

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 16 2003

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

JEFFERSON MORLEY
1804 Kenyon Street, N.W.
Washington, D.C. 20010

Plaintiff

v.

UNITED STATES CENTRAL INTELLI-
GENCE AGENCY

Defendant

CASE NUMBER 1:03CV02545

JUDGE: Richard J. Leon

DECK TYPE: FOIA/Privacy Act

DATE STAMP: 12/16/2003

COMPLAINT FOR INJUNCTIVE RELIEF

[Freedom of Information Act, 5 U.S.C. § 552]

JURISDICTION AND PARTIES

1. Plaintiff brings this action under the Freedom of Information Act, 5 U.S.C. § 552, as amended.

2. Plaintiff, JEFFERSON MORLEY ("MORLEY") is a journalist and news editor at the washingtonpost.com, the Web site of the Washington Post. He is a resident of the District of Columbia who seeks information pertaining to a deceased former official of the CENTRAL INTELLIGENCE AGENCY, George Efythron Joannides.

3. Defendant CENTRAL INTELLIGENCE AGENCY ("the CIA") is an agency of the United States Government and has possession and control of records requested by plaintiff which are the subject of this action.

CAUSE OF ACTION

4. By letter dated July 4, 2003, MORLEY submitted a letter to the CIA requesting "all records pertaining to CIA operations officer George Efythron Joannides . . . (also known as 'Howard,' 'Mr. Howard' or 'Walter Newby'). . . . See Exhibit 1.

5. By letter dated November 5, 2003, the CIA acknowledge receipt of Morley's July 4th request and assigned it number F-2003-01324. The CIA advised Morley that "CIA records on the assassination of President Kennedy have been re-reviewed under the classification guidelines for assassination-related records of the President John F. Kennedy Assassination Records Collection Act of 1992" and that "[t]hese records have been transferred to the National Archives and Records Administration (NARA) in compliance with this Act." See Exhibit 2. The CIA further advised MORLEY that these records had been "re-reviewed by the Presidentially-appointed Assassination Records Review Board," after which the were returned to NARA to be made available to the public. Id. The CIA also advised MORLEY that he should submit his request to NARA. Id.

6. The CIA did not assert that all records responsive to MORLEY's request had been transferred to NARA. Id.

7. The CIA did not advise MORLEY that he had a right to appeal its determination. Id.

8. No further correspondence has been exchanged between the parties.

9. Plaintiff has exhausted his administrative remedies.

10. Plaintiff has a legal right under the Freedom of Information Act to obtain the records he seeks, and there is no legal basis for the CIA's denial of said right.

11. Plaintiff has a legal right to be accorded status as a representative of the news media pursuant to 5 U.S.C. § 552(a)(4)(A)(II).

12. Plaintiff has a legal right to a waiver of copying costs pursuant to 5 U.S.C. § 552(a)(4)(A)(iii).

WHEREFORE, plaintiff prays that this Court:

(1) order defendant to make the requested information promptly available to him;

(2) expedite this action in every way pursuant to 28 U.S.C. § 1657(a);

(3) order defendant to conduct a thorough search for all responsive records;

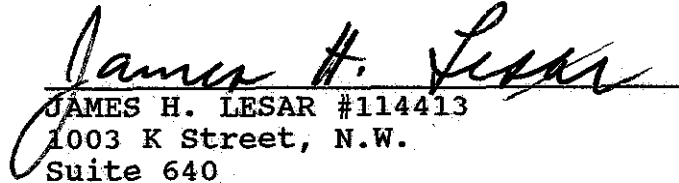
(4) order defendants to provide plaintiff with a Vaughn index inventorying all responsive records and itemizing and justifying withholdings challenged by plaintiff;

(5) award plaintiff reasonable costs and attorney's fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d);

(6) order that any materials found by this Court to be exempt from disclosure be preserved by the CIA until further order of this Court permits their destruction; and

(6) grant such other and further relief as the Court may deem just and proper.

DATED: December 16, 2003

A handwritten signature in cursive script, reading "James H. Lesar", is written over a horizontal line.

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