

Affidavit form

1. My name is Harold Weisberg. I reside at Route 12, Frederick, Md. I am the plaintiff in C.A.75-1448.

2. I am a writer and investigator. My earlier experiences are as a Senate investigator, intelligence analyst and investigative reporter.

3. In these experiences I have ^{handled and} ~~handled~~ classified ~~and published~~ ~~classified~~ classified documents. As an investigative reporter I have obtained and published classified ^d documents going back to 1941.

4. Although I was given stamps for classifying, ^{NO ONE} ~~nobody~~ ever told me the basis for classification. In practise the standard was the higher the ^{potential for} ~~potential of~~ official embarrassment the higher the classification.

5. ~~xxxx~~ The work I do is not in pursuit of a detective mystery story. My work is essentially the study of the function, malfunction and non-function of the basic ^{institutions} ~~institutions~~ of our society ^{at} in the time of and following the great stresses of the assassinations of President Kennedy and Dr. Martin Luther King, Jr. It is in this sense that I inquire into and write about these great tragedies and the subsequent and lingering national trauma.

6. It is an unpaid work to which no commercial profit has been attached. In it I have worked without vacation for more than 13 years, until I suffered an acute thrombophlebitis in 1975 I ^{have more than} ~~am~~ averaged ~~about~~ two working days each day. I worked and still work seven days a week. In recent months as my energy has diminished I have reduced my working day to an average of about 16-17 hours.

7. In this extensive study the ^{refusal} ~~refusal~~ of the executive agencies to release public information is so dogged ^{that} the use of the Freedom of Information Act is indispensable. By Means of the Act and by other means, never ^{improper} ~~improper~~, I ^{now} ~~not~~ have files on this subject that ~~am~~ take up about 20 files cabinets plus a volume I cannot estimate that I have not been able to file.

8. All of this material will be part of a public archive in a university system. From this I have neither asked ^{nor} ~~not~~ expect any payment in money.

9. In this work the Department of Justice has bestowed ^{ON ME} what I believe are unique credentials ~~on me~~. It stated in my C.A. 75-226 that I know ^{MORE} ~~here~~ about the assassination of President Kennedy and the FBI's investigation of it than anyone now in the FBI.

10. The misstatements to Courts of law were so ^{grievous} ~~grievous~~ in the earlier stages of C.A. 75-226, C.A. 2301-70 that the Congress cited it as one of four cases requiring the 1974 amendments to the Act.

11. In all my FOIA cases the ^{permeating} ~~permeating~~ and always tainting characteristic is misstatements to the court. These ^{extend, not uncommonly,} ~~not uncommonly extend~~ to what I believe is perjury. I have felt obligated to so inform the courts, under oath. In not a single one of these numerous instances has there been any charge laid against me. In not one, in fact, has there been even pro forma denial. I have charged perjury against government affiants who range from a series of FBI agents to the Archivist of the United States.

12. So extensive and so uninhibited is this deceiving of the courts that in order to deny me clear pictures of the clothing of President Kennedy, those that have evidentiary value, the Archivist actually swore to that court that I ~~have~~ had not met the minimum requirements of exhausting my administrative remedies. The AUSA on that case even filed the proof of my having exhausted my administrative remedies, at the same time informing the court that he had sent these papers to me when in fact he had not. When under the order of that court these photographs were finally ^{TAKEN} ~~take~~ for me, it was for the first time ^{MADE KNOWN} ~~know~~ that the evidentiary value of President Kennedy's clothing had been destroyed by a still -unnamed official. Those clothes were always under lock and key, with Access denied to all but a few, first in the FBI and then in the National Archives.

13. I am currently receiving about 500 pages of FBI records a week. ^{Much} ~~Great~~ time is wasted ^{AND AT GREAT EXPENSE, IN WITHHOLDING} ~~and with this much money to withhold~~ what is public domain. ^{THAT I REGULARLY INFORM} ~~My regular informing~~ the government ^{AS TO} ~~of~~ what it is withholding improperly makes no difference. Names published ^{THOUSANDS} ~~millions~~ of times, ^{THOSE} ~~names~~ of witnesses the ^{SUBPOENING} ~~subpoenaing~~ of whom are public, ^{AND} ~~names~~ of FBI laboratory personnel all ^{KNOWN} ~~publicly~~ have been withheld extensively. In ^{EVERY CASE} ~~every~~ case the reason has been ^{THE} ~~obstruction~~ and resistance to the law and the ^{COMPILATION} ~~compiling~~ of inflated and artificial statistics as part of a campaign to negate the law and provide a basis for an appeal to

the Congress for relief

14. With me there is an added reason for official refusal to abide by the Act.

Unlike almost all others working in this field, all except a few of my associates, I do not theorize in my work about multitudinous and endless assassination conspiracies. My work therefore is embarrassing to the various executive agencies, particularly the Department of Justice and the Central Intelligence Agency. I use the records I obtain to show the malfunction of these agencies. In almost all cases the malfunctions were not accidental.

15. Six of my seven books are still in print. The first dates to early 1965.

~~After all these years~~ While perfection is not a human state, after all these years I have not received a single complaint from anyone, including the many public officials to whom I have attributed error and more serious malfunctions in their official capacities, complaining about either unfair treatment or factual error. The mistakes of which I am aware are minor and generally because I believe an official statement.

