

IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JAMES ANGLETON
4814 N. 33rd Road
Arlington, Virginia 22207

Plaintiff,

v.

STANSFIELD TURNER
Central Intelligence Agency
Langley, Virginia
as Director of the Central
Intelligence Agency

Defendant.

Civil Action
No.

COMPLAINT FOR DECLARATORY JUDGMENT,
MANDAMUS, AND INJUNCTIVE RELIEF
UNDER THE FREEDOM OF INFORMATION ACT

1. This is a civil action for declaratory, mandatory, and injunctive relief relating to the refusal by the Defendant, Director of the Central Intelligence Agency, Stansfield Turner, his agents and employees, to produce for inspection and copying documents requested by Plaintiff, James Angleton, under the Freedom of Information Act, 5 U.S.C. §552, as amended.

2. This action arises under the Freedom of Information Act, 5 U.S.C. §552, the Administrative Procedure Act, 5 U.S.C. §551, et seq. and the Declaratory Judgment Act, 28 U.S.C. §§2201 and 2202.

3. The jurisdiction of this Court is invoked pursuant to 5 U.S.C. §552(a)(4)(b), 28 U.S.C. §1331, and 28 U.S.C. §1361. This action arises under the laws of the United States as set forth in paragraph 2 above and as hereinafter more fully appears.

145-1-77
Federal is

4. Venue properly lies in the Eastern District of Virginia wherein the cause of action arose and wherein Defendant Turner maintains his official residence. Venue in this Court is provided by 28 U.S.C. §1391(b) and (c).

5. Plaintiff, James Angleton, is a resident and domiciliary of the Commonwealth of Virginia and 31 year veteran of the Central Intelligence Agency, having served as chief of Counter-Intelligence for 20 years prior to his resignation.

6. Defendant Stansfield Turner is the duly appointed and acting Director of the Central Intelligence Agency and is sued for acts injurious to Plaintiff which he has performed or threatens to perform or has failed to perform in his official capacity, which acts are in violation of law as further alleged hereinafter.

7. In connection with his official duties, Mr. Angleton was involved in certain Agency actions relating to the defection of Yuri Nosenko from the Soviet Union and the assistance provided by the Agency to the Warren Commission inquiry into the assassination of President Kennedy.

8. Because the Soviet defector Nosenko conveyed certain information regarding Lee Harvey Oswald and because of the CIA staff's involvement with the assistance provided by the Agency to the Warren Commission, Mr. Angleton was asked to give a deposition upon oral examination by the staff of the Select Committee on Assassinations of the United States House of Representatives.

9. Prior to Mr. Angleton's deposition, Mr. John Hart testified publicly before the Select Committee on behalf of the Agency. In the course of Mr. Hart's testimony, references were made to Mr. Angleton and to his involvement

with the Nosenko defection which references were frequently false and misleading.

10. On or about October 5, 1978, Plaintiff Angleton orally requested, through counsel, that he be provided access to certain documents relied upon by John Hart, as representative of the Central Intelligence Agency in testimony before the Select Committee on Assassinations, United States House of Representatives. Although the request was not formally made pursuant to the Freedom of Information Act, 56 U.S.C. §552, the Office of the General Counsel, Central Intelligence Agency responded by stating that the documents would be provided. The Agency Counsel fully understood that the purpose of the request was Mr. Angleton's need to review these documents prior to the completion of his Congressional testimony.

11. The deposition of Plaintiff Angleton was begun by the staff of the Select Committee on Assassinations of the United States House of Representatives on October 5, 1978 and was suspended, among other reasons, in order that Plaintiff Angleton might have opportunity to review certain CIA documents prior to the termination of his testimony.

12. Between October 5, 1978 and the present, plaintiff was informed by various persons that the Agency would make available the documents requested by plaintiff in response to his October request.

13. On Friday, December 8, 1978, counsel for Plaintiff Angleton attempted to make arrangements for the inspection of these documents by Plaintiff Angleton but was then informed by the Office of General Counsel that access would

only be provided in response to a request filed pursuant to the Freedom of Information Act.

14. Plaintiff, through counsel, filed a Freedom of Information Act request on the following business day, Monday, December 11, 1978. (Exhibit A).

15. On December 18, 1978, plaintiff's counsel was advised, by letter dated December 15 (Exhibit B), that processing of plaintiff's request would require six to nine months.

16. On the same date, plaintiff's counsel requested the Agency to reconsider its response in light of the need for the House Committee to have full and complete information on matters about which Mr. Hart had previously testified. (Exhibit C).

