

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA,

HAROLD WEISBERG,
Plaintiff,

v.

Civil Action File No. 77-1997

CENTRAL INTELLIGENCE AGENCY Et al.

Defendant.

DEFENDANT'S AFFIDAVIT

I, Gerard O. Forcier, after having been duly sworn, depose and state that I am Acting Director of the Freedom of Information Staff, Bureau of Public Affairs, Department of State, and in this capacity am familiar with the processing of certain portions of plaintiff's request for records under 5 U.S.C. 552 to the Central Intelligence Agency. The following information is being furnished to the court in order to provide an accounting of State Department documents located in the files of the Central Intelligence Agency (hereinafter, C.I.A.) which were referred to the Department for a determination as to their possible release to plaintiff. I make these statements based upon my own knowledge and upon information furnished to me in the course of my official duties.

1. The Department's records, and informal consultations with Justice Department and C.I.A. officers, indicate that a total of 18 documents were referred to the Department by the C.I.A. in the course of responding to plaintiff's request, on four separate occasions.

2. The first such referral occurred on April 20, 1977, when one document was furnished to the Department, a telegram from the Embassy of the United States at Ottawa, No. 1813, dated June 8, 1968. This document was made available to

plaintiff in the course of the Department's initial review, except for one portion for which the Department initially asserted 5 U.S.C. 552(b)(7)(E) as ground for denial. More recently, however, the Department again reviewed this document and after additional consultation with other agencies has determined that it may be released to plaintiff in its entirety. See Exhibit A.

3. The second referral of documents from C.I.A. occurred on January 5, 1978. At that time, nine documents were forwarded for review. All nine documents were subsequently declassified and made available in toto to plaintiff by the Department under cover of a June 19, 1978, letter from the Freedom of Information Staff. See Exhibit B.


4. A third referral of documents from C.I.A. took place on May 11, 1978, when an additional seven documents were forwarded by C.I.A. for review. These seven documents were also subsequently declassified and made available in toto to plaintiff under cover of a June 6, 1978, letter from the Freedom of Information Staff. See Exhibit C.

5. The remaining referral from C.I.A. occurred on February 3, 1978. At that time, the C.I.A. forwarded three pages (pp/ 1, 10 and 11) of a June 17, 1968, internal memorandum prepared by the Department's Office of Security. This memorandum concerns a suitability investigation undertaken by the Office of Security pursuant to Executive Order 10450, as amended (See Exhibit D). This investigation, and the information contained in these three pages, is entirely unrelated to, and outside the scope of, plaintiff's request; except for references to James Earl Ray and his alias that appear on pages 10 and 11 of the document.

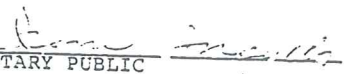
In initially reviewing the three pages which comprise this document, the Department found that certain information required protection under 5 U.S.C. 552(b)(7)(C), in order to protect the privacy interests of certain persons whose names appear in the document, as well as the names of two Office of Security investigating agents. At the same time, the

Department found it necessary to consult the Federal Bureau of Investigation, the United States Postal Service and the Immigration & Naturalization Service in its review of other information. Plaintiff was informed of the Department's initial findings in a letter from Mr. Victor H. Dikeos, Deputy Assistant Secretary for Security, dated March 9, 1978 (Exhibit E). In this letter plaintiff was also informed of his right to appeal the Department's decision to withhold certain portions under Exemption 7(C) to the Council on Classification Policy, pursuant to the Department's Rules & Regulations (22 C.R.F. 6, See Exhibit F), a copy of which was also furnished to plaintiff at the time. Plaintiff, however, apparently chose not to exercise his right of administrative appeal, as the Department has received no further communication from plaintiff on this subject.

In the interim, however, the Department has completed its consultations with the other agencies involved and, as a result, is releasing all of the information contained in this document that is relevant to plaintiff's request, except for the names of third parties appearing on pages 10 and 11 of the document which the Department believes should be protected in order to prevent unwarranted damage to their privacy interests. In this regard, the Department does not consider any portion of page 1 of this document to be relevant to plaintiff's request, and it appears that it was forwarded by the C.I.A. together with pages 10 and 11 simply for purposes of identifying the document. A copy of this document in expurgated form is attached hereto and marked Exhibit G.