16. Because of this work I have been the subject of official surveillance of me and my work. While the Church committee made public the fact of these official proprieties it masked the names of those subject to this kind of surveillance by the FBI. I have in my possession proofs of extensive CIA interest in me and my work. I believe that under both the Constitution and the CIA's charter and limitations such interest is improper. Yet when I asked for the records on me in early 1971 it failed to respond and to this day has not complied with that FOIA request. I renewed this request after enactment of the Privacy Act. More than two years have passed since I appealed and that appeal has not yet been acted on. I have internal CIA records that show how its units lied to its general counsel so he in turn would lie to my counsel and me because he had been denied both the records and knowledge of the records. What few records the COA has disclosed in some cases duplicate records provided to others. In one case a record given to another with no withholding by masking in copying was given to me with the entire record masked except my name.

17. I not only have reason to believe that this improper surveillance extends to surveillance of me, my associations and my writing, I have proof from CIS files that it extends even to my beliefs. As an example one of the earlier protests against the Vite Nam tragedy was by writers and editors. More than 100 of us signed that public, published protest. The CIA file copy of one of these publications of our names has a mark indicative of interest adjoining about a half-dozen names. The only name I now recall besides my own is that of Dr. Benjamin Spock,

18. As far back as 1940, when I was exposing Nazi cartels and other un-American activity, including that committee of the House of Representatives, my garbage was collected and examined. There was a mail cover on me and my wife. She was regarded as subversive because of her memberships in several cooperatives. I have these records not from the FBI but from another official source. The FBI is long overdue in responding to my request for its records on me. Because I am not and never have been subversive and because these files are embarrassing to officialdom I am being stonewalled and they are denied me. This denial extends to my ability to use them in court where my counsel might consider them relevant. My first complaint to the Department of Justice about this was in 1969, when I received reports of improper intrusions into my professional life by the FBI. I know of no legal right any federal agency has to inquire into the affairs of writing of any writer. With me it clearly is the subject and content of my writing. My writing is relevant in this instant cause.

19. During the many years of this intensive work I have gone over countless thousands or once-withheld records whose classification extended to thousands once TOP SECRET. Of all these records I cannot recall a single one that had to be withheld, none that in any real sense justified any classification. In all cases official embarrassment that was feared and the permeating compulsion to official secrecy, is the only reason. As an example of this all the transcripts of the published testimony of the Warren Commission were classified TOP SECRET until it was necessary to reduce the classification so the Government Printing Office could set type. During this TOP SECRET period these transcripts

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were actually sold commercially. Although the Warren Commission had no classification authority it did not classify these transcripts, including those of the executive sessions sought in this instant cause. They were classified by the C court reporter. I obtained and made public internal records showing that once the classification was reduced to CONFIDENTIAL the court reporter could not ~~maintain~~ keep control of the materials within his own office.

20. Exemptions are invoked with frivolity and for improper purposes. The most common current exemption is of privacy. With regard to the May 19, 1964 executive session transcript there is such a claim. Yet the same agency has released to me another such transcript where there is serious violation of the right to privacy. It contains a detailed account of the extra-marital sex life of a Warren Commission witness. This happens to be a witness whose testimony was uncongenial to official desires and whose subsequent public statements are embarrassing to the CIA. This witness, for example, has alleged repeatedly that Lee Harvey Oswald was an American intelligence agent.

21. Another common violation of personal privacy in records made available to me has forced me to exercise restraints officials did not. Examples of this include allegations of homosexuality. In my publishing going back to 1967 I have had to protect these rights on behalf of those various officials were not anxious not to embarrass. Even the records of Marina Oswald's second pregnancy are readily available from the defendant, page after page of them. So are the psychiatric records of several alleged to have threatened the President Kennedy.

22. It has not been uncommon for this defendant to deny records to me under ~~conditions~~ ^{claims} ~~subject to~~ that preclude their availability for 75 years and then actually solicit another who lacks my detailed subject knowledge to ask for them, with the advance assurance that under FOIS they could not be denied him. There has been no ~~single~~ ^{single} comment, leave alone protest, after I published this in Post Mortem in November 1975.

23. Through all the years of my use of FOIA there was no single instance of a (b)(3) claim that I can recall. When I received a formal explanation of the denial to me of the transcripts at issue in this instant cause from the National Archives on June 21,

In addition, The continued withholding of 1971 the claims for all three included (b)(1). That of May 19, 1975 also was attributed to (b)(6) and those of January 21 and June 23 to (b)(7).

24. I have ~~examined~~ copies of all such transcripts originally denied me under (b)(6). Examination of them discloses no applicability of this exemption and the existence of content that could be embarrassing to officials

⁵24. The use of (b)(3), where the plaintiff is denied access to contrary proofs, as happened to me in this instant cause, did not begin until after the enactment of the 1974 amendments. Until the 1974 amendments I also recall no single instance of the withholding by masking in any single one of thousands of records. While there are, of course, legitimate privacy considerations, most of the records of the many thousands I have received do not withhold for legitimate privacy reasons. In another case I have testified to this under oath. I ticked off from the public domain what was then and so this day is withheld. There was no cross examination. There has been no denial of my testimony of any manner or form. I have already done this with regard to this instant cause as it relates to the June 23, 1964 transcript, the matter about which the Archivist swore falsely in refusing to state whether or not that transcript deals with one Yuri Ivanovich Nosenko.