17. On information and belief, the life of the Select Committee will expire on December 31, 1978, and the record being created by the Committee will be closed. A response to plaintiff's request for information within the time proposed by the Agency would not permit plaintiff to rely upon these materials when his deposition resumes.

18. The inability of plaintiff to review these materials will hamper the Select Committee in carrying out its authorized mandate pursuant to H. Res. 222, 95th Cong., 1st Sess. (1977). (Exhibit D).

19. The inability of plaintiff to review these materials will prevent plaintiff from correcting the false and misleading statements and innuendoes made by John Hart, as representative of the Central Intelligence Agency, and will severely prejudice plaintiff and injure his personal and professional reputation.

20. On information and belief, it is not unduly burdensome for the Agency to produce these documents in a timely fashion because these documents were readily at hand for Mr. Hart's review in preparation for his testimony before the Select Committee and many are to be provided to the Select Committee.

21. The decision of the FOIA Coordinator is inconsistent with the policy of the Central Intelligence Agency to assist fully the inquiry of the Select Committee. (Exhibit E).

22. The failure of the Agency to produce the documents requested by Mr. Angleton and the decision to delay making any documents available for six to nine months constitutes, given the circumstances of the request, a de facto denial of Mr. Angleton's request in violation of the Act.

23. On December 19, 1978, plaintiff, through counsel, filed a formal appeal from the decision of the Coordinator. (Exhibit F).

24. Regulations governing public access to documents and records maintained by the Central Intelligence Agency, 32 C.F.R. §1900.1, et seq., allow the CIA Information Review Committee twenty days within which to consider plaintiff's appeal.

25. Plaintiff cannot allow twenty days to elapse prior to the filing of this action without irreparable injury to the interest he seeks to protect.

26. Copies of all correspondence with the Information Coordinator have been provided defendant Turner and defendant Turner has failed and refused to take action thereon.

27. The failure of defendant Turner to act in a timely way upon plaintiff's request constitutes final agency action and plaintiff has, therefore, exhausted his administrative remedies.

28. Plaintiff should be excused from the requirement that he exhaust his administrative remedies by reason of the oral communication by CIA General Counsel that the information requested would be provided.

29. The failure and refusal of Defendant Stansfield Turner, together with his agents, servants, and employees, to provide Plaintiff Angleton with access to the requested documents is in violation of the Freedom of Information Act, 5 U.S.C. §552.

30. The actions of Defendant Turner, together with his agents, servants, and employees, is without justification, is arbitrary and capricious, an abuse of discretion, and is otherwise not in accordance with law.

31. By reason of the unlawful conduct of the defendant, Plaintiff Angleton has been deprived of legal rights granted him by the Freedom of Information Act.

32. The actions of Defendant Turner, together with his agents, servants, and employees, threaten plaintiff with irreparable injury for which there is no adequate remedy at law.

WHEREFORE, plaintiff prays that this Court enter an order: (1) declaring that plaintiff is entitled to inspect and copy the matter described in Exhibit A hereto; (2) declaring that Defendant has been arbitrary and capricious in withholding the documents requested by Plaintiff Angleton

on December 11, 1978, and entering a written finding to that effect in accordance with the provisions of 5 U.S.C. §552(a) (4)(F); (3) enjoining defendant from continuing to withhold the documents from plaintiff and ordering that they be produced forthwith for inspection and copying by plaintiff; (4) assessing against the United States reasonable attorney's fees and other litigation costs incurred in obtaining these documents; (5) granting such other relief as equity and justice require.

Respectfully submitted,

THOMAS P. MAINS
605 Prince Street
P.O. Box 602
Alexandria, Virginia 22313



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JON T. BROWN
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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JAMES J. ANGLETON
4814 N. 33rd Road
Arlington, Virginia 22207

Plaintiff,

v.

STANSFIELD TURNER
Central Intelligence Agency
Landley, Virginia
as Director of the Central
Intelligence Agency

Defendant.

Civil Action
No.

VERIFICATION

I, James J. Angleton, hereby verify that I have read the foregoing complaint and that the contents therein are true and correct to the best of my knowledge, information and belief.

James J. Angleton

SUBSCRIBED and SWORN to before me this 19th day of
December, 1973.

[Signature]
Notary Public

EXHIBIT A

Law Offices
Duncan, Brown, Weinberg & Palmer, P. C.

