

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 01 1996

Clerk, U.S. District Court
District of Columbia

COUNCIL FOR A LIVABLE WORLD)
EDUCATION FUND,)
110 Maryland Ave., NE)
Suite 211)
Washington, D.C. 20002,)

Plaintiff,

v.

DEPARTMENT OF STATE,)
2201 C Street, NW)
Washington, D.C. 20520,)

Defendant.)

CASE NUMBER 1:96CV01807

JUDGE: Thomas F. Hogan

DECK TYPE: FOIA

DATE STAMP: 08/01/96

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, to compel the production of records concerning post-licensing "end-use" checks of commercial arms exports conducted in 1994 by the Office of Defense Trade Control's "Blue Lantern" program. The Blue Lantern program seeks to ensure compliance with arms export laws by verifying that weapons exported under State Department-issued licenses are actually received by the parties named as recipients on the licenses.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

Parties

3. Plaintiff Council for a Livable World Education Fund ("Education Fund") is a non-profit organization that collects, monitors, and disseminates information about conventional arms

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control and military budget issues. The Education Fund is the requester of the withheld records.

4. Defendant Department of State is an agency of the United States, and has possession of and control over the records that Plaintiff seeks.

Statement of Facts

5. By letter dated February 3, 1995, Plaintiff requested records related to the Blue Lantern program's end-use checks of 1994 weapons exports.

6. By letter dated November 9, 1995, the State Department denied Plaintiff's request on the grounds that the records are exempt from disclosure under Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3), on the basis of Section 38(e) of the Arms Export Control Act, 22 U.S.C. § 2778(e), which refers to Section 12(c) of the Export Administration Act, 50 U.S.C. Appendix § 2411(c).

7. By letter dated December 8, 1995, Plaintiff appealed the denial of its FOIA request.

8. By letter dated July 10, 1996, the State Department rejected Plaintiff's appeal, again claiming that the records are exempt from disclosure pursuant to Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3).

9. Plaintiff has a statutory right to the records that it seeks, and there is no legal basis for Defendant's refusal to disclose them.

WHEREFORE, Plaintiff requests that this Court:

(1) Declare that Defendant's refusal to disclose the records requested by Plaintiff is unlawful;

(2) Order Defendant to make the requested records available to Plaintiff;

(3) Award Plaintiff its costs and reasonable attorneys' fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and

(4) Grant such other and further relief as this Court may deem just and proper.

Respectfully submitted,



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Dated: July 31, 1996