26. In the many cases where after the passing of time I have received these withheld records, particularly those withheld under (b)(1) and (b)(7) there clearly never was any basis for the claim to these exemptions. An example is the January 27, 1964 transcript. Earlier this transcript had been taken and sold commercially by then Warren Commissioner Gerald Ford. He, however, altered it and failed to indicate any alteration. In this he eliminated such content as the assurance of his then fellow Commissioner, former Director, Central Intelligence, Allen W. Dulles, that perjury is right and proper and the way of the CIA. This transcript is attached as Exhibit A.

27 The Commission then and on January 22 was worried about two matters in particular, alleged intelligence connections of Lee Harvey Oswald, the accused assassin, and whether or not there was a conspiracy. On January 22 the Commissioners confessed their fear of J. Edgar Hoover, their determination to avoid any question of conspiracy even though they are explicit in indicating evidence of it and then to destroy the record of these

fears and doubts. The stenotypist's face escaped the memory hole. Under FOIA I was able to obtain a transcript. It is attached as Exhibit B.

28. Similar protection claims were made by the CIA in the case of Heine V. Raus in federal district court in Baltimore. In that case the CIA libelled an editor whose writings it did not like. His papers was influential in Estonian emigre affairs. It is now public knowledge that in those days these emigres were used to create disturbances within the United States. One such occasion was the visit of former Russian leader "ikita Khrushchev. To libel Hiene the CIA used a domestic operative named Raus. To protect him and itself it then claimed the similar national defense need. To be able to pull this off prestigious and expensive counsel were obtained and counsel solemnly assured that trusting court that affidavits had to be examined only in camera. Because courts cannot be expert on all matters, especially the secrets of spookdom, that court was misled if not deceived. I have obtained these affidavits under FOIA and attach them as Exhibit C. Examination of them shows them to be conclusory not factual and th be based on nothing of substance. Yet they were denied the plaintiff in that matter and his counsel was not able to provide the testimony and evidence that court required for the dispensing of justice.

29. Another such example related to the Schweiker subcommittee of the Church committee which looked into intelligence matters in 1975. The CIA conned it into believing that the public domain- even what was the subject of many lengthy newspaper stories - had to be withheld to protect the CIA's function. This also extended to records that were simultaneously freely available at the National Archives. Yet the copies of the related records supplied to me by the CIA under FOIA are ma sked to withhold the names that were publicly known.

30. Beginning on page two there are repeated referenses to the seemingly mysterious AMLASH, the code name of a known double agent who is also known to be insane and in an insane assylum. Yet prior to the issuance of this Senate report AMLASH was publicly and extensively and even photographically identified as Rolando Cuebela, including but

not limited to in The Washington Post. Half of the first page of its Outlook section of May 2, 1976 and a carryover of three quarters of the second page are devoted to one of a series of articles by George Crile III. It is titled "The Riddle of AM LASH," identified as Cuebela. Under the headline and a third of the page in width is a photograph of Cuebela holding the child of a friend.

31. This was part of a continuing CIA effort to make it appear, in the words of a CIA cable of the day after President Kennedy was assassinated, that there was "Cuban responsibility." (Schweiker report, page 25.) Consistent with this other information that was public was withheld, by the CIA and at its behest on national-security grounds by the under-informed Schweiker committee. There is, for example, the entirely non-mysterious R "D", whose proven fabrication is treated as real beginning on page 27. Readily available records in the National Archives identify "D" as one Gilberto Alvarado Ugarte. Other CIA records in my possession make it clear that he hoped to start a war against Cuba and to this end fabricated a story that on its face was not credible.

32. With regard to an unnamed Cuban-American who crossed the Mexican border on November 23, 1963 (Schweiker report pp. 61 ff) an entire assassination mythology has been created. His identification, withheld by the CIA, was made public by the FBI. Examination of those records (attached as exhibit D) shows there never was any reason to classify or withhold them. He is Gilberto Lopez.

33. With less certainty ~~there is~~ what is true of the foregoing is also true of "A," a Cuban exile who had been involved in transporting explosive to New Orleans in 1963" (Schweiker report p. 78). This, which involved an FBI raid and the "guerrilla training camps in New Orleans" (They were not in New Orleans and there were at least four, at one of which there were 10 arrests in which the names are public) have been extensively publicized, including in my own work of 1967. Rudolph Richard Davis, who ran the best-known of these camps, told me voluntarily that he had worked for the New York City intelligence unit and for the CIA.

34. All of this was available to the Warren Commission. The foregoing Alvarado and Lopez information comes from its files. But, it, too, was deceived and misled by the CIA.

Nosenko, the subject of the June 23 transcript, is an illustrative example. My knowledge that this transcript relates to Nosenko did not come from the Archivist's belated admission. It comes from the files of the Warren Commission, specifically from staff memoranda.

35. The FBI and in particular Director Hoover saw no reason not to inform the Commission about what Nosenko had told it relevant to the assassination of President Kennedy.

It did so promptly beginning in late February 1964 in a series of lengthy memos I can provide, memos not classified at all by the FBI. Mr. Hoover even undertook to arrange for Nosenko to testify. This frightened the CIA. Evidence of this is in the staff memo attached as Exhibit E. It is classified as TOP SECRET. Yet to my knowledge the obliterated second paragraph deals with Nosenko and ~~Mr.~~ Richard Helms' request of the committee that it hold off on Nosenko. Helms and the CIA were so successful in this that despite Dr. FBI Director Hoover's initiative there is no mention of Nosenko in the Warren Report.

36. The reason for this is apparent: he said the Russians considered him an American agent. This in turn gets back to the ~~reason~~ January 27, 1964 transcript originally withheld from me on grounds now proven to be totally and knowingly spurious. In it ~~the~~ Former CIA Director Dulles said quite candidly that the FBI would not be likely to have agents in Russia.