GERARD O. FORCIER
Acting Director
Freedom of Information Staff
Bureau of Public Affairs

Subscribed and Sworn to Before Me This 12th day of July, 1978
at Washington, D.C.


NOTARY PUBLIC

My Commission Expires June 14, 1979

July 12, 1978

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

I refer to Mr. Vine's letter of June 22, 1977, in which he explained that a portion of one document located in the files of the Central Intelligence Agency in response to your request under the Freedom of Information Act was being withheld under 5 U.S.C. 552(b)(7)(E). This was cited in our correspondence as Freedom of Information Request No. 810154.

The Department has again reviewed this document and has found that it may now be released to you in its entirety. A copy is herewith enclosed.

In addition, the Department has again considered the document described in Mr. Dikeos' letter to you of March 9, 1978 and after consulting with other agencies, has decided that all relevant information in this document may be released to you, except for the name of third persons withheld in Mr. Dikeos' letter.

Sincerely,

Gerard O. Forcier
Acting Director
Freedom of Information Staff
Bureau of Public Affairs

EXHIBIT A

52367

Department of State

REFER TO STATE
(JAMES EARL RAY)
TELETYPE

SECRETARIAT DISSEM BY

PER #

TOTAL COPIES: 19

LIMITED OFFICIAL USE

HCG869

PAGE 01 OTTAWA 01813 081705Z

45
ACTION EUR 20

720119

INFO PPT 02, SCA 02, FBI 01, SY 03, CIAE 00, INR 07, NSAE 00, RSC 01, JUS 02,
L 03, H 02, SS 20, NSC 10, SSO 00, P 04, USIA 12, RSR 01, /090 W

P 081700Z JUN 68
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 3271 PRIORITY

LIMITED OFFICIAL USE OTTAWA 1813

REPORTS OF APPREHENSION IN LONDON OF JAMES EARL RAY, SUSPECTED MURDERER OF DR. MARTIN LUTHER KING, HAVE BEEN FEATURED ON LOCAL RADIO AND TV NEWSCASTS IN OTTAWA TODAY, NOTABLY BECAUSE RAY WAS REPORTEDLY BEARER OF CANADIAN PASSPORT. EMBASSY LEGAL ATTACHES STATES THAT RAY HAS IN FACT BEEN IDENTIFIED AS BEARER OF CANADIAN PASSPORT IN NAME OF RAMON GEORGE SNEYD [PURSUANT EXHAUSTIVE CHECK OF CANADIAN PASSPORT FILES BY EXTAFF AND RCMP. FULL DETAILS AVAILABLE BI HEADQUARTERS WASHINGTON.]

WITTERWORTH

LIMITED OFFICIAL USE

DOCUMENT AS REFERRED TO

State

416



DEPARTMENT OF STATE

WASHINGTON, D.C. 20520

6/19/78

Dear Mr. Weisberg:

Re: Freedom of Information Case # 810154

(Case CIA # F-76-382)
I am writing in response to your recent request for material under the Freedom of Information Act.

- (4) 1. Our search has revealed information relevant to your request. The releasable documents are enclosed. Payment is now due in the amount of \$W.C. (\$ for search and \$ for duplication \$ computer services.) Please make your check payable to the Treasurer of the United States and send it to this office.
- () 2. If you prefer to come to the Department of State Reading Room (Room 2811, Main State Building, 22nd and C Street, N.W. Washington, D. C.) to examine the material, you may do so on payment of the search fee. The duplication fee is then payable only for those items you wish to take.
- () 3. Our search has revealed classified information relevant to your request which originated in . Your request has accordingly been referred to today and you will hear from them in due course.
- () 4. Our search has revealed no information relevant to your request.

*Nine documents
referred to State by
Other CIA are referred
to you in the enclosure.*

Sincerely,

KRS

Kenneth R. Strawberry
Freedom of Information Staff
Bureau of Public Affairs



DEPARTMENT OF STATE
Washington, D.C. 20520

Date: 4/2/78

In reply refer to Case No. 820615

Dear Mr. Whiting: (via CIA - special case)

I am writing in response to your recent request for material under the Freedom of Information Act.