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OF COUNSEL:
STEWART L. JOCALL

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JOSEPH V. KARAGANIS
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CHICAGO, ILLINOIS 60601
(312) 762-1903

December 11, 1978

HAND DELIVERED

Freedom of Information Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Dear Sir:

This firm represents Mr. James Angleton, a former Chief of the Counter-Intelligence Division of the Central Intelligence Agency.

On behalf of Mr. Angleton, and pursuant to the provisions of the Freedom of Information Act, 5 U.S.C. § 552 and Agency regulations thereunder, 32 C.F.R. § 1900.1 et seq., we do hereby request an opportunity to examine the following:

1. All correspondence, memoranda, employment contracts, agreements, or any other documents of whatsoever nature pertaining to the employment or re-employment of John Hart for the purpose of representing the Central Intelligence Agency in testimony before the House Committee on Assassinations.
2. All correspondence, memoranda, employment contracts, agreements, or any other documents of whatsoever nature authorizing John Hart to investigate, study, document, or review agency files regarding the Soviet defector, Nosenko.

3. All correspondence, memoranda, employment contracts, agreements, instructions, directions, or any other documents of whatsoever nature which have a bearing on the authority of Mr. John Hart to give testimony before the House Assassinations Committee and the guidelines for such testimony.

4. A copy of the incoming telegram from Geneva describing the first contact and meeting with Mr. Nosenko.

5. Any document(s) upon which Mr. Hart relied in alleging that Mr. Angleton visited the installation in Northern Virginia at which Mr. Nosenko was housed and questioned.

6. Any document(s) that reflect that Mr. Angleton or any member of the Counter Intelligence Staff participated in any conference, discussion or meeting, relating to the alleged hostile interrogation of Mr. Nosenko.

7. All correspondence, memoranda, employment contracts, agreements, or any other documents of whatsoever nature relating to the role of the present Mrs. John Hart, of the Soviet Division, in 1) the evaluation of Mr. Nosenko, 2) her collaboration with John Hart during the review of Mr. Nosenko's case, and 3) her assistance in the preparation of the testimony of Mr. John Hart before the Assassinations Committee.

8. The long telegram which Mr. Angleton sent to Geneva regarding the Nosenko defection.

9. The memorandum referred to by Mr. Hart (See, p. 165 of Hart's Committee Testimony) regarding a conversation between Mr. Angleton and The Chief of the Soviet Division.

10. The tape or transcript of the interview mentioned in Mr. Hart's Testimony in which Mr. Angleton is alleged to have referred to Mr. Bagley's having "caught a big fish" (Nosenko).

11. Any correspondence, memoranda, employment contracts, agreements, or any other documents of whatsoever nature memorializing the agreement or conditions governing Mr. Hart's interviews with Mr. Angleton.

Freedom of Information Coordinator
December 11, 1978
Page Three

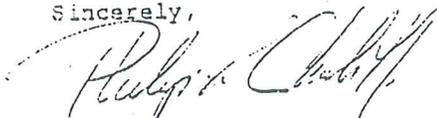
12. All correspondence, memoranda, employment contracts, agreements, or any other documents of whatsoever nature indicating whether Mr. Hart, during his evaluation of the Nosenko Case, conferred with Mr. N. Scott Miler, Chief of Operations, CI Staff, or Ray Rocca, former Deputy Chief, CI Staff, or Mr. Angleton.

Mr. Angleton needs to review these documents in order to complete his testimony before the Select Committee on Assassinations of the United States House of Representatives.

Access to these documents had been requested of the legal counsel's office on or about the 5th of October and had, at that time been granted. It was only on December 8, when we attempted to make arrangements for the inspection, that we were advised by legal counsel that Mr. Angleton would only be permitted access through an FOIA request.

Because of the limited time available to Mr. Angleton to review these documents prior to the dissolution of the Committee, your prompt action in reviewing this request would be deeply appreciated.

Sincerely,



Philip L. Chabot, Jr.

PLCjr:yob

cc: Director Stansfield Turner
Richard L. Rininger, Esquire

EXHIBIT B

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

14 DEC 1978

Mr. Philip L. Chabot, Jr.
Law Offices - Duncan, Brown,
Weinberg & Palmer, P.C.
Suite 1200 - 1775 Pennsylvania Avenue, NW
Washington, DC 20006

Dear Mr. Chabot:

This is in response to your request, dated 11 December 1978, made on behalf of your client, Mr. James Angleton. Please be advised that we are processing your request and will communicate the results to you when it is completed. Enclosed is a copy of our schedule of fees. We have asked the components involved in processing this request to compile preliminary estimates of the costs involved and will forward these to you shortly.