37. There has been no secrecy about Nosenko for years. In fact the CIS is responsible for the first public reference to him and to this evidence. It appears in the book KGB, by John Barron. The first of four Readers Digest editions of this book was published January 1974. It was the selection of several large book clubs. The first mass Bantam edition is of December 1974. This is quite obviously a CIA book. It glorifies the CIA. The author expresses this indebtedness.

38. The first of many references to what Nosenko told the CIA is in the first chapter. His personal knowledge that the KGB did not trust Oswald, "ordered that Oswald be routinely watched, but not recruited in any way" and what Nosenko told the FBI, that the KGB regarded Oswald as an "American sleeper agent," not any question of national

security," account for the CIA's efforts to withhold of which the Exhibit E example is only one and I believe the transcripts herein involved is another.

39. In fact I have dependable information that the CIA and the same other instrumentalities are now engaged in a massive publishing enterprise intended to portray Oswald as a KGB agent.

40. The CIA has built up a mystique about defectors and sources and security needs. There is no defector whose defection is not known to the agency and country he served. There is no knowledge he may impart that is not known to those from whom he defected. In this case, Nosenko's, the only secrets are those withheld from the American people.

41. While there is some danger in having defected, not all of those who do live in total fear. My knowledge of Nosenko came first from another Russian defector who sought me out, first in a series of phone calls to me. He arranged a meeting with me, we met in a public place and then had a long lunch in another public place and he informed me not only about Nosenko but about the book KGB, which I had not read.

42. When it serves CIA political rather than security interests it makes available information about and from defectors. An example of this is what I obtained, albeit with some initial withholding, from the CIA and relating to the assassination of President Kennedy. Only care in checking the CIA word disclosed that it had withheld while pretending release. (Attached as Exhibit F). The illegibility is in the copy provided to me after my complaint about the withholding. The paranoia and the irrational political line of these conjectures account for the CIA's willingness to release them under compulsion.

43. There is no end to the intelligence agencies' manipulation of what the people may know so that representative society can function. Abother example of this if attached as Exhibit G. It is CIA records identified as Document Number 657-831, reviewed June 1976. It states explicitly how former CIA Director Dulles instructed the CIA, in a secret weekend meeting, how to circumvent the Warren investigation of which Dulles was part. It concludes that "At no time during these discussions did Mr. Dulles make any inquiries about Nosenko and I volunteered no information on this score." Yet this was precisely the purpose of this secret meeting, "the allegation that Oswald was a CIA agent."

Without FOIA I would not have obtained them.

45. These exemplify not only the deception of the people and the subverting, as from my experience I see it, of representative spicety by the various intelligence agencies, specifically in this instance the CIA, through the misleading of Presidential commissions. They also exemplify the deliberate, the knowing and deliberate, misleading of the people and the conversion of Presidential commissions of inquiry into agencies of official propaganda, by those commissions.

46. [^]ere the influences brought to bear on these commissions by the intelligence agencies and those restraints self-imposed by these commissions cpindide.

47. David Belin was one of the major Warren Commission counsel. [^]ater he was head of Lawyers for Nixon and thereafter, under President Ford - the same one who edited the January 27, 1964 executive session after purloining it and selling it commercially - was head of the so-called Rockefeller Commission. Along with one of those counsel who is the subject of the withheld May 19, 1965 transcript, [^] Joseph Ball, Belin was in charge of that part of the Warren Commission work that included placing Lee Harvey Oswald at the scene of the two crimes with which he had been charged. In each case this pair suppressed evidence and witnesses who proved to the contrary, that Oswald was not at the time of either crime when it was committed. These facts are published in the third of my Whitewash series, dating to mid-1867, and in Post Mortem, of [^]ovember 1975.

48 When a false and misleading hue and cry was raised over dubious and in some cases overtly impossible interpretations of some photogrpahs of and relating to the assassination of President Kennedy Belin decided to go into these questions although strictly speaking they were not included in the mandate of the Rockefeller Commission. Belin then disqualified himself and had his Senior Counsel, Robert B. Olsen, handle this part of what is with comppetely fidelity to George Orwell describes as an "inquiry."

49. Abaraham Zapruder, an amateur photpgrapher, took a film, the most famous of these films, of the actual assassination. My work shows that certain frames of it no longer exist in the orignal form, meaning the only form that incldes the 20-25 percent not seen

on projection. These missing frames include, startlingly enough without any single reference to their absence in either the Warren Report, the 26 enormous appended tomes of exhibits or in any of the officially-estimated 300 cubic feet of Commission records, the frame at which the official explanation of the crimes says the President could have been shot by Oswald for the first time, "frame 210.

50. Coinciding with this is the total impossibility of the best experts available to anyone, ranging from the FBI's crack shots to those supplied to the Warren Commission by the National Rifle Association to those mobilized by the Columbia Broadcasting System to be able to duplicate the ~~marksmanship~~ marksmanship officially attributed to "Lee Harvey Oswald,.

51 Early in the life of the Warren Commission it learned that Oswald had been a member of a hunting club in Russia. (Nosenko, although the Commission elected to suppress this also, told the FBI that with even a shotgun, the only weapon permitted in private ownership in the USSR, Oswald was so poor a shot his hunting companions always had to provide him with game. This is supported by the official evaluation of the Marine Corp, that Oswald was a "rather poor shot.") In February 1964 an internal Warren Commission memorandum on the subject of "Letter to the Russian Government," reflects the staff opinion that if the Commission sent the letter recommended by the CIA, "the CIA draft would probably have serious adverse diplomatic effects." The State Department is cited as authority for this opinion. (Attached as Exhibit H).

