of the
United States, THE JUSTICE DEPARTMENT OF
THE UNITED STATES and J. EDGAR HOOVER,
Director of the Federal Bureau of
Investigation,**

Defendants

SUMMONS

To the above named Defendants :

67-10700 6711

ENCLOSURE

November 22, 1963. This action has been instituted pursuant to the "Freedom of Information Act" United States Code Title 5, Sections 550, et seq. and the First Amendment of the United States Constitution.

II

JURISDICTION

1. This Court has jurisdiction pursuant to United States Code Title 5, Section 552 (a) (3), which section in part, states: "on complaint, the District Court of United States in the district in which the complainant resides or has his principal place of business . . . has jurisdiction to enjoin the agency from withholding any records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action . . . except as to causes the court considers of greater importance, proceeding before the District Court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

2. This Court has jurisdiction pursuant to United States Code Title 28, Section 1361, which section states: "District Courts shall have original jurisdiction of any action

in the nature of mandamus to compel an officer or employee of the United States or any agency thereof, to perform a duty owed to the plaintiff."

3. This Court has jurisdiction pursuant to the First Amendment of the United States Constitution.

III

STATEMENT OF FACTS

1. Plaintiff, Emory L. Brown, Jr., resides at Route #4, Box #82, Squankum Road, Farmingdale, County of Monmouth and State of New Jersey, and, a citizen of the United States.

2. Defendant, John Mitchell is the Attorney General of the United States and is the person charged with and entrusted with supervision of the actions of the Department of Justice.

3. The Department of Justice is an agency of the executive branch of the United States Government and which, through the Federal Bureau of Investigation, a subdivision of said Department of Justice, is charged with investigation of federal crimes and related matters. J. Edgar Hoover is the director of the Federal Bureau of Investigation.

4. On or about November 22, 1963, President John F. Kennedy was assassinated in the City of Dallas, State of Texas.

5. Immediately following said assassination, an investigation was conducted by the Federal Bureau of Investigation.

local and state police forces within the State of Texas and other Federal agencies and investigatory bodies.

6. On November 29, 1963 President Lyndon B. Johnson appointed a commission to examine the evidence and to ascertain, evaluate and report upon the facts relating to the assassination of President John F. Kennedy and the subsequent violent death of the man charged with the assassination. This Commission became known as the "Warren Commission". See Executive Order 11130.

7. Thereafter, said commission issued a set of twenty-six (26) volumes, commonly referred to as the "Warren Report" which volumes allegedly contained, and/or referred to, all materials and investigations concerning the assassination of President John F. Kennedy, and reached certain conclusions supporting a hypothesis that Lee Harvey Oswald, on his own volition, and acting alone, shot the President.

8. Plaintiff, after detailed analysis and study of all twenty-six (26) volumes of the aforementioned "Warren Report", and a study of the reports of investigations and materials contained in the National Archives, which reports and materials were referred to in the "Warren Report", and after independently investigating the case in Dallas, Texas and Washington, D.C., has found certain areas in which the investigation into the identity and exoneration of certain persons were not adequately shown and reported.

9. Accordingly the plaintiff has endeavored to obtain the following information:

(a) The Warren Commission Exhibits #1974-68 and 705 refer to a motor vehicle bearing Texas license plate number PE3435 as being in the area where Officer Tippett was shot. Information was not furnished as to the name of the owner and operator of the vehicle, and as to whether or not the owner and operator of said motor vehicle had any role in the death of Officer Tippett. Plaintiff has previously requested, and again requests, the right to inspect any such reports that have been gathered, obtained and/or filed by or with the Justice Department or any subdivision thereof including, but not limited to, the Federal Bureau of Investigation, concerning this phase of the investigation.

(b) The Warren Commission Exhibit #1974-82 refers to a vehicle bearing Texas license plate number HS 1877 as having been identified in connection with the assassination of President John F. Kennedy. Information was not furnished as to the name of the owner and operator of the vehicle, and as to whether or not the owner and/or operator of said motor vehicle had any role in the death of President John F. Kennedy. Plaintiff has previously requested, and again requests, the right to inspect any such reports that have been gathered, obtained and/or filed by or with

the Justice Department or any subdivision thereof including, but not limited to, the Federal Bureau of Investigation, concerning this phase of the investigation.