As you may know, the heavy volume of Freedom of Information requests received by the Agency has resulted in processing backlogs. Since we will be unable to respond within the 10 working days stipulated by the Act, it is your right to construe this as a denial, subject to appeal to the CIA Information Review Committee. It would seem more reasonable, however, for us to continue processing your request and to respond as soon as feasible. Any denials of records could be appealed at that time. Unless we hear from you otherwise, we will assume that this is agreeable to you and proceed on this basis. It is our best estimate at this time that it will take approximately six to nine months to complete the processing of your request.

We wish to thank you for your patience and consideration.

Sincerely,



George W. Owens
Information and Privacy Coordinator

Enclosure



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Fees for Records Services

(a) Search and duplication fees shall be charged according to the schedule set out in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. The Coordinator also may waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than \$4.

(b) Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or of such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with the Coordinator in an attempt to revise the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

- (1) For each one quarter hour spent by clerical personnel in searching for a record, \$1;
- (2) For each one quarter hour spent by professional personnel in searching for a record, \$2;
- (3) For computer search, \$55;
- (4) For copies of paper documents in sizes not larger than 8 1/2 x 14 inches, \$0.10 per copy of each page; and
- (5) For duplication of non-paper media or any document that cannot be reproduced on a standard office copier actual direct cost.

EXHIBIT C

ANL corr

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Duncan, Brown, Weinberg & Palmer, P.C.

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(312) 782-1905

December 15, 1973

Mr. George Owens
Information and Privacy
Act Coordinator
Central Intelligence Agency
Washington, D. C. 20505

HAND DELIVERED

Dear Mr. Owens:

This is in response to your letter of December 14, 1973, which advised that you will be unable for at least another six to nine months to respond to our request for documents filed under the Freedom of Information act on December 11, 1973.

As indicated in my December 11, letter, Mr. Angleton request this information in order to complete his testimony before the House Select Committee on Assassinations. The term of the Select Committee is soon to expire. Accordingly, your anticipated time of response is totally unacceptable.

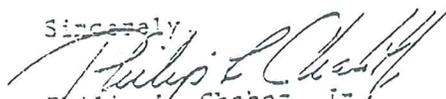
In light of the importance of the Committee's inquiry and the interests of both your agency and Mr. Angleton in the integrity of that inquiry, we believe it would not be inappropriate to expedite this request. This would seem particularly appropriate in light of Director Turner's pledge to participate fully with the House Assassinations Committee's inquiry.

Moreover, it bears repetition that access to many of these same documents was requested over two months ago from the Office of the General Counsel who at that time advised us that Mr. Angleton would be given access to these papers. No mention was made that such access would be conditioned upon the filing of a Freedom of Information Act request. Indeed, no such statement was made until we called on December 8, to make specific arrangements for Mr. Angleton's inspection.

Mr. George Owens
Page Two
December 15, 1978

Under these circumstances we invite you to reconsider
your answer of December 14, 1978.

Sincerely,


Philip W. Chabot, Jr.

PLC:lh

cc: The Honorable Louis Stokes
Admiral Stansfield Turner
Richard L. Rininger, Esq.
bc: Mr. Angleton

EXHIBIT D

H. Res. 222

In the House of Representatives, U. S.,

February 2, 1977.

Resolved, That effective January 3, 1977, and until March 31, 1977, there is hereby created a Select Committee on Assassinations to be composed of twelve Members and Delegates of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

The select committee or a subcommittee thereof is authorized and directed to conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy and the assassination and death of Martin Luther King, Junior, and of any other persons the select committee shall determine might be related to either death in order to ascertain (1) whether the existing laws of the United States, including but not limited to laws relating to the safety and protection of the President of the United States, assassinations of the President of the United States, deprivation of civil rights, and conspiracies related thereto, as well

as the investigatory jurisdiction and capability of agencies and departments of the United States Government, are adequate, either in their provisions or in the manner of their enforcement; and (2) whether there was full disclosure and sharing of information and evidence among agencies and departments of the United States Government during the course of all prior investigations into those deaths; and whether any evidence or information which was not in the possession of any agency or department of the United States Government investigating either death would have been of assistance to that agency or department, and why such information was not provided to or collected by the appropriate agency or department; and shall make recommendations to the House, if the select committee deems it appropriate, for the amendment of existing legislation or the enactment of new legislation.

