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CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Plaintiff, *pro se*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY P. X. BOTHWELL,

Case No. _____ JSC

Plaintiff,

CV 13 5439
COMPLAINT
5 U.S.C. § 552

v.

JOHN O. BRENNAN, DIRECTOR,
CENTRAL INTELLIGENCE AGENCY,
UNITED STATES OF AMERICA,

Defendant

I. INTRODUCTION

1. This is an action in equity by Anthony P. X. Bothwell (PLAINTIFF) seeking an order in the public interest to enjoin John O. Brennan, Director, Central Intelligence Agency (DEFENDANT) from withholding certain agency records improperly withheld from the Plaintiff, and to order the production of those improperly withheld records.

2. PLAINTIFF Anthony P. X. Bothwell (a member of the State Bar of California) resides in, and has his principal place of business in, the Northern District of California.

3. The DEFENDANT agency (the CIA) improperly withheld, from PLAINTIFF, certain agency records concerning three individuals alleged to have been connected to the assassination of President John F. Kennedy.

1 4. The DEFENDANT agency also improperly withheld, from PLAINTIFF, certain agency
2 records concerning two individuals alleged to have been connected to the assassination of
3 Senator Robert F. Kennedy.

4 5. There is an overriding public interest in the disclosure of the records herein alleged to
5 have been improperly withheld.
6

7 **II. JURISDICTION**

8 6. Jurisdiction is invoked pursuant to U.S. Const., Art. 3, Sect. 2, on the ground that this is a
9 controversy in which the United States is a party.

10 7. Jurisdiction is invoked pursuant to 5 U.S.C. § 552 on the ground that the records herein
11 alleged to have been withheld are required by the Freedom of Information Act (FOIA), and by
12 applicable published rules, to be made available for public inspection and copying.
13

14 **III. VENUE**

15 8. In conformance with 5 U.S.C. § 552(a)(4)(B), venue lies in the Northern District of
16 California, in which PLAINTIFF resides and has his principal place of business.
17

18 **IV. PARTIES**

19 8. PLATINTIFF is an individual who resides in, and has his principal place of business in,
20 the Northern District of California.

21 9. DEFENDANT is an agency of the Executive Branch of the United States Government.
22

23 **V. RELATED MATTERS**

24 10. PLAINTIFF does not have knowledge of any other pending case arising from the same
25 body of facts as are alleged in this case.

26 //

27 //

28

1 **VI. FACTUAL ALLEGATIONS**

2 ***In re: The assassination of President John F. Kennedy***

3 11. DEFENDANT has failed to follow up since its May 27, 2009 letter promised to arrange
4 for its Agency Release Panel to consider PLAINTIFF's May 7, 2009 appeal of DEFENDANT's
5 April 9, 2009 final response to PLAINTIFF's February 11, 2009 FOIA request for:
6

7 [1] All records within the possession, custody, or control of the CIA, generated
8 in July 1976 that relate to Johnny ROSELLI, a.k.a. John ROSELLI, a.k.a. Filippo SACCO;

9 [2] All records within the possession, custody, or control of the CIA, generated
10 in October 1963 that relate to Jean SOUETRE, a.k.a. Michel ROUX, a.k.a. Michel MERTZ;

11 [3] All records within the possession, custody, or control of the CIA, generated
12 in October 1963 that relate to both David MORALES and President John F. KENNEDY.

13 12. DEFENDANT's April 9, 2009 final response stated that "previously released" records
14 on Johnny ROSELLI, Jean SOUETRE, and David MORALES did not include any generated in
15 the periods for which PLAINTIFF requested the records – but failed to address whether such
16 records existed.
17

18 13. DEFENDANT's April 9, 2009 final decision claimed that the requested records
19 (generated 50 years ago) about SOUETRE, if they existed, would be classified as "intelligence
20 sources and methods information."
21

22 14. Johnny ROSELLI, a Chicago mob figure with whom Jack RUBY was associated, had
23 worked on a CIA operation intended to assassinate Fidel CASTRO, the Cuban president;
24 ROSELLI was brutally murdered in 1976 shortly before he was to have given testimony to the
25 Select Committee chaired by Senator Frank CHURCH investigating rogue CIA operations.
26
27
28

1 15. Jean SOUETRE, a sniper for the OAS (*Organization de l'Armee Secrete*), was in
2 Dallas, Texas on November 22, 1963 and was transported out of the United States by the CIA
3 after the November 22, 1963 assassination of President KENNEDY.

