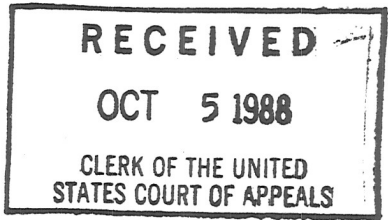


UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA



ASSASSINATION ARCHIVES AND :  
RESEARCH CENTER, :  
 :  
Plaintiff-Appellant, :  
 :  
v. :  
 :  
CENTRAL INTELLIGENCE AGENCY, :  
 :  
Defendant-Appellee :

88-5315

EMERGENCY MOTION FOR EXPEDITED CON-  
SIDERATION AND SUMMARY REVERSAL

Appellant, the Assassination Archives and Research Center ("the AARC"), moves this Court to expedite consideration of this appeal and to summarily reverse the District Court's order, entered September 30, 1988 (Attachment 1 hereto), denying the AARC's application for a preliminary injunction to expedite the processing of its Freedom of Information Act ("FOIA") request. The AARC filed a Notice of Appeal on September 30, 1988 (Attachment 2).

In brief, the AARC seeks information regarding certain alleged activities and relationships of Vice-President George Herbert Walker Bush so that it can inform the public about them prior to this November's presidential election. Unless the AARC's request is given expedited treatment, the core purpose of the FOIA, to inform the electorate, will be thwarted and the AARC will be irreparably harmed because it will be unable to make timely dissemination of the requested information.

The public interest will be served by expedition because Congress enacted the FOIA to provide "the necessary machinery to assure the availability of Government information necessary to an informed electorate." H.Rep. No. 1497, 89th Cong., 2d Sess. (1966), reprinted in 1966 U.S. Code, Cong. and Admin. News, pp. 2418, 2429.

There is no possibility of harm to the CIA, the only other party to this action. Moreover, the AARC is likely to prevail on the merits. The AARC seeks only to have the Central Intelligence Agency ("the CIA") expedite the processing of its request by identifying and releasing all nonexempt records (or portions thereof) immediately and by identifying the exemption claims for information it alleges is exempt from disclosure. The AARC clearly has a right to expedited treatment under the FOIA, which requires that records be made "promptly available" to the requester, 5 U.S.C. § 552(a)(3), and specifies strict time deadlines for "determining" a requester's right to access, 5 U.S.C. § 552(a)(6)(A). This right to expedited treatment of the kind of FOIA request involved here is further reinforced by the Federal Courts Civil Priorities Act, 28 U.S.C. § 1657, which requires the courts to expedite such FOIA requests. Lastly, the right to expedited treatment in the circumstances of this case is established by this Court's decision in Open America v. Watergate Special Prosecution Force, 547 F.2d 604 (D.C.Cir. 1976), in which it was held that "Congress intended for a district court to require an agency to give priority to a request for information if some

exceptional need or urgency attached to the request justified putting it ahead of all other requests. . . ." Id., at 615. Given these authorities and the circumstances presented by this case, there is a strong likelihood that the AARC will prevail on the merits.

The nature of this case and the grounds justifying expedited consideration and summary reversal are further set forth below.

#### STATEMENT OF THE CASE

##### A. Background

In its July 16/23 issue, The Nation magazine published an article by Joseph McBride entitled "'George Bush', CIA Operative." Stating that it was based on an FBI document and an interview with a source who had worked for the CIA in the late 1950's and 1960's, the article claimed that Vice-President George Bush had worked for the CIA in the early 1960's, and that Mr. Bush was involved in the CIA's handling of the aftermath of the assassination of President John Kennedy. See Attachment 3. The Nation's article was the subject of an Associated Press story which was distributed nationally on or about July 11, 1988. See Attachment 4, New York Times story dated July 11, 1988.

The Nation's article was based in part on a document released to the public by the FBI in 1977/1978 amongst some 80,000 pages of FBI Headquarters records on the Kennedy assassination disclosed at that time. This document refers to a briefing by the FBI on the subject of Kennedy's death given to "Mr. George Bush of the Central Intelligence Agency" and others. See FBI

document dated November 29, 1963, reproduced at Attachment 5. Routing information on this document shows that it was sent to the CIA for the attention of the Deputy Director for Plans. Thus, this document can be presumed to exist in CIA files.