For the purpose of carrying out this resolution the select committee, or any subcommittee thereof authorized by the select committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or in any other country, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such wit-

~~NESS IN THE HOUSE OF REPRESENTATIVES~~

memoranda, papers, documents, tangible objects, and other things of any kind as it deems necessary; to take testimony on oath anywhere within the United States or in any other country and to authorize designated counsel for the select committee to obtain statements from any witness who is placed under oath by an authority who is authorized to administer oaths in accordance with the applicable laws of the United States or of any State; except that neither the select committee nor any subcommittee thereof may sit while the House is reading a measure for amendment under the five-minute rule unless special leave to sit shall have been obtained from the House. The chairman of the select committee may establish such subcommittees of the select committee as he considers appropriate. One-third of the members of the select committee shall constitute a quorum for the transaction of business as permitted by the rules of the House, except that the select committee may designate a lesser number as a quorum for the purpose of taking testimony, but not less than two. The select committee may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as it considers necessary to carry out the purposes of this resolution. The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the select committee.

other than expenses in connection with meetings of the select committee or any subcommittee thereof, held in the District of Columbia.

The procedure for the select committee or any subcommittee to authorize and issue a subpoena shall be that provided for in clause 2 (m) (2) (A) of rule XI of the Rules of the House of Representatives. Subpoenas may be served by any persons designated by the chairman or any member.

The select committee shall be considered a committee of the House of Representatives for all purposes of law, including but not limited to section 102 of the Revised Statutes of the United States (2 U.S.C. 192); and sections 6002 and 6005 of title 18, United States Code, or any other Act of Congress regulating the granting of immunity to witnesses, except that the select committee shall not be considered a standing committee of the House of Representatives for the purpose of Clause 6 (a) and Clause 6 (b) of Rule XI of the Rules of the House of Representatives.

The select committee shall adopt the Rules of the House of Representatives as part of the rules governing its procedures. It shall adopt additional written rules governing its procedures, which rules shall not be inconsistent with this resolution or the Rules of the House of Representatives, and which rules shall be public.

The select committee shall report to the House as soon as practicable during the present Congress, but not later than March 31, 1977, the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

The provisions of H. Res. 11, Ninety-fifth Congress, shall apply to the select committee.

Attest:

Clerk.

EXHIBIT E

23 March 1978

096837

Honorable Louis Stokes, Chairman
 Select Committee on Assassinations
 House of Representatives
 Washington, D.C. 20515

Dear Mr. Chairman:

I know that you are familiar with our practice of executing secrecy agreements with individuals (1) to whom we provide access to classified information and information of an intelligence sources and methods nature which I am charged by law to protect from unauthorized disclosure, or (2) otherwise perform services for or are engaged by the Agency. Such agreements are in force even after the relationship with this Agency has been terminated. As you are aware, the inhibitions created by these Agency secrecy agreements exist solely for the purpose of assuring that classified information is imparted only to authorized recipients.

As Admiral Turner has assured you previously, it is his desire to cooperate fully with your Committee. It is in this spirit that I am interested in assuring that such secrecy agreements do not impair access by your Committee to information within the scope of your charter. Therefore, we have determined that disclosure of otherwise protected information to your Committee or its designated staff members will constitute authorized information within the meaning of such secrecy agreements. This may be used to indicate authorization to any individual who has executed a secrecy agreement with this Agency, or who may otherwise consider himself bound by an obligation of secrecy to this Agency, to furnish the Select Committee information within the scope and jurisdiction defined in H. Res. 222.

I appreciate the extra precautions taken by the Committee to assure against the inadvertent risk of disclosure of those few exceptionally sensitive matters involving the safety and well-being of individuals, and the protection of covert sources and operational methods not falling within the scope

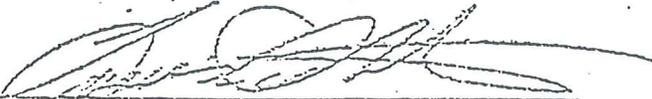
Res. 222. I understand that Committee staff members will be instructed to be circumspect in the conduct of their interviews and during hearings to avoid the risk of inadvertent disclosures and to provide the affected person with the opportunity to receive guidance from me or my designees on the applicability of this authorization to particular questions which are asked.

I believe these arrangements meet our mutual interests in assuring all persons respond fully and truthfully in providing testimony to your Committee. Please indicate by your counter-signature on this letter if it is acceptable to you.