- () 1. Our search has revealed information relevant to your request, and this will be sent to you on payment of \$ _____ for search at _____ an hour and \$ _____ for duplication and \$ _____ for computer charge.) Please make check payable to U.S. Treasurer.
- () 2. If you prefer to come to the Department State Reading Room (Room 2000 Main State Building, 23rd Street, N.W., Washington, D.C.) to examine the material, you may do so on payment of the search fee. The duplication fee is then payable on the copies you wish to take.
- () 3. Our search has revealed classified information relevant to your request which originated in _____.
- () 4. Your request has been referred to _____ today and you will hear from them in due course.
- () 5. Our search has revealed information relevant to your request.

Sincerely,

Some documents referred by the CIA to State remain. There has been result from your request case with the CIA.

Barbara Ennis
Barbara Ennis
Director
Freedom of Information Staff
Bureau of Public Affairs

EXHIBIT C

EXECUTIVE ORDER 10450 As Amended

(As amended by Executive Orders 10491, 10531, 10548 and 10550.)

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 USC 631); the Civil Service Act of 1933 (22 Stat. 403; 5 USC 632, et seq.); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 USC 113j); and the act of August 26, 1950, 54 Stat. 476 (5 USC 22-1, et seq.), and as a part of the United States, and doing such action necessary in the best interests of the national security, it is hereby ordered as follows:

Sec. 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 25, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

Sec. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

Sec. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: Provided, that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security

EXHIBIT D

with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: Provided, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: And provided further, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field preappointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

Sec. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9335 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

Sec. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

Sec. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

Sec. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: Provided, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

Sec. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of Government of the United States by unconstitutional means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) "Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct"

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

Sec. 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved

or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

Sec. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

Sec. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: Provided, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

Sec. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of Part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

Sec. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee security program.

Sec. 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any such deficiency which is deemed to be of major importance.

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

(c) To assist the Civil Service Commission in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Commission as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Civil Service Commission is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.

Sec. 15. This order shall become effective thirty days after the date hereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE
April 27, 1953

Title 22—Foreign Relations
CHAPTER I—DEPARTMENT OF STATE
SUBCHAPTER A—GENERAL
[Departmental Reg. 102.711]
PART 6—FREEDOM OF INFORMATION
POLICY AND PROCEDURES
Miscellaneous Amendments

§ 6.3 Appeals.

(a) Review of an initial denial under § 6.6(b) may be requested by the person who submitted the original request for a record. The review (hereinafter the appeal) must be requested in writing within 60 days of the date that the requester is informed either: (1) that the request is denied completely, or (2) that all records which are being furnished in response to his request have been released and he has been so informed.

(b) The appeal must be sent by certified mail to the Assistant Secretary of State for Public Affairs, Chairman, Council on Classification Policy, Department of State, Washington, D.C. 20520. The time for decision on appeal begins on the date the appeal is actually received in the Office of the Assistant Secretary. The request shall include a statement of the circumstances, reasons, or arguments advanced for insistence upon disclosure of the originally requested record and a copy of the initial denial letter.

(c) The Council on Classification Policy shall decide the appeal; there shall be a written record of the reasons for the decision and the views of each member. The decision shall be communicated in writing to the requester by a letter from the Assistant Secretary for Public Affairs. If the decision is to withhold, the letter shall identify the exemption or exemptions exercised under § 6.4, the reason, and, if the Council is prepared to give further consideration notwithstanding expiration of the time allocated for decision, the letter shall so state and indicate when that consideration is expected to be completed.

EXHIBIT F

Memorandum

DATE: June 17, 1968

TO: [Redacted]

FROM: [Redacted] (C)

SUBJECT: [Redacted]

LIMITED OFFICIAL USE

Exempted from Automatic Decontrol

15 AUG 1971

[Handwritten signature]

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT G

[redacted] 7c

LIMITED OFFICIAL USE

June 17, 1968

desirous of meeting or exchanging correspondence primarily with individuals of abnormal sexual persuasion. Responses to these advertisements are channeled through [redacted] P.O. Box and correspondents are charged a \$1.00 fee for forwarding each letter to the advertisers who are known to [redacted] but identified to the sender by their code number only.

Copies of "The Local Swinger" containing ad listings, instructions, comments and suggestions on answering advertisements, were provided by the Postal Inspector's Office and are attached to the original and one copy of this report.

