

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHRISTOPHER BRICK)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	COMPLAINT FOR DECLARATORY
)	AND INJUNCTIVE RELIEF
DEPARTMENT OF JUSTICE)	
)	
Defendant.)	
)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This action is brought under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), to challenge the decision of the Department of Justice (“DOJ”) to redact certain records in Eleanor Roosevelt’s Federal Bureau of Investigation (“FBI”) file, File No. 62-62735.

JURISDICTION

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff Christopher Brick is the Project Director and Editor for the Eleanor Roosevelt Papers Project (“Project”), a research center with the mission of making the vast record of Eleanor Roosevelt’s written, spoken, and audio-visual legacy accessible to scholars, students, teachers, and the general public. To date, the Project has published two volumes of Eleanor Roosevelt’s papers.

4. Defendant DOJ is an agency of the United States. The FBI is a component of DOJ and has possession of and control over the records that Plaintiff seeks.

FACTUAL BACKGROUND

5. Eleanor Roosevelt was the First Lady of the United States and served our country as a United Nations delegate, as representative to the United Nations Commission on Human Rights, as a member of the National Advisory Committee of the Peace Corps, and as chair of the President's Commission on the Status of Women. Although recognized in her obituary in the *New York Times* as "the object of almost universal respect," her political beliefs incurred the suspicion of J. Edgar Hoover, and under his direction the FBI maintained an extensive file on her.

6. In 1982, the FBI released many records from its file on Eleanor Roosevelt. The records released can be viewed at <http://vault.fbi.gov/Eleanor%20Roosevelt>.

7. By letter dated June 25, 2013, Mr. Brick submitted a request under FOIA for 52 pages from the FBI's file on Eleanor Roosevelt. These documents were not part of the 1982 release, and the letter explained that, to Mr. Brick's knowledge, these documents "have not been reviewed for disclosure since the initial public release of Mrs. Roosevelt's file in 1982." The letter included a list of the documents' reference numbers and their locations within the file. The June 25, 2013, request was assigned FOIA Request No. 1218867-000.

8. By letter dated August 28, 2014, the FBI responded to the June 25, 2013, FOIA request. The FBI released 338 pages, but redacted certain information from the records based on FOIA exemptions 6, 7(C), 7(D), and 7(E).

9. By letter dated October 7, 2014, and addressed to DOJ's Office of Information Policy, Mr. Brick appealed the redactions on twelve of the released pages. Specifically, he appealed the deletions on the following pages: "Section 1, Serial 1, page 176 and Section 2, Serial 1, pages 4, 5, 6, 15, 16, 20, 21, 22, 30, 46, and 47." He explained that he was "appealing the deletions

because a) the passage of time, more than half a century, has reduced potential harm from the release of this information and b) the deletions of whole passages appears too broad to be justified under exemption (b)(7)(E).” He noted that the passage of time “has significantly reduced or eliminated any potential harm that their disclosure might incur.”

10. By letter dated February 9, 2015, DOJ’s Office of Information Policy denied the appeal, stating without explanation that the “FBI properly withheld certain information because it is protected from disclosure under the FOIA pursuant to:” exemptions 6, 7(C), and 7(E).

RIGHT OF ACTION

11. Plaintiff has a statutory right under FOIA to the withheld portions of the twelve pages from the FBI’s file on Eleanor Roosevelt. The defendants have no legal basis for refusing to disclose these twelve pages in full.

CLAIM FOR RELIEF

Wherefore, Plaintiffs request that this Court:

- A. Declare that Defendant’s withholding of the requested records is unlawful under FOIA;
 - B. Order Defendant to make the requested material available to Plaintiff;
 - C. Award Plaintiff his costs and reasonable attorney fees under 5 U.S.C. § 552(a)(4)(E);
- and
- D. Grant all other appropriate relief.

Dated: August 3, 2015

Respectfully submitted,

/s/ Rachel M. Clattenburg
Rachel M. Clattenburg (DC Bar No. 1018164)
Scott L. Nelson (DC Bar No. 413548)
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009
202-588-1000