52. On the last page of this record, made available as Document Number 513-199B by the CIA under FOIA, this same David Belin is quoted - outside his area of responsibility, let it be noted, as discouraging any inquiry into Oswald's capabilities as an assassin: "David Belin has told me that he no longer regards the issue of Oswald's Marksmanship as of primary importance."

53. With Oswald, whether or not a CIA or a KGB agent, the only official candidate candidate for assassin and with the impossibility of duplicating the shooting attributed to him, it is apparent that there is little case that could be of such "primary importance."

53. The official records until another CIA release compelled under FOIA, show that

the CIA did not, during and after the life of the Warren Commission, have a copy of the Zapruder film. Thus, in not fewer than five Warren Commission files, there is what I reproduce in facsimile on page 143 of the third book in my Whitewash series, the December 4, 1964 letter from J. Edgar Hoover reporting that the CIA had asked him for a print of the Zapruder film. This was several months after the official end of the Warren Commission, which reported to the President on September 24, 1974 with its Report made public three days later. The CIA told Hoover it wanted a print "solely for training purposes." In a footnote I asked "To train assassins? Or to ~~train them~~ teach them not to get caught." This skepticism was later confirmed when I learned through my own efforts, not from official records, that this film was used by the CIA in its illicit training of domestic police.

55. On about November 19, 1975, fresh from the hospital, I debated David Velin at Vanderbilt University. He had then begun to read my book Post Mortem. Two days later he came out for a new investigation of the assassination of President Kennedy. He then disclosed that he had requested all the records that he had seen on the Rockefeller Commission of the CIA. This coincides with one of my FOIA requests of the CIA. Under FOIA it has provided me with what it provided him (I presume). This includes what I print in the recent reprint of this third of my Whitewash Series beginning of page 295.

56. Here note that these identical records were also made available to a number of other FOIA applicants, including the Associated Press, whose reporting would lead its countless millions of readers to believe that the records were made available to it only.

57. I believe that the fact that all other applicants and all other so-called assassination experts missed what I did not is relevant to my credentials and what is at issue in this instant cause. Nobody else, to the best of my knowledge to this moment, has understood or published what follows.

58. Under date of May 14, 1975 the CIA informed then Rockefeller Commission of "the textual materials that may have been provided by the Agency to the Secret Service in connection with the NPIC analysis of the Zapruder film."

59. The NPIC is the CIA's National Photographic Intelligence Center. This is

the same CIA, the one and only CIA that led the Director of the FBI and the Warren Commission to believe that it did not have any copy of the Zapruder film. It is the same CIA that has refused to respond to my discovery efforts in this onstant matter.

60. Because from my personal experience, which is extensive, this CIA also regards ancient and unrefrigerated milktoast as igrnent national security matters when I seek them, witness as one of countless examples its failure to comply with my 1971 FOIA request for the files on me and at least two dozen other requests going back for much longer than its claimed backlog, I asked a retired editor who is a friend to inquire of the CIA when it completed this analysis of the Xapruder film. He was told within two days of the assassination of President Kennedy. This was at least fove days before there was a Warren Commission.

61. The results of this analysis oppose the conclusions of the Warren Commission. All three sets of possibilities refute the Warren Commission. Each in one way or another make a single assassin, meaning no conspiracy, an impossibility.

62. To the best of my knowledge this has never appeared anywhere except in the reprint of my third book.

63. All withholdings from me, I have been informed by the CIA, are on the authroity of the same Charles Briggs who has not responded to my interrogatories.

64. I had been led to believe by the Court that if my interrogatories were not responded to this Court would fill its witness room with those CIA witnesses who failed to respond. (Transcript of calendar call of _____, page**_____).

65 Thus when months later I discovered that this matter had been transferred to the Commissioner, and that there was no transcript of the hearings held by the Commissioner, I asked counsel to move for immediate trial. I have been denied this trial, despite this Court's promise of it, as I have been denied discovery, which is essential to proper preparation for trial.

66. This absence of a transcript denies me proof of the AUSA's claim to have "

66. His absence of a transcript make impossible my proof from a court record of the AUSA's unintended oversight in not providing the interrogatories to the CIA. Of course there is no doubt about his purity of purpose and decency of intent, as there also was not in C.A.75-1996 when he had the same lapse of memory even when he had a written ~~reminder~~ reminder from me when I informed him of the ~~my~~ emergency hospitalization of my counsel in Singapore. And one is to assume that his dedication to both the letter and the spirit of FOIA is what accounts for his refusal to provide the means of communicating with those FBI agents, all of whom by the most remarkable of coincidences took their retirements at ages younger than mine when it was apparent that I would exercise discovery through them in C.A. 75-226. So remarkable is this that two such agents took their retirements on exactly the same day. Thus the taking of that first-person testimony ordered by the ~~the~~ federal court of appeals from Washington in No. 75-~~201xx~~ 2021 has not yet been completed although its decision was in July of last year.

67. Faced with these coincidences and other impediments and with the total absence of any court record I requested counsel to object and to request trial of this Court, as indicated in this Court's words of last year, cited above. In pursuance of my request my counsel did, on January 19, 1972, file an Objection to Magistrate's Order and Demand for Trial.