On or about July 19, 1988, the CIA publicly identified a Mr. George William Bush as the "Mr. George Bush" referred to in the FBI document. George William Bush was identified as a former CIA employee and not the same person as George Herbert Walker Bush, the Vice-President of the United States. See Attachment 6, New York Times article dated July 21, 1988.

On August 4, 1988, The Washington Times newspaper published a report that the George William Bush identified by the CIA as the person referred to in the FBI document had denied that he received the FBI briefing referred to in the FBI document. See Attachment 7, August 4, 1988 Washington Times article. Subsequently, as part of this lawsuit, the AARC obtained an affidavit from Mr. George William Bush detailing his reasons for denying that he is the "Mr. George Bush" in the FBI document. See Attachment 8.

These news stories caused the AARC to search its copy of the voluminous FBI records on the assassination of President Kennedy for records on "George Bush." This revealed, in addition to the FBI document cited by The Nation, FBI reports stating that on the afternoon of the President's assassination a man identifying himself as George H.W. Bush phoned the FBI's Houston field office to report that a right-wing Young Republican had

threatened to kill the President. Although the Houston address given in these FBI reports for "George H.W. Bush" is the same as that given in a contemporary Who's Who in America for George Herbert Walker Bush, the Vice-President, an aide to Vice-President Bush has said that the Vice-President does not recall making the call to the FBI. See Attachment 9, August 25, 1988 San Francisco Examiner article entitled "FBI" 'Bush' Called About JFK Killing."

#### B. Administrative Proceedings

As a result of the news stories connecting Vice-President Bush, the AARC decided to submit a FOIA request to the CIA. The AARC is a nonprofit organization, headquartered in the District of Columbia, which was established to collect, preserve and disseminate all manner of documentary materials pertaining to political assassinations and related subjects. By letter to the CIA dated August 8, 1988, the AARC requested:

1. All personnel or other records which reflect a relationship between the CIA and Mr. George Herbert Walker Bush, the Vice-President of the United States, prior to Mr. Bush's term as Director of the Central Intelligence Agency.

2. All records which pertain in any way to the assassination of President John F. Kennedy or its investigation which mention George Bush or which were reviewed by him while he was Director of the Central Intelligence Agency.

The AARC's request specifically asked for expedited treatment in light of the imminence of the presidential election. See Complaint Exhibit 1.

By letter dated August 23, 1988, the CIA acknowledged the AARC's request, but it made no determination on the substance of the request or on its plea for expedited treatment. See Complaint, Exhibit 2.

Subsequently, by letter dated August 30, 1988, the CIA denied the AARC's request for expedited processing, stating: "We have determined that the factors you give do not warrant the expeditious handling of your request." See Complaint, Exhibit 3.

#### C. Proceedings in District Court

On September 13, 1988, the AARC filed suit. At the same time it submitted a Petition for a Temporary Restraining Order and for a Preliminary Injunction and for Expedited Treatment. The request for a TRO was denied. After the issues were briefed by the parties, the Court held a hearing on the application for a preliminary injunction, which it denied by its order of September 29, 1988 (Attachment 1). This appeal followed.

#### ARGUMENT

The public policy underlying the Freedom of Information Act "was principally . . . in opening administrative processes to the scrutiny of the press and the general public. . . . [And] to enable the public to have sufficient information in order to be able . . . to make intelligent, informed choices with respect to

the nature, scope, and procedure of federal governmental activities." Renegotiation Board v. Bannerkraft Co., 415 U.S. 1, 17 (1974); GTE Sylvania, Inc. v. Consumers Union, 445 U.S. 375 (1980). As Congress declared in enacting the 1974 amendments which made the FOIA effective:

Recognition of the people's right to learn what their government is doing through access to government information can be traced back to the early days of our Nation. Open government has been recognized as the best insurance that government is being conducted in the public interest, and the First Amendment reflects the commitment of the Founding Fathers that the public's right to information is basic to the maintenance of a popular form of government. Since the First Amendment protects not only the right of citizens to speak and publish, but also to receive information, freed of information legislation can be seen as an affirmative congressional effort to give meaningful content to constitutional freedom of expression. Moreover, to exercise effectively all their First Amendment rights, the people must know what their government is doing.

S.Rep. No. 93-854, 93d Cong., 2d Sess. (1974) at 1-2.

The information which the AARC seeks bears on the activities and relationships of a candidate for the highest electoral office, President of the United States. Thus, it is at the very core of the purposes which Congress intended to achieve by enacting the FOIA. Failure to give priority to this purpose in the context of an imminent election to choose the President of the United States would fundamentally violate the FOIA's objectives.