4 16. David MORALES, operations chief of the CIA Miami Station, was – PLAINTIFF is
5 informed and on that basis alleges – heard planning the assassination of President John F.
6 KENNEDY and, years later, boasting that “we” got rid of both President John F. Kennedy and
7 Senator Robert F. KENNEDY.
8

9 ***In re: The assassination of Senator Robert F. Kennedy***

10 17. DEFENDANT in a September 18, 2009 final response improperly denied, on the
11 purported ground that requested records be CIA “operational files” exempt from FOIA, the
12 PLAINTIFF’s July 12, 2009 FOIA request for:
13

14 [1] All records within the possession, custody, or control of the CIA, generated
15 in May through July 1968, that relate to Thane Eugene CESAR;

16 [2] All records within the possession, custody, or control of the CIA, generated
17 in May through July 1968, that relate to Enrique HERNANDEZ, a.k.a. Hank HERNANDEZ.
18

19 16. Thane Eugene CESAR, a former hotel security guard who – PLAINTIFF is informed
20 and on that basis alleges – pulled a revolver while standing behind Senator Robert F. KENNEDY
21 in the Ambassador Hotel pantry and later admitted that he got powder burns on his face in the
22 June 5, 1968 in which a fatal bullet entered the back of the senator’s head.
23

24 17. Enrique HERNANDEZ, a Los Angeles police sergeant who – PLAINTIFF is informed
25 and on that basis alleges – had conducted police training in Latin America for DEFENDANT,
26 and was in the Ambassador Hotel ballroom on the night in June 1968 when Senator Robert
27 KENNEDY was assassinated.
28

**First Cause of Action
REQUEST FOR ORDER
Action in Equity
5 U.S.C. § 552**

18. The facts stated above in paragraphs 1 through 17 are incorporated as if set forth here.

19. DEFENDANT improperly withheld, and its Agency Release Panel failed to consider PLAINTIFF's appeal of its withholding of, the requested records concerning Johnny ROSELLLI, Jean SOUETRE, and David MORALES.

20. DEFENDANT improperly withheld records PLAINTIFF requested concerning Thane Eugene CESAR and Enrique HERNANDEZ.

PRAYER FOR REMEDIES

Wherefore PLAINTIFF requests:

[1] That the Court examine in camera

[a] All CIA records generated in July 1976 relating to Johnny ROSELLI, a.k.a. John ROSELLI, a.k.a. Filippo SACCO;

[b] All CIA records generated in October 1963 relating to Jean SOUETRE, a.k.a. Michel ROUX, a.k.a. Michel MERTZ;

[c] All CIA records generated in October 1963 relating to both David MORALES and President John F. KENNEDY;

[d] All CIA records generated in May through July 1968 relating to Thane Eugene CESAR; and

[e] All CIA records generated in May through July 1968, relating to Enrique HERNANDEZ, a.k.a. Hank HERNANDEZ.

[2] That the Court order the CIA to make the said records available for public inspection and copying.

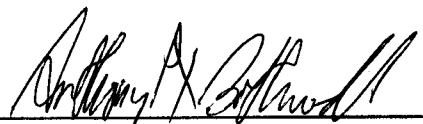
1 [3] That the Court order DEFENDANT to release copies of the said records to the
2 PLAINTIFF herein.

3 [4] That the Court assess against DEFENDANT treasonable attorney fees and other
4 litigation costs reasonably incurred in this case.
5

6 [1] That the Court order such other equitable remedies as may serve the public interest in the
7 discovery of historical truth concerning the assassinations of President John F. KENNEDY and
8 Senator Robert F. KENNEDY.

9 Respectfully submitted.

10 Dated: November 22, 2013



ANTHONY F. X. BOTHWELL
Plaintiff, *pro se*

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