68. With more than a half-year of stonewalling prior to this, on January 7, 1977 my counsel filed a Motion to Compel Answers to Interrogatories. These are those interrogatories I understood this Court to assure me would be answered or the witness room would be filled.

69. From the attached copy of the executive session transcript of January 27, 1964 the reasons for the refusal of the CIA to respond to this interrogatory are obvious. All the claims it made ~~with~~ with regard to its former' ~~chief~~ chief's admission that perjury is its normal and patriotic way cannot be ~~expressly~~ hidden under any exemption of FOIA, as there is no other applicable exemption.

70 In the foregoing I have indicated some of the available, public information

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69. From the attached copy of the executive session transcript of January 27, 1964 the reasons for the refusal of the CIA to respond to this interrogatory are obvious. All the claims its made ~~with~~ with regard to its former' ~~chief's~~ chief's admission that perjury is its normal and patriotic way cannot be ~~anywhere~~ hidden under any exemption of FOIA, as there is no other applicable exemption.

70 In the foregoing I have indicated some of the available, public information

relating to Igor Nosenko and what is not secret about what he reported to the FBI of the KGB's knowledge of Lee Harvey Oswald and its belief that he was an American "sleeper agent." All this, of course, was suppressed from the Warren Report and for some years was denied those who sought to study its records in the National Archives. The interrogatories numbers from 70 through 77 were not answered and despite the assurances to me by this Court remain unanswered. These interrogatories seek such non-secret information as who exercised such classifying, reclassifying and withholding authority under the Act when the Act places the burden of proof on the government. In denying me this information, supported by this Court, there is a sanctification of the nullification of the Act, in my opinion. It means that any bureaucrat, even a latrine cleaner, can affix his name to a record and no requester under the Act can raise any meaningful question or right, authority, competence or any other kind of question.

71. With regard to this same Mr. Briggs I attach as Exhibit I some CIA records provided me in ~~xxxx~~ the most limited and partial response to my 1971 request for the records on me. I have been assured by the CIA that the authority for review and withholding of the records on me is this same Charles Briggs. When he is aware that there are relevant records relating to me and to my request and when he is responsible for withholding even the proofs of their existence from higher authority in the CIA, the very least that can be said about this Mr. Briggs is that there are the most profound doubts about him and his attitude toward the Acts of the Congress.

72. It is not ~~possible~~ possible to address all the refusals to respond to interrogatories without writing a book which after a decade would be exceptionally burdensome to me and the this and other courts. But I do not with regard to Interrogatory 87 that precisely the same reason was advanced for the initial refusal to ~~be~~ make available the January 27, 1964 transcript that is now claimed for withholding those of January 21 and June 23, 1964, is "to protect sources and methods." Examination of this transcript, which I did obtain after filing an FOIA action, shows this to be an overt, a very deliberate lie. When government officials are immune in these kinds of false representations, there is no purpose in laws or courts of law.

and the Congress is a Reichstag under a Third Reich

73. It is an overt, an unhidden and a deliberate lie to claim that it is "security classified" that "Yuri Ivanovich Nosenko is the subject of the June 23, 1964, executive session transcript," both from Interrogatory 92 which the CIA refused to answer. From prior to this proceeding I learned this from the Warren Commission records in my possession. Prior to this interrogatory, after first lying about it, the Archivist of the United States confirmed that this is true, under oath. It there is not possibly a "security classified" matter. In my belief, instead of foreclosing me, as this Court has, it should have pursued this deliberate deception of it under oath.

74. Skipping to Interrogatories 119 following, in the light of the foregoing relating to Nosenko and the CIA book KGB, all from the public domain, the reasons for refusing to respond to these interrogatories as well as their relevance in establishing bona fides or the official lack of them are obvious. The fact is that the CIA is still classifying and restricting what it provided to a friendly writer in for a book in its selfish interest that was published in early 1974.

75 A random further selection from this series of Interrogatories to which there has been no response is No. 137, "Was Mr Briggs involved in the collection of the records kept on Mr. Weisberg?" This was intended also for the information of the Court and as a means of this Court's evaluating how and to what degree, if at all, it could take the words, sworn or unsworn, of this Mr. Briggs. Attachment I above is ample indication, as is the content of the executive session of January 27 and other available records. Were these Interrogatories to be answered there is an existing question relating to whether or not I could demand criminal prosecution. False swearing to the material is a felony. This Court, in foreclosing me after assuring me a trial, has acted to protect federal felons.

76. In the foregoing, in providing this Court with some of the relevant records, I have established the reasons for the CIA's refusal to respond to Interrogatories 149 following. There is and was no question of any kind of security. All this information, still withheld by the CIA, is public domain and from the specific sources I cite.

This also addresses the integrity of what the defendant represents to this Court and the very meaning of the Act. If Courts can be misled, deceived, lied to under oath and with impunity the Courts thus, in my belief, become rubber stamps for errant officialdom with the most sordid and seamy to hide.

77. Interrogatories 155 and 156 were intended to produce information necessary to this case and to establishing the validity or lack of it in official representations. The answers to these and other interrogatories in this series is affirmative. I have the cited records in my possession and not improperly. I obtained them from the National Archives.

78. The Interrogatories relating to one Ricardo Davis, referred to in the foregoing paragraphs, still withheld by the CIA, is all public domain. My sources range from the available records in the National Archives to the voluntary statements to me of Ricardo Davis when he phoned me on his initiative and discussed them with me. The refused answers here and elsewhere are affirmative, embarrassing to the CIA and are denied not from need but to procure the decision rendered by this court while this Court also denied me both discovery and a trial, after promising me both. The names itemized in Interrogatory 162b of this series are from the public press.