In enacting the 1974 amendments, Congress clearly recognized the importance of prompt disclosure in certain circumstances, stating that "information is often useful only if it is timely,"

H.Rept. No. 93-876, 93d Cong., 2d Sess. (1974), at 6; and that "[t]oo often agencies realize that a delay in responding to a press request for records can often moot the story being investigated and will ultimately blunt the reporter's desire to utilize the provisions of the Act. . . ." S. Rept. No. 93-584, 93d Cong., 2d Sess. (1974), at 23.

This congressional emphasis on the importance of prompt and effective disclosure has recently been reaffirmed in the passage of a statutory provision which governs the priority of civil actions, 28 U.S.C. § 1657(a). Section 1657(a) states:

Notwithstanding any other provision of law, each court of the United States shall determine the order in which civil actions are heard and determined, except that the court shall expedite the consideration of any action brought under [irrelevant citations omitted], any action for temporary or preliminary injunctive relief, or any other action if good cause therefore is shown. For purposes of this subsection "good cause" is shown if a right under the Constitution of the United States or a Federal Statute (including rights under Section 552 of title 5 [5 USCS Section 552] would be maintained in a factual context that indicates that a right for expedited consideration has merit. (Emphasis added)

This provision provides for expedited treatment when the factual context indicates that expedited treatment "has merit." The unique circumstances of this action make out the strongest possible case for according expedited treatment on the basis of merit.

The legislative history of Section 1657(a) contains strong language supporting prompt treatment of FOIA requests. The House



Report states, in pertinent part:

The Committee recognizes in Section 2(a) [Section 1657(a)] the special nature of Freedom of Information Act cases. This section recognizes the need to expedite hearings upon the showing of "good cause" and defines good cause as including a right under Section 552 of Title 5, the Freedom of Information Act (FOIA).

The Freedom of Information Act is a major tool through which the public and the press obtain information about their government. Prompt review of decisions denying access to government information is critical to FOIA users and to the purpose of the Act. Without such prompt review, government officials can delay access to public records, and extended delays in court can encourage unjustified refusals to disclose information. Frequently, the value of disclosed information is transitory. If the information is not released in a timely manner, it may be of no value at all. . . . Expedited action by the courts in these cases can reduce the opportunities to hamper reporting of governmental activities, and it is the intent of the Committee that the "good cause" provision be liberally construed by the courts in granting requests for expedited consideration under the Freedom of Information Act.

H.Rept. No. 98-984, 98th Cong., 2d Sess. (1984) (reprinted in 1984 U.S. Code Congressional and Administrative News, p. 5779, 5783-5784 (emphasis added)).

The AARC has shown "good cause"--and more--to have its FOIA request expedited. Indeed, it must be expedited if the FOIA is to conform to the intent of congress that it provide "the necessary machinery to assure the availability of Government information necessary to an informed electorate." H.Rept. No. 1497, 89th Cong., 2d Sess. (1966, cited supra, p. 2. The facts and circumstances of the allegations raised in this case

constitute "good cause" for expedition under any standard, but most certainly under the "liberal" standard intended by Congress for FOIA cases such as this.

The District Court's order failed to make a determination as to whether the AARC's FOIA request is of the kind required to be expedited by 28 U.S.C. § 1657(a) because "good cause" has been shown therefore." Section 1657(a) requires the District Court to make such a determination.

The District Court also erred in requiring the AARC to show irreparable harm and in finding that it would not suffer irreparable harm. Pursuant to 5 U.S.C. § 552(a)(4)(B), a district Court has the power to enjoin the government from withholding records and to order the production of the records. A plaintiff need not show irreparable harm where, as here, it seeks an injunction to prevent the violation of a federal statute that specifically provides for injunctive relief. Illinois Bell Telephone Co. v. Illinois Commerce Commission, 740 F.2d 566 (7th Cir. 1984). See also, United States v. City and County of San Francisco, 310 U.S. 31 (1940) (irreparable harm need not be shown where an act of Congress endorses a public policy and the defendant is in violation thereof.) Nor does 28 U.S.C. § 1657(a) require a finding of irreparable harm for "good cause" for expedition to be shown.