POINDEXER went on to say that [redacted] business is only one of a number of similar operations being conducted in the Los Angeles area. Such activities have proved monetarily very profitable but the postal service has found it difficult to obtain indictment and conviction in court cases with respect to obscenity because of the liberal interpretations placed on these matters by recent court decisions. Also, individuals like [redacted] are assiduously careful to avoid involving themselves in direct mailing of pornography although the clientele with whom they correspond do sometimes violate this rule. He further advised that during the course of his investigation, he came into possession of a letter, dated February 17, 1968, written to a female correspondent (unidentified) of "The Local Swinger" by Eric S. Galt (alias James Earl RAY - currently sought as a fugitive in the April 4 assassination of Rev. Dr. Martin Luther King). The letter enclosed a current photograph (recently given wide distribution in international press and news media) of GALT and was voluntarily furnished by the female correspondent who had placed an advertisement in [redacted] newsletter. (A copy of this letter is attached to the original of this report only).

In view of the above, the findings in this case relative to GALT were transmitted by the Postal Inspector's Office to the FBI who interviewed [redacted] and the girlfriend posing as his wife, [redacted] on or about May 3, 1968. At the time of this interview, [redacted] having avowed he did not want to involve himself in trouble with the Federal authorities, had been cooperative and, POINDEXER understood, had furnished the FBI copies of his club membership records. He therefore reasoned that a listing of these names may possibly be obtained from that Bureau. POINDEXER pointed out that he also desires to interview [redacted] with respect to possible violation of postal regulations in connection with his use of the mails. He remarked that since insufficient evidence exists to bring prosecution proceedings against [redacted] he would attempt to get [redacted] to voluntarily relinquish his P.O. Box and terminate his newsletter operations in exchange for an agreement by the Post Office Department to drop further action against him. Since [redacted] whereabouts are currently unknown, POINDEXER will authorize that delivery

15 AUG 1973


LIMITED OFFICIAL USE

Exempted from Automatic Decontrol

of mail to [redacted] P.O. Box be held-up until such time as he contacts the Postal Inspector's Office and presents himself for interview. POLINDENTER agreed to notify SAC [redacted] when contact is made for the purpose of arranging a joint interview with [redacted]. At this time, further efforts will be made to locate [redacted] through [redacted] and to obtain from him a copy of the club membership list in "The Local Swinger".

On May 21, 1968, Special Agent John O'NEIL and Agent Supervisor Bill NOLAN, Federal Bureau of Investigation, Los Angeles Field Office, were interviewed jointly by Special Agents [redacted] and [redacted]. O'NEIL advised that during his interview with [redacted] at [redacted] Imperial Highway address, he found him to be generally cooperative. He had not obtained copies of "The Local Swinger" membership list from [redacted] (as previously reported) he said, but he had personally reviewed this list in [redacted] possession and had extracted therefrom the names and addresses of all female members who might conceivably furnish information relative to the whereabouts of the fugitive Eric GALT. According to these sources, a good many of the women subsequently interviewed by the FBI, whose names appeared on this list, denied that they had subscribed to "The Local Swingers" newsletter and were at a loss to understand how they had come to be listed as members. O'NEIL stated that [redacted] records were in many respects incomplete and inadequate, no system having been used by [redacted] to distinguish between advertisers, those who subscribed to the newsletter or others whose names he had obtained from other sources.

Special Agents O'NEIL and NOLAN further mentioned during the interview that they have been informed of a large meeting of homosexuals which is planned for the last of May 1968 at the Half-Way House on Pacific Coast Highway in Torrance, California. They advised that a good contact who would have additional information on this is Detective Myles Hamilton, Intelligence Division, Torrance, California (telephone number Fairfax 8-3456). They also furnished the name of Special Agent Glenn HARTER, FBI Field Office at San Francisco, as a person who may be of assistance in that city because of his numerous contacts among the Chinese elements there.

Inquiries made through the local information telephone operator for the cities of Los Angeles and Downey, California and vicinity on May 21, 1968, disclosed no current telephone listing in the name of [redacted] or [redacted]. It was determined however that a reasonably new listing does exist in the name of one [redacted] (telephone number [redacted]) which may or may not be used as an alias by [redacted]. A call placed to this telephone number resulted in no response.

Case pending.

Exempted from Auto-
matic Decontrol

and good name of America, just be in Washington October 2nd. For full details, see on your duty, historical way, to honor National and local Peace organizations, the National Mobilization Committee for the Abolition of War. Your present course if followed to its ultimate end, can only lead to a rebellion.