(c) The Warren Commission Exhibits #1974-99, 108, 109, 112, 113 and Exhibit #705-36, 39, 40 and 41 refer to a vehicle bearing license plate number 3E9087 in connection with a person suspected of the assassination. Information was not furnished as to the name of the owner and operator of the vehicle and as to whether or not the owner, and/or operator of said motor vehicle had any role in the death of President John F. Kennedy. Plaintiff has previously requested, and again requests, the right to inspect any such reports that have been gathered, obtained and/or filed by or with the Justice Department or any subdivision thereof, including, but not limited to, the Federal Bureau of Investigation, concerning this phase of the investigation.

(d) The Warren Commission Exhibits #705-39, 40 and 1974-106 and 109 contain references to a conversation with persons taking place at 5818 Belmont Northeast, Dallas, Texas and two vehicles containing license plates numbered RB8950 and NX3171. Information was not furnished as to the name of the owners and operators of the vehicles and as to whether or not the owners and/or operators of said motor vehicles had any role in the death of President John F. Kennedy. Plaintiff has previously requested and again requests, the right to inspect any such reports that

have been gathered, obtained and/or filed by or with the Justice Department or any subdivision thereof including, but not limited to, the Federal Bureau of Investigation, concerning this phase of the investigation.

(e) The Warren Commission Exhibit #705 makes mention of a 1967 Chevrolet sedan bearing license plate number NA 4445 in connection with information received following the assassination. Information was not furnished as to the name of the owner and operator of said vehicle and as to whether or not the owner and/or operator of said motor vehicle had any role in the death of President John F. Kennedy. Plaintiff has previously requested, and again requests, the right to inspect any such reports that have been gathered, obtained and/or filed by or with the Justice Department or any subdivision thereof including, but not limited to, the Federal Bureau of Investigation, concerning this phase of the investigation.

(f) The Warren Commission Exhibit #705-16 makes reference to a 1963 Chevrolet Impala bearing Georgia license plate number 52J1033. Information was not furnished as to the name of the owner and operator of said vehicle and as to whether or not the owner and/or operator of said motor vehicle had any role in the death of President John F. Kennedy. Plaintiff has previously requested, and again requests, the right to inspect any such reports that have been gathered, obtained and/or filed

by or with the Justice Department or any subdivision thereof including, but not limited to, the Federal Bureau of Investigation concerning this phase of the investigation.

(g) The Warren Commission Volume 19, page 540 and Decker Exhibit 5323 contains reference to three men arrested by the Dallas Police Department at the railroad tracks immediately west of the Texas book depository shortly after the assassination. Plaintiff has requested and has been denied information concerning the identity of the three men and copies of the reports and investigation and follow up with reference to the disposition of the matter involving the three men.

(h) Volume 19, page 532 of the Warren Commission report and Decker Exhibit 5323 makes reference to a man by the name of McFadin. Plaintiff has requested, and again requests, a photograph of McFadin and a copy of the investigation and follow up with reference to the statement contained at page 501.

10. Since 1967 the plaintiff has repeatedly been in contact with the Attorney General of the United States and various Deputy Attorney Generals, the Federal Bureau of Investigation, the Chief of Police, Dallas Texas, the National Archives, the Attorney General of the State of Texas and the Texas Department of Public Safety in an endeavor to obtain and/or examine the aforementioned evidence.

11. Plaintiff, on March 16, 1970, and on several subsequent dates, contacted the Honorable James J. Howard, a member of the House of Representatives, Congress of the United States, Third District, New Jersey and notwithstanding Congressman Howard's intervention on behalf of plaintiff, was refused the requested information.

12. Pursuant to the Freedom of Information Act, United States Code Title 5, Section 550, et seq., specifically Section 552, this section provides that each agency shall make available to the public, information as follows: The information referred to in the above paragraphs.

13. Despite numerous attempts by plaintiff to obtain said information, defendants have failed and refused to allow the plaintiff to inspect said information or to provide said information in any way to the plaintiff. By letter dated December 16, 1970, the Attorney General invoked a privilege against revealing the information requested.

14. Said actions on the part of the defendants represent a violation of the aforementioned Freedom of Information Act, and an improper invocation of the privilege.

15. Said actions on the part of defendants represent a violation of the First Amendment Right of Freedom of Speech,

Assembly and Press and represent an arbitrary and capricious attempt to deny the plaintiff his right to know all the circumstances surrounding the death of plaintiff's President, John F. Kennedy.

WHEREFORE the plaintiff demands that this Court enter judgment:

- (a) Ordering defendants to produce for plaintiff's inspection the aforesaid documents, investigation and/or report
- (b) To allow the plaintiff to copy any and all of the said documents, investigations and/or reports;
- (c) Attorneys' fees;
- (d) Costs of suit.

CHAMLIN AND SCHOTTLAND
Attorneys for Plaintiff

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BY: Michael D. Schottland
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