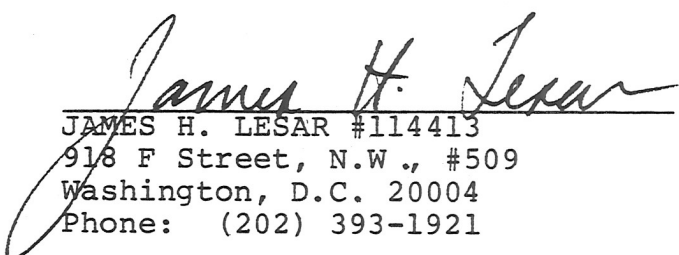
That the AARC will suffer irreparable harm if its request is not expedited is clear. The CIA has stated that the AARC's request will be considered on a "first-in first-out" basis, which

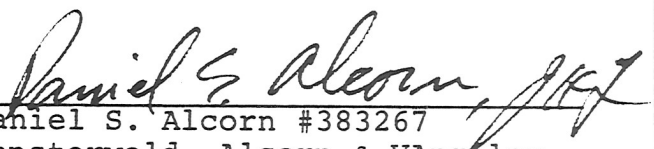
will mean that no documents will be received by the AARC prior to the national election. Thus, the purpose of the AARC in making the request will be entirely thwarted.

CONCLUSION

For the reasons set forth above, this Court should grant the AARC's Emergency Motion for Expedited Consideration and Summary Reversal. This appeal should be expedited in every way, and the District Court's order should be reversed, and the District Court should be ordered to enter an order directing the CIA to expedite the AARC's request so it will receive any available information well in advance of the presidential election.

Respectfully submitted,

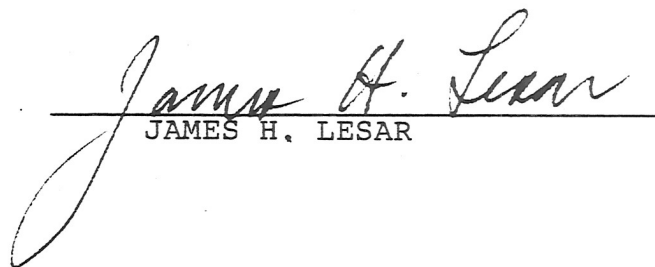
  
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Counsel for Plaintiff-Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of October, 1988, hand-delivered a copy of the appellant's Emergency Motion for Expedited Consideration and for Summary Reversal to the office of AUSA Nathan Dodell, 555 4th Street, N.W., 4th Floor, Washington, D.C. 20001.

  
\_\_\_\_\_  
JAMES H. LESAR

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSASSINATION ARCHIVES AND )  
RESEARCH CENTER, INC. )

Plaintiff, )

v. )

CENTRAL INTELLIGENCE AGENCY, )

Defendant. )

Civil Action No. 88-2600

**FILED**

**SEP 29 1988**

JAMES E. DAVEY, Clerk

ORDER

Plaintiff seeks a preliminary injunction to expedite the processing of a FOIA request. In order to grant a preliminary injunction, plaintiff must 1) make a strong showing that it is likely to prevail on the merits; 2) show that it will be irreparably harmed in the absence of the relief sought; 3) show that issuance of the stay would not substantially harm others; and 4) show that the public interest would not be harmed by the injunctive relief. Virginia Petroleum Jobbers Association v. Federal Power Comm'n, 259 F.2d 921, 925 (D.C. cir. 1958); American Federation of Government Employees v. O.P.M., 618 F. Supp. 1254, 1258 (1985). The Court concludes that plaintiff has not met this burden.

As to likelihood of success on the merits, the Court entertains strong misgivings about whether plaintiff has exhausted its administrative remedies. See Spannaus v. Dept. of Justice, 824 F.2d 52, 59 (D.C. Cir. 1987). Furthermore, the Court is unpersuaded that plaintiff has shown that circumstances exist which are so exceptional as to justify expediting its FOIA

Attachment 1

application.

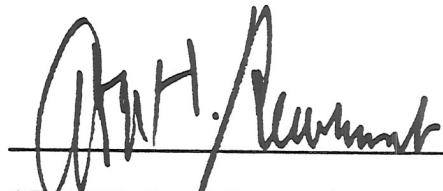
As to irreparable harm, plaintiff has not shown that it would suffer injury. "[T]he movant must show that the alleged harm will directly result from the actions which the movant seeks to enjoin." Wisconsin Gas Co. v. Federal Energy Regulatory Comm'n, 758 F.2d 669, 673-74 (D.C. Cir. 1985). The injury which plaintiff claims will occur is speculative and indirect.