HOW SHOULD WE SUPPORT OUR MEN IN VIETNAM?

1. Do we want more to be killed and maimed? Already 150,000 American lives have been lost and 1,500,000 Vietnamese men, women and children are casualties. We veterans of Vietnam and earlier wars agree with Gen. David M. Shoup (Ret.), US Marine Corps Commandant during the

"I believe that if we had and would keep our dirty, bloody, dollar-cooked fingers out of the business of these nations so full of depressed, exploited people, they will arrive at a solution of their own. That they decide and want. That they fight and work for... and not the American style, which they don't want and above all don't want crumpled down their throats by

What is happening, no matter how carefully and slowly the military escalation has progressed, may be projecting us to the Vietnam fiasco without distinction by withdrawing our troops and letting the Vietnamese settle their own problems.

REAL SUPPORT FOR OUR MEN IN VIETNAM COMES FROM THOSE WHO DEMAND: "BRING OUR TROOPS HOME NOW!!!"

*Speaking at the annual Junior College World Affairs Day, Pierce College, Los Angeles, May 14, 1966, and reprinted in an interview, ABC-TV Scope program, August 6, 1967.
*Writing to the editor of the Palo Alto, Calif. Times, March 3, 1966.

Name (typed in pen) _____ Name (printed so we can read it) _____
 Address (number and street, printed) _____ City, State, Zip (printed) _____ Telephone No. _____
 Branch of Service (printed) _____ In what year? _____ Highest rank held _____
 I contribute herewith \$ _____ toward publication of this statement. _____
 Please send _____ copies of this ad for me to feel signed. _____
 Please enter my subscription to VS&SP at \$1.00 for the duration of the war (free to serve veterans at their military address) _____
 Herewith is my contribution of \$ _____ to help publish VS&SP. I will send \$ _____ monthly. _____
 Herewith \$ _____ for a bundle of 12 copies of VS&SP. _____
 \$3.00/100 copies. Send _____ copies monthly. Address _____
 Make checks payable to: VETERANS STARS & STRIPES FOR PEACE, c/o P.O. Box 4576, Chicago, Illinois 60630. City, State, Zip (or APO or FPO) _____

Veterans Stars & Stripes for Peace published by Veterans for Peace in Vietnam, 1608 W. Madison St., Jan. 201, Chicago, Ill. 60612. Tel. (312) 421-2629 5¢/copy, \$1/100, \$15/1000
 Editor: _____
 Viet Vets Editor: _____
 National Asst.: _____
 Regional Asst.: _____
 Dan Wadlin

Editorial

The real issue of VS&SP is not a major article on the ground in Vietnam, peace movement in the US. Men and women who are interested in this front of opposition to the war or work specific action on their own specific situation can contact the Viet Veterans Center, 8 Howard St., Madison, Wisconsin 53702, tel. (608) 231-6311.

Why Vets 'Pro-Loy'

New York vets joined Avenue 5th in a 2000-strong march led thru Midtown Manhattan streets by a large contingent of white-clad doctors, nurses, medical students and hospital workers. The marchers called for release on bail of Dr. Howard D. Levy, US Army Captain sentenced to three years at hard labor for refusing to train Special Forces soldiers on grounds they use medicine primarily for political and military purposes.

At a concluding rally, the demonstrators heard two Viet Vets: Dr. Arthur S. Harkins, Jr., chief psychiatrist in Saigon and Leon Hon, hospitalier in 1952-56, and Jan Canasta, Coordinator of Vietnam Veterans Against the War.

Dr. Harkins said, "Officers and sergeants in this country and abroad, in basic training centers, in hospitals, and in the barracks in Vietnam, building and maintaining an army and fighting a war, know full well that among them many dissent from national policy and object to the war. Opposition does not stop at the junction of the line. In my experience, the belief that what we are doing in Asia is wrong, is as widespread in the Army as it is among all our people."

"The soldier's patience is great, but it is not endless," Dr. Harkins concluded, "and we thank Dr. Levy for reminding the nation of that. Someday, when the situation this summer in America's cities, could happen in America's army. We do not have forever to end this war."

This copy of VETERANS STARS & FOR PEACE distributed by:

VETERANS & FELLOW
 FOR PEACE IN VIETNAM
 P. O. Box 702
 CHICAGO, ILL. 60630