

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

RECEIVED

ROBERT G. WRIGHT, JR.

AUG 21 2003

Plaintiff,

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

vs.

Civil Action No.:

FEDERAL BUREAU OF INVESTIGATION,

03C 5876

and

U.S. DEPARTMENT OF JUSTICE,

MAGISTRATE JUDGE BOBRICK

Defendants.

JUDGE NORGLE

COMPLAINT

Plaintiff, Robert G. Wright, Jr., by counsel, hereby sues the Federal Bureau of Investigation and the U.S. Department of Justice for violations of his rights under the Privacy Act, 5 U.S.C. § 552a. As grounds therefor, Plaintiff alleges as follows:

INTRODUCTION

1. This is an action for violations of Plaintiff's rights under the Privacy Act, 5 U.S.C. § 552a, *et seq.*

JURISDICTION

2. The Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 5 U.S.C. § 552a(g)(1) and (5).

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) and 5 U.S.C. §552a(g)(5).

PARTIES

4. Plaintiff, Robert G. Wright is a citizen of the State of Indiana. Plaintiff is employed as a Special Agent of the Federal Bureau of Investigation ("FBI") at the Chicago Field Office. Plaintiff's principal place of business is 219 S. Dearborn, Chicago, IL

5. Defendant FBI is an agency of the U.S. Government and is a part of the U.S. Department of Justice ("DOJ"). The FBI's headquarters is located at 935 Pennsylvania Avenue, N.W., Washington, DC 20535.

6. Defendant DOJ is an agency of the U.S. Government. The DOJ is headquartered at 2201 C Street, N.W., Washington, DC 20520.

FACTS

7. Plaintiff currently is assigned to the FBI's Chicago Field Office, where he works as a member of a FBI counter-terrorism squad.

8. Plaintiff is a whistle blower who, among other whistle blowing disclosures, publicly revealed that the FBI withheld resources, funding and support from counter-terrorism investigations concerning terrorists and terrorist organizations operating in the United States. Further, Plaintiff wrote a 500 page manuscript between August 1999 and September 11, 2001 that exposed significant mismanagement and incompetence within the FBI Headquarters' International Terrorism Unit. The FBI is attempting to block Plaintiff's manuscript from being published. Plaintiff also had advised former Chicago Special Agent in Charge Kathleen McChesney that American citizens had died in terrorist attacks as a result of this mismanagement and incompetence, and more American citizens likely would die unless significant management and other changes occurred in the FBI's International Terrorism Program. Plaintiff's disclosures have attracted nationwide media attention.

9. The FBI/DOJ maintain records pertaining to Plaintiff as part of a system or systems of records, including but not limited to information about Internal Affairs investigations and Office of Professional Responsibility ("OPR") investigations.

10. The FBI/DOJ intentionally disclosed the contents of Privacy Act-protected records about Plaintiff to representatives of the media and others in an attempt, on information and belief to try to undercut Plaintiff's credibility and the credibility of his whistle blower disclosures and to retaliate against him illegally for making whistle blower disclosures.

11. Specifically, during a telephone call in approximately early July 2003, FBI Special Agent Ross Rice, who is a spokesman for the FBI's Chicago Field Office, intentionally disclosed information about Plaintiff's involvement in Internal Affairs investigations and a current OPR matter to a reporter for *The Los Angeles Weekly*, James Crogan. During this telephone call, FBI Special Agent Ross Rice also knowingly made statements of fact the he knew were misleading or blatantly false.

12. On information and belief, FBI Special Agent Rice also disclosed this same and/or related Privacy Act-protected information and other false or misleading information to a reporter for *The Chicago Tribune*, Todd Lighty, in late 2002 or early 2003. Lighty has made reference to an OPR investigation of Plaintiff in one or more articles published in *The Chicago Tribune*.

13. On information and belief, currently unknown officials at the FBI's headquarters in Washington, DC disclosed this same and/or related Privacy Act-protected information and other false or misleading information to a reporter for *The Washington Post*, James Grimaldi, in 2002.

14. On information and belief, currently unknown officials at the FBI's headquarters in Washington, DC disclosed this same and/or related Privacy Act-protected information and other false or misleading information to a reporter for *The New York Times*, Judith Miller, in March 2002.

15. FBI Special Agent Rice and, on information and belief, the currently unknown officials at FBI headquarters who also released Privacy-Act protected information concerning Plaintiff, knew and understood at all relevant times that the information they were disclosing was protected by the Privacy Act and intentionally disclosed this information in violation of the Privacy Act. On information and belief, FBI Special Agent Rice and officials at FBI Headquarters disclosed this Privacy Act-protected information and other false and misleading information about Plaintiff for the specific purpose of discrediting Plaintiff, damaging Plaintiff's reputation, and preventing the publication of Plaintiff's highly critical manuscript.

16. At no point did Plaintiff provide prior written consent or other lawful authorization to the release of the information.

17. As a proximate result of the FBI/DOJ's violations of the Privacy Act and their issuance of these false and misleading statements , Plaintiff has suffered damages, including but not limited to loss of reputation and out-of-pocket expenses.

COUNT I
(Violation of the Privacy Act, 5 U.S.C. §552a)

18. Plaintiff realleges paragraphs 1 through 17 if fully stated herein.

19. Defendants maintain records pertaining to Plaintiff, including Internal Affairs and OPR records, among others, as part of a system of records.

20. Without obtaining Plaintiff's prior written consent or other lawful authorization, Defendants intentionally disclosed the contents of these records to members of the media and others in violation of 5 U.S.C. § 552a(b).

21. As a direct result of this unauthorized and unlawful disclosure, Plaintiff has suffered substantial damages, including but not limited to loss of reputation and out-of-pocket expenses.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants:

- (1) declaring that Defendants' violations of the Privacy Act are unlawful;
- (2) enjoining Defendants from continuing to violate the Privacy Act;
- (3) awarding Plaintiff compensatory damages, pre- and post-judgment interest, reasonable attorneys fees and costs; and
- (4) granting any and all other relief the Court deems just and proper.

Respectfully submitted,

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