Clearly, granting plaintiff expedited treatment would injure others who have filed FOIA requests ahead of plaintiff.

As to the public interest, the Court finds that the public interest in an orderly processing of FOIA requests is not outweighed by the "urgency" of the request plaintiff has made.

Therefore, it is by the Court, this 29th day of September, 1988,

ORDERED that plaintiff's petition for a preliminary injunction and for expedited treatment is denied.



GEORGE H. REVERCOMB  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSASSINATION ARCHIVES AND  
RESEARCH CENTER,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,

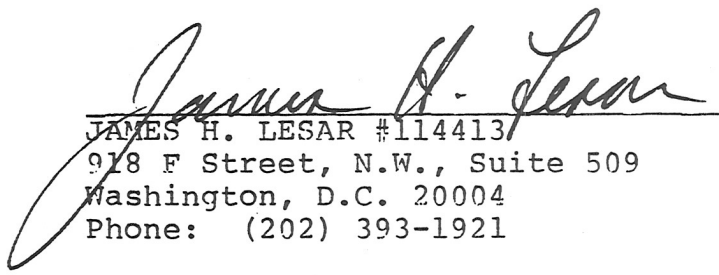
Defendant

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Civil Action No. 88-2600 GHR

NOTICE OF APPEAL

Notice is hereby given that the Assassination Archives and Research Center, Inc., plaintiff above named, hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the order denying plaintiff's application for a preliminary injunction entered in this action on the 30th day of September, 1988.



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Counsel for Plaintiff

SEND COPIES TO:

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# The Nation.

**DUKAKIS AND  
THE DEMOCRATS**

July 16/23, 1988 \$1.25; U.K. £1

FOR JOE McBRIDE

FROM SARAH PERL

PHONE 212-242-8400

1 of 3

## EDITORIAL

### BROKEN SHIELD

When the Russians mistakenly shot down Korean Air Lines Flight 007, killing 269 civilians, President Reagan called it "an act of barbarism, born of a society which wantonly disregards individual rights and the value of human life and seeks constantly to expand and dominate other nations." When the United States mistakenly shot down Iran Air Flight 655, killing 290 civilians, Reagan termed it a "terrible human tragedy" but an "understandable accident," and attempted to distinguish between the two episodes, partly on technological grounds.

This much is clear: The Aegis air defense system aboard the missile cruiser Vincennes is generally conceded to be the most sophisticated system afloat. Yet it proved unable to distinguish between a bulky civilian airliner, 177 feet long, and a svelte 62-foot F-14 jet fighter.

Aegis is Greek for "shield," reminding us of a more grandiose shield—Star Wars. Whatever the cause of the failure of the ship's system, the horrifying miscalculations, as in the case of K.A.L. 007, vividly dramatized how implausible is Reagan's pet technological fantasy.

The President has called for an inquiry into the Airbus shootdown. The Vincennes was in the Persian Gulf because of an ostensible policy of guaranteeing safe passage for ships. We favor inquiries into the human and technical etiology of tragedies like the downing of flights 007 and 655, but in the latter, at least, one conclusion already seems apparent: Given the technological failures, not to mention the political ones, there's nothing the U.S. Navy can do in the gulf that a U.N. peacekeeping force couldn't do better with far fewer geopolitical risks. The Democratic contender missed an opportunity when he rushed to protect his right flank by defending the Vincennes's action rather than challenging the policy that put it there.

## THE MAN WHO WASN'T THERE

### 'GEORGE BUSH,' C.I.A. OPERATIVE

JOSEPH McBRIDE

Vice President George Bush's résumé is his most highly touted asset as a candidate. But a recently discovered F.B.I. memorandum raises the possibility that, like many résumés, it omits some facts the applicant would rather not talk about: specifically, that he worked for the Central Intelligence Agency in 1963, more than a decade before he became its director.

The F.B.I. memorandum, dated November 29, 1963, is from Director J. Edgar Hoover to the State Department and is subject-headed "Assassination of President John F. Kennedy November 22, 1963." In it, Hoover reports that the Bureau had briefed "Mr. George Bush of the Central Intelligence Agency" shortly after the assassination on the reaction of Cuban exiles in Miami. A source with close connections to the intelligence community confirms that Bush started working for the agency in 1960 or 1961, using his oil business as a cover for clandestine activities.