79. The refusal to answer Interrogatory 164 can be explained in many ways none of which the CIA wants known. The most obvious and potentially most embarrassing to it is the fact that these records relate to the "D" and other fabrications designed to persuade the Government of the United States to attack Cuba based on the Alvarado fabrications. The CIA's station chief in Mexico at that time is the identical David Phillips who rather than being disciplined for what he then did was first promoted to be Western Hemisphere chief of the CIA and then retired to assume its defense and to head a CIA subsidiary calling itself the Association of Retired CIA Intelligence Officers. I am one of these. I wrote Mr. Phillips to apply for membership. I am also known to the CIA not to be its apologist. After more than a year I await the response of this David Phillips to my inquiry about membership.

80. Interrogatory 170 following, if answered, would inform this Court as well as me.

It is true and was widely publicized that among those who were forced to leave the CIA during the Watergate scandals Raymond Rocca, a CIA liaison with the Warren Commission is one. It is true and has been widely published, without a denial, that this same Raymond Rocca was called back from retirement to impose his particular political preconceptions on the admitted fabrications of ~~Alvarada~~ Alvarada and to present them as real and worthy of consideration for the Rockefeller-Belin Commission where a political bias had been imposed by the appointment of both members and staff. But with all the vaunted expertise of the CIA and its thousands of expert employees I do believe that the recalling of one of those whose departure was beclouded is at best dubious and a matter that ought be before any court evaluating the genuineness of any CIA representation relating to the assassination of President Kennedy.

31. The value or lack of value that ~~may~~ a court can bestow on the CIA's word if it is addressed by the Interrogatories relating to the fabrications of Alvarada and the fact that his intent was to start a war against Cuba. It is a fact that the CIA's Mexico station, then under David ~~Phillips~~ Phillips, did go to the White House and the State Department directly in pursuit of this identical if infamous objective. I have and can supply a thick volume of these records. The refusal to respond to them thus has an obvious if presently embarrassing explanation not provided to this Court by the CIA or the defendant. These Interrogatories also address the competence if not the integrity of Charles Briggs, identified to me by the CIA as authority for this withholding.

32. Interrogatory ~~182~~ 182 asks no more than a simple response to the claim before this Court but a response under oath and under the penalties of false swearing. If it does not disclose "any intelligence source not publicly known" what possible reason can there be to withhold the transcript of June 23, 1964? Defection is not a secret method of any intelligence agency in need of protection. The reason for withholding this transcript is to prevent official embarrassment, not to protect the proper and necessary intelligence function.

33. The reason for ~~the~~ Interrogatory 190 and that following is that to this day although I have tried I have not been able to obtain a statement of the expertise and

qualifications of Charles Briggs. He has been cited to me by the CIA as withholding authority. From the records and the knowledge I possess his qualifications seem to be restricted to a willingness to deny everything and to be indifferent to the Act. There are examples of this in the foregoing paragraphs. Exhibit I is an example.

84. In the world of today, particularly because it is a nuclear world, there is no questioning of the importance of its intelligence services to any country. The intelligence services of all countries have exploited this legitimate security concern in all countries. There is a cult of intelligence that few are in a position to challenge and none can in court if denied the normal processes of courts.

85. The actuality is the only a minute fraction of the information available/^{and used by} intelligence services is not published. The real secrets have to do with "operations," or dirty works, of which a well-publicized and on this subject enormously misused example is the CIA efforts to assassinate foreign leaders. However, these matters are not at issue in this case and were not even in the most indirect manner touched upon in my interrogatories.

86. The errors, the flaws and the failings of our intelligence outside the sphere of what the analysts perceive in the public domain are fabulous. The cases of the spy ships, from Viet Nam to Egypt, are recent illustrations, examples in which many Americans lost their lives or suffered years of the most painful living. There is great effort by the intelligence agencies to hide these shortcomings and failures that are really operational rather than intelligence.

87. Some of these operations control national policy and world events. An example of this is the Francis Gary Powers U-2 flight over the USSR's heartland on the eve of the Paris conference on detente after the successful discussions between President Eisenhower and the USSR's Nikita Khrushchev at Camp David. Any flight of that nature was certain to interfere with if not prevent the planned reduction in world tensions and conflicts. This would have been true had the Powers not be shot down. To anyone with any intelligence experience and without a bias in favor of the CIA's making of American policy it is obvious that the Powers flight would not have been made ~~except~~ except with the

CIA's intent to wreck detente in ~~any and every way~~ any degree because the overflight of an American plane-- and no other had that capability -- was an act of war and a deliberate affront on the eve of the Paris conference.

88. At the other end of the scale and within my personal experience because in extremity the buck was ~~xxx~~ passed to me, these agencies do lose control of the more mundane and the vital functions they are to perform.

89. Within my personal experience these range from the first ~~job~~ assignment given me by the forerunner of the CIA, the OSS, once my security was cleared, a case involving the security of agents, to a later one involving the White House.

90. In what was known as "The Paris case" four agents had been framed and convicted and their convictions ~~was~~ upheld through the channels of military justice. But for all the eminent lawyers in the OSS there never had been a simple, basic investigation of the facts of the case. Six weeks after my security was cleared these framed men were freed, from the work I did with the existing records only.