Sincerely,



Frank C. Carrucci
Acting Director



Honorable Louis Stokes, Chairman
Select Committee on Assassinations

EXHIBIT F

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Luncan, Brown, Weinberg & Palmer, P.C.

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December 19, 1978

HAND DELIVERED

Mr. George Owens
Information and Privacy
Coordinator
Central Intelligence Agency
Washington, D.C. 20505

APPEAL

Dear Mr. Owens:

In the event that you are unwilling to reconsider or alter the conclusion in your letter of December 14 in response to our request for reconsideration; and to the extent that this constitutes a denial of Mr. Angleton's December 11 request for access to certain documents relating to the testimony of Mr. John Hart before the House Select Committee on Assassinations, we hereby request that your decision be reviewed by the Information Review Committee as provided in 32 C.F.R. § 1906.51 et seq.

The information which we wish to present the Committee is as follows:

1. Mr. Angleton is the former Chief of Counter-Intelligence Staff of the Central Intelligence Agency.
2. In connection with his official duties, Mr. Angleton was involved in certain Agency actions relating to the defection of Yuri Nosenko from the Soviet Union and the assistance provided by the Agency to the Warren Commission inquiry into the assassination of President Kennedy.
3. Because the Soviet Defector Nosenko conveyed certain information regarding Lee Harvey Oswald and because of the CI staff's involvement with the assistance provided by the Agency to the Warren Commission, Mr. Angleton was asked to give a deposition upon oral examination by the

Mr. George Owens
December 19, 1978
Page 2

staff of the Select Committee on Assassinations of the United States House of Representatives.

4. Prior to Mr. Angleton's deposition, Mr. John Hart testified publicly before the Select Committee on behalf of the Agency. In the course of Mr. Hart's testimony, references were made to Mr. Angleton and to his involvement with the Nosenko defection which references were frequently false and misleading.

5. Mr. Angleton, on or about October 5, 1978, through counsel, orally requested access to documents relied on in the preparation of Mr. Hart's testimony in order that he might be able to refresh his own recollection regarding the events about which Mr. Hart had testified.

6. The Office of the General Counsel, CIA, orally gave assurance that access to these documents would be given.

7. Mr. Angleton's deposition was suspended after one day, in part so that he might review the documents requested.

8. On Friday, December 8, counsel for Mr. Angleton called the Office of General Counsel to make specific arrangements for the inspection of these documents, but was informed that access would not be provided except pursuant to a Freedom of Information Act request.

9. An FOIA request was submitted, by hand, to the Freedom of Information Coordinator on Monday, December 11.

10. In a response dated December 15, the Coordinator indicated that it would be six to nine months before the Agency could process the request.

11. By hand-delivered letter dated December 15, the Coordinator was requested to reconsider his response in light of the imminent termination of the Select Committee's charter and the policy of Director Turner to cooperate fully with the Committee. However, as of this date, no action has been taken.

12. The failure of the Agency to produce the documents requested by Mr. Angleton and the decision to

Mr. George Owens
December 19, 1978
Page 3

delay making any documents available for six to nine months constitutas, given the circumstances of the request, a de facto denial of Mr. Angleton's request in violation of the Act.

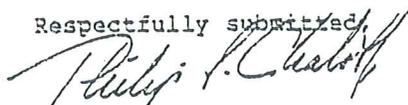
13. On information and belief, the documents requested are readily available to the Agency and could appropriately be made available to Mr. Angleton on an expedited basis.

14. To the extent that production of certain portions of Mr. Angleton's request could legitimately be concluded to require an extensive period of time, it is requested that immediate access be given to those documents falling within the request that are readily available through a reasonable allocation of manpower and resources under the circumstances. See 32 C.F.R. § 1900.47(a).

15. The inability of Mr. Angleton to have reference to these documents in preparation for the completion of his deposition will prevent the Select Committee from obtaining full and complete testimony and will severely prejudice Mr. Angleton.

In view of the time constraints involved in this matter, please be advised that we intend to file an action in the United States District Court for the Eastern District of Virginia later this afternoon.

Respectfully submitted,



Philip L. Chabot, Jr.

PLCjr:klj

cc: Admiral Stansfield Turner

Mr. George Owens
December 19, 1978
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delay making any documents available for six to nine months constitutes, given the circumstances of the request, a de facto denial of Mr. Angleton's request in violation of the Act.

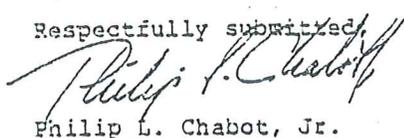
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