Informed of this memorandum, the Vice President's spokesman, Stephen Hart, asked, "Are you sure it's the same George Bush?" After talking to the Vice President, Hart quoted him as follows: "I was in Houston, Texas, at the time and involved in the independent oil drilling business. And I was running for the Senate in late '63." "Must be another George Bush," added Hart.

Because the Vice President's response seemed something of a non-denial denial (he described what else he was doing rather than specifically denying C.I.A. involvement), I put the following queries to him via Hart:

(Continued on Page 41)

**DUKANOMICS**  
Andrew Kopkind  
Alexander  
Cockburn

**WHERE DO  
JESSE'S  
PEOPLE GO?**  
Andrew Kopkind

**DUKAKIS'S  
ACCEPTANCE  
SPEECH**  
Kurt Vonnegut

**BRAIN TRUSTS**  
David Corn

**LATINO VOTERS**  
Maria de los  
Angeles Torres

**CONFESSIONS  
OF KAZAN**  
Eric Bentley



2 of 3

July 16/23, 1988

The Nation.

41

# George Bush

(Continued From Front Cover)

Did you do any work with or for the C.I.A. prior to the time you became its director?

If so, what was the nature of your relationship with the agency, and how long did it last?

Did you receive a briefing by a member of the F.B.I. on anti-Castro Cuban activities in the aftermath of the assassination of President Kennedy?

Half an hour later, Hart called me back to say that he had not spoken again to the Vice President about the matter, but would answer the questions himself. The answer to the first question was no, he said, and so he would skip number two. To the third, he repeated Bush's answer quoted above, but added that Bush had also said, "I don't have any idea of what he's talking about." However, when Bush's denial was read back to him, Hart said he preferred that it not be quoted directly, explaining, "It's a week old now, and I'm going off my notes." When I reminded him that we wanted to quote Bush directly, Hart said, "I am a spokesman. However you want to write it, the answer is no" regarding Bush's alleged 1963 involvement with the C.I.A.

"This is the first time I've ever heard this," C.I.A. spokesman Bill Devine said when confronted with the allegation of the Vice President's involvement with the agency in the early 1960s. "I'll see what I can find out and call you back." The next day Devine called back with the terse official response: "I can neither confirm nor deny." Told what the Vice President's office had said, and asked if he could check whether there had been another George Bush in the C.I.A., Devine seemed to become a bit nonplussed: "Twenty-seven years ago? I doubt that very much. In any event, we just have a standard policy of not confirming that anyone is involved with the C.I.A."

Richard Helms, who was deputy director for plans at the agency in 1963, said the appearance of Bush's name in the memo "must have been some kind of misprint. I don't recall anyone by that name working for the agency. . . . He certainly never worked for me."

Hoover's memo, which was written to the director of the State Department's Bureau of Intelligence and Research, was buried among the 98,735 pages of F.B.I. documents released to the public in 1977 and 1978 as a result of Freedom of Information Act suits. It was written to summarize the briefing given to Bush and Capt. William Edwards of the Defense Intelligence Agency by the F.B.I.'s W.T. Forsyth on November 23, the day after the assassination, when Lee Harvey Oswald was still alive to be interrogated about his connections to Cuban exiles and the C.I.A. The briefing was held, according to the F.B.I. director, because the State Department feared that "some misguided anti-Castro group might capitalize on the present situation and undertake an unauthorized raid against Cuba, believing that the assassination of President John F. Kennedy might herald a change in U.S. policy, which is not true." Hoover continues:

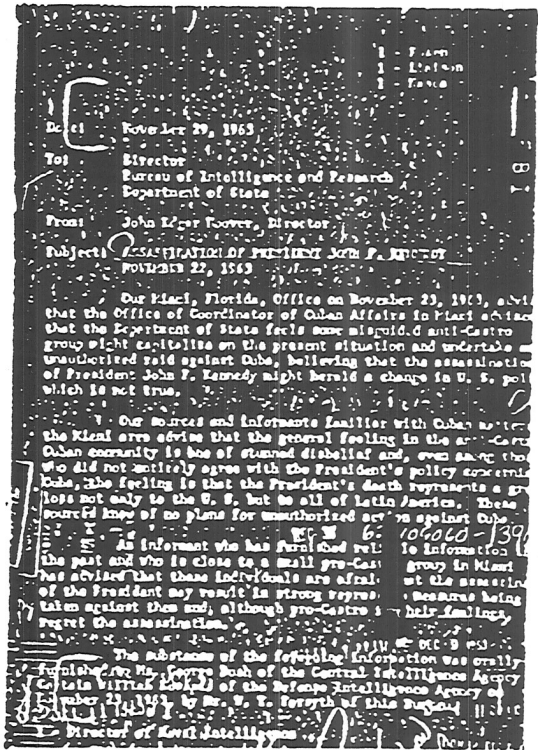
Our sources and informants familiar with Cuban matters in the Miami area advise that the general feeling in the anti-Castro Cuban community is one of stunned disbelief and, even among those who did not entirely agree with the President's policy concerning Cuba, the feeling is that the President's death represents a great loss not only to the U.S. but to all of Latin America. These sources know of no plans for unauthorized action against Cuba.

