

Dear Jim,

CA75-1448 - Interrogatories

6/30/76

I'm sorry other work has prevented my getting back to these excerpts earlier.

Lil typed them put of the marked copy of the transcript. I marked it as I read it. She is still getting used to her new machine, like yours. As you know the underlinings are not in the transcript. She picked up some of mine.

It is clear to me that the judge wants to know if the transcripts were ever legally classified as of the time of my request, not as of now. I think we have a partial record on this, enough on another kind of case. I therefore think that a complete set of questions seeking definitive answers on this narrow issue should be in all sets of interrogatories.

With this CIA this should address the concern for law and regulation and of competence by those who later made what amounts to an original classification of what had not been legally classified earlier. The questions on this and on ex poste facto classification should be pointed and specific. Asking for direct citation of authority in all cases.

Ryan makes mistakes. I'm not inclined to consider them normal accidents in extemporaneous speaking. He says 11652 when it was not enacted. He does not say 10501 under which he knows there was no authority.

His use of the double negative in the quote that follows also makes it a false statement, giving the impression that their "review" indicates the Commission was not denied the authority. That is not the question. Did it even have the authority is.

He references to "back door" approaches and not foreclosing them while discouraging them in favor of directness makes me have a few thoughts about the organization of the interrogatories.

First is there or was there any right under 11501.

Next is there an after-the-fact right in 11652.

Does this right nullify the legal situation at the time of my request and its rejection.

What is the name of the original classifier and what was his authority? How is this recorded, established.

On what basis was or could this request be rejected under what authority and whose interpretation of that authority.

After we ask questions that establish no authority for the original classification and none for the subsequent reclassification, before proceeding I think it might be helpful to ask what differences there are in the executive orders that make this stuff all "Top Secret under 10501 and of minimal classification under 11652. On the way we never forget it ask if all details all all provisions were complied with, as they were not.

Then I think we go into content and what there is in the content that justifies classification. I'm assuming we finished with the Commission's wrongful one. So we go after all post-commission people on this. Only in part do I have in mind showing that the original classification had no standing and that on that basis alone I'm entitled to them. The rest is addressed at giving the judge a notion of ulterior purpose, as in all cases is, I am confident, true. How does the subject matter of the content qualify? What kind of information is there that can qualify? Is it entirely unknown? Is the affiant expert enough to attest that it is secret from, say the supposed enemy intelligence? Or is it secret from the American people only. (This does address Nosenko but have it apply to all and if there is question, Nosenko is 100% our way.)

After exhausting all other possibilities we address Nosenko. Did he examine and offer an expert opinion on the WC's Oswald files? Did he examine any records that are not available? Did he impart any personal knowledge not known to the USSR or any that should be denied the American people? Did he say what was not wanted and is not in the Warren Report? I think early on we should ask if the affiant read the report, the 26 and knows what is and

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not in them? Is there any mention of Nosenko in the Report? 26? Available files? How does he know? Is it first-hand knowledge? Did he read the published, the unpublished? If the claim is yes ask for details, on either or both. Reading all 26 is unlikely, all files impossible. But without this there can be no sworn assurance that can have any meaning. I don't think this judge is going to welcome hearsay and I believe the seriousness of the classification by content is quite relevant.

Has he read the material of other agencies on Nosenko (don't specify FBI) As him to specify which and the classification, if any. Has he read any that bore no classification? Has he read all? Can he from first-hand knowledge assure the court that what is now classified is not classified in the records of any other agency and is not freely available by other means? or sources? Here I'm not talking about the transcripts' formulations but about the fact, the content.

If he then insists on propriety of classification ask the nature of the information he knows is not in other available files and how it is properly subject to classification as unknown, again say to KGB? They knew all Nosenko did and more.

After we exhaust this we should go to specific withholdings and maskings by him/CIA/his agency. Here the CIA-Rockefeller stuff is great and we can show they conned the Schweiker committee with it, on D in particular and it was a fabrication to begin with. The FBI never classified its D file. The name of the station chief, masked, is public because he resigned to become defender of the CIA, as recently public as the issuance of the Schweiker report. Beginning with Watergate. Long before there was a Rockefeller Commission and hidden from the Senate as well as me. What is the authority, right, need? What was the original right to classify anything about D as of the time of the Rock. Com? Having established that D was a fake, did the agency, while continuing to classify and withhold, try to tell others that he should be heeded? Even knowing his intention was to provoke the United States into war, an attack on another country? Did the Agency in fact try to influence the Rock. Com to credit what it knew was a deliberate fabrication? Has this anything to do with masking, classifying and withholding?