91. The assignment for the White House came after all the intelligence components had failed to justify the confiscation of about a dozen ships owned by a Nazi sympathizer. They had been confiscated but in their preoccupation with "operations," which extended to unsuccessful plots to assassinate Hitler, the intelligence agencies were not able to produce their justification for the seizure of this enemy property. With a deadline of two days I was able to produce the proof in half a day, after all others had failed to go to the original and basic source.

92. There is much talk about the security of intelligence personnel but little performance. In clandestine affairs little is possible but there is no such question involved in this instant cause. Rather is there an effort to transfer the popular concept of the clandestine to what for no reason other than the avoidance of embarrassment it is sought to suppress. Here the aforementioned Heine v. Raus case is illustrative and illuminating. Once Raus was identified as a clandestine and domestic CIA operative there was nothing else to be protected from disclosure.

93. Even the word "disclosure" is misused. There is no question of "disclosure"

in what is publicly known, whether it relate to a Raus or a Rosenko.

94. In this instant cause I know of no evidence that even remotely makes this or any related claim for the defendant. There is is typical substitute, a state without any support by defense counsel who lacks any knowledge or even a claimed second-hand basis for making a statement to the Court not under oath. There is no evidence in the record relating to the protection of sources, installations or method and there can be none without risking perjury because there is no such factual possibility. This, in my belief and from my long experience, is the ~~main~~ part of the reason for refusing to respond to the Interrogatories. Truthful response to them vaporizes the pretenses of the phoney mystiques of the intelligence agencies.

95. The FBI once swore to a federal court that if it supplied what I sought in C.A. 2301-70 it would crumble into a pathetic ruin and its legitimate purposes would be ended forever. Thereafter, when it had no alternative, it pressed upon me even more than 300 ofrarily secret pages (without complying with my FOIA request) and it remains in business. Having refused to comply with my FOIA request in the assassination of ~~in~~ Dr. King in 1929 it now has delivered to me about 8,000 pages of once-secret records, has assured the court it will deliver another 10,000 pages ~~to~~ which I add without compliance, and it remains a functioning organization.

96. I have no desire for and I have never requested the legitimately secret. But from long experience I also know that when there is the possibility of embarrassment there is hysteria and false representations to all courts, false claims to immunity that when they can be tested in court are found to be baseless.

97. In this instant cause I have been denied the possibility of testing these claims through the legal system despite the language of the act and the assurances of this Court.

98. While I have appended only two of the Warren Commission's executive session transcripts in virtually all the others there is what can with what I believe is as much legitimacy can be claimed to be part of the deliberative process as there is in

the May 19, 1964 transcript. The difference is in the situation of the government with regard to litigation. With the January 27, 1964 transcript, when the government failed on its (b)(1) claim and prevailed prior to appeal on the (b)(u) claim although the record was totally barren on proof of it, rather than face the court of appeals the government just mailed me a copy of that transcript. When I was at the point of filing a complaint for the January 22 transcript it opted instead, at the end of the appeals stage, to provide a transcript, thus avoiding the potential publicity of a trial.

The difference with regard to the May 19, 1964 transcript is that two liberals men, with a record ~~involving~~ of opposition of racism that caused complaints to be laid against them, are denied the "deliberations" that "clear them of such infamous charges as are freely available as "nigger lover." Yet to this Court the Government claimed and claimed falsely that this transcript had to be withheld to protect the rights of these two men to "privacy."

99. From my long experience I have come to understand that those who want to frustrate the Act that in its legislative history explicitly is designed to end suppressions of what the people may know because it can be embarrassing are able to circumvent this intent of the Congress by endless claims to exemption to the courts. To this end they spend the taxpayers money without stint with an extravagance that even the most affluent of requesters cannot match. From this experience I have come to be certain that unless the courts enable-require- the establishing of a factual record subject to cross-examination there will be burdens imposed upon the courts and requesters and the language and intent of this most democratic of Acts will be frustrated.

Insert on fetish of secrecy, phoniness of "protection" claim.

Because so few can question them, and particularly when it is impossible to take testimony from them, the intelligence agencies can get away with making false claims to protective need. In ~~practice~~ ^{partice} the CIA is negligent about this, to the point of risking the lives of vulnerable agents. A classic case is that of the assassinated Athens station chief Richard Welch. Before him a series of prior station chiefs ~~was~~ used the same publicly-known CIA house as his ~~their~~ residences. When Welch moved into it he was asking for trouble, given the passions in Greece about CIA support for the ~~previous~~ ^{ousted} and brutal dictatorship. When he was killed the CIA and its apologists launched a hue and cry against those who were exposing what was known about the CIA except to the American people. The ~~standrad~~ ^{ard} CIA pretense is that what is not common knowledge in the United States is secret from other intelligence services. This just is not true.

Rather than exercising the legitimate protective responsibility it has the CIA is negligent about it and long has been. Other intelligence services can and do trace its people because of a traditional and unimaginative dependence on official covers, mostly All are listed in non-secret publications like the diplomatic list diplomatic and not uncommonly military. We do the same with the agents of other intelligence services who also become stereotyped.

So careless is the CIA about this that when it became necessary for me to locate its Washington dtation - it had one - I could do it from what is public domain. This includes so non-secret a source as the city directory. I pinpointed the cover and the location with ease.

I have done the same in tracing the careers of known agents with such other non-secret sources as standard and readily-available biographical sources.

The CIA's use of a cover name for its large Langley installation was a joke for years. There was nothing secret about the location. Photographs had appeared in the papers and ~~next~~ ^{news} there were/stories going back to before construction began.