An informant who has furnished reliable information in the past and who is close to a small pro-Castro group in Miami has advised that these individuals are afraid that the assassination of the President may result in strong repressive measures being taken against them and, although pro-Castro in their feelings, regret the assassination.

The substance of the foregoing information was orally furnished to Mr. George Bush of the Central Intelligence Agency. . . .

(We attempted to locate William T. Forsyth, but learned that he is dead. Forsyth worked out of the Washington F.B.I. headquarters and was best known for running the investigation of the Rev. Martin Luther King Jr. in the Bureau's subversive control section. Efforts to locate Captain Edwards by press time were unsuccessful.)

Vice President Bush's autobiography, *Looking Forward*, written with Victor Gold (Doubleday, 1987), is vague to the point of being cryptic about his activities in the early 1960s, when he was running the Houston-based Zapata Off-Shore Company. ("Running an offshore oil company," he writes, "would mean days spent on or over water; not only the Gulf



of Mexico but oceans and seas the world over.") But the 1972 profile of Bush in *Current Biography* provides more details of his itinerary in those years: "Bush travelled throughout the world to sell Zapata's oil-drilling services. Under his direction it grew to be a multimillion-dollar concern, with operations in Latin America, the Caribbean, the Middle East, Japan, Australia, and Western Europe." And according to Nicholas King's *George Bush: A Biography*, Zapata was concentrating its business in the Caribbean and off South America in the early 1960s, a piece of information that meshes neatly with the available data on Bush's early C.I.A. responsibilities.

Bush's duties with the C.I.A. in 1963 — whether he was an agent, for example, or merely an "asset" — cannot be determined from Hoover's memo. However, the intelligence source (who worked with the agency in the late 1950s and through the 1960s) said of the Vice President: "I know he was involved in the Caribbean. I know he was involved in the suppression of things after the Kennedy assassination: There was a very definite worry that some Cuban groups were going to move against Castro and attempt to blame it on the C.I.A."

The initial reaction of Senator Frank Church, chair of the Senate Select Committee on Intelligence, to the firing of William Colby and the naming of Bush as Director of Central Intelligence in 1975 was to complain that it was part of a pattern of attempts by President Gerald Ford (a former member of the Warren commission) to impede the Church committee's nearly concluded investigation into C.I.A. assassination plots, with which Colby was cooperating but which Ford was trying vainly to keep secret.

Bush's autobiography skips capriciously over the period of the early 1960s, easing back into coherence only when he makes his official entry into public life as chair of the Harris County, Texas, Republican Party in 1963-64, runs unsuccessfully for the Senate in 1964 against Democratic incumbent Ralph Yarborough, quits the oil business in 1966 and becomes the victorious candidate for Congress from Houston, serving two terms before losing the 1970 Senate race to Lloyd Bentsen, who had defeated Yarborough in the primary. Asked recently about Bush's early C.I.A. connections, Yarborough said, "I never heard anything about it. It doesn't surprise me. What surprised me was they picked him for Director of Central Intelligence — how in hell he was appointed head of the C.I.A. without any experience or knowledge." Hoover's memo "explains something to me that I've always wondered about. It does make sense to have a trained C.I.A. man, with experience, appointed to the job."

Bush's appointment as the agency's director in 1975 was widely criticized because, as Bush writes, "Bill Colby, a professional in the intelligence field, was being replaced by a nonprofessional outsider — and a politician to boot." Senator Church commented: "It appears as though the White House may be using this important post merely as a grooming room before he is brought on stage next year as a vice-presidential running mate." Speaking against the appointment, Church said he knew of "no particular reason why

[Bush] is qualified" for the job; Bush himself characterized the appointment as a "real shocker." In his autobiography Bush points out, "I'