It is not the fact that without this withholding and masking there was the possibility of embarrassment to the Agency?

Is this true of any of the content of the transcripts in question?

Would it embarrass the Agency if it were known that the Russian suspected that Oswald was an "American sleeper agent?" Could they have had the FBI in mind?

Of those records in the WC's files withheld all these years by the Agency and now available, what reason was there for the original withholding other than embarrassment that is not true now and was not true at the time of withholding?

Does he know of any withholding that held no classifiable content? Does he know that in one document what was withheld is only the fact that Helms asked the Commission to do nothing about Nosenko's statements? (True- I have both versions) Under what provision of what law, regulation of order is this classifiable? After persuading the WC to do nothing, did the Agency latter provide more information? Did it have to be classifiable? (Can we ask for the attaching of samples on each point? If it is within reason I think we should and then offer Robinson some of what they are withholding from HIM. I mean the emphasis on withholding from a court.

Did the Agency classify and/or withhold what it said of Russian law applicable to Oswald's departure from Russia? (Yes and get the basis for classification/withholding, the real reason being there was no prohibition and there was precedent.)

Did it withhold its report on the commercial transportation available to Oswald in going from London to Helsinki (yeah, pass the ammo.) What is classifiable about consultation of published schedules of commercial carriers?

Did it intercept Oswald's mail? Withhold it from the WC? Still? How is this classifiable? If withheld from the WC, on what basis in law, reg., etc.

On all of this, of course, we are addressing the legality of all their secrecy procedures, which I think is relevant. If you want more example, ask. I want to include only what Robinson will find adequate to make the point that they classify without right or need. We'll need an unmarked copy of the Schweiker report, on D and others if we sue others. ANLASH is another good current example. Name known, published, not in Sch. report.

You know that in addition to all the other uses by other papers there were two more than full-page stories in the ExPost Outlook section, with Cubelo's name. If they want to say the Schweiker withheld and they did not ask it, let them, but give them a chance to say that they did ask its withholding and did not rescind after publication.

If you want ask them is the real name of A in the Schweiker report is withheld at their request and if they gave the Senate the real name. After whatever questions on this you want ask if the real name of A is Rudolf Richard Davis, what connection he had with them or any Watergate figures. Was he a provocateur who directed officials into inflicting dangerous punishment on Americans exercising their Constitutional rights? Like having mounted police direct their horses on people not in accord with CIA policy (up, for Cualfield) If the answer is no on Davis - oh, yeah, did they direct him to break up his training camp? Did they tell the Schweiker committee its location? Was this location secret? (Nope. I have 1968 pictures taken by the St. Tammany Parish sheriff for me.) ~~Jack~~ not if not Davis: was it any one of his followers whose names have never been withheld by other agencies? ~~xxxx~~ If you draw negatives, and you should not, ask then ~~xxxx~~ ~~xxxx~~ if this refers to another camp, were there arrests and are those names public because of that arrest? (I have them.) But I'm sure it is Davis.

On the munitions, did the Agency inform the WC, Rock. Com or Senate that it knew the ownership of this property? Wasn't owned by the brother of Mike McLaney and his wife? Was Mike McLaney the operator of the casino at El Nacional? Was this the second largest pre-Castro gangland-owned (or Mafia) gambling establishment in pre-Castro Cuba? Did it inform anyone about the connection of Frank Sturgis/Sturgis/Fiorini with Cuban Gambling operations? Was it aware that he ~~xxxx reported xxxxxx part of the FBI's~~ part of the FBI's JFK assassination investigation? Did it report any of this to the FBI? How much? Was it classified? Under what sanction?

I don't know how much of this you want to go into but I found no CIA info in my search of the WC files on Davis and the camps. This means they withheld it. I'm still addressing their compliance or non-compliance with regulation and law on this subject, not entirely but partly as motive. Besides, I think the questions will be informative to Robinson. None of this is secret and I've known it all since before I published it in 1967. I do think their interpretation of the EO's is relevant. We are limited by their improper secrecy and have to use the means we can.

If I think of more I'll add it after supper.

When the approach takes form in your mind I'll again go over the answers to the earlier interrogatories. One point about them, now that they have been answered, is that the answers establish there was neither reason nor basis for non-response other than that response gave us basis for proving wrong on the government's part.

I still think they can opt just giving it to me. Tough, searching interrogatories may help them to this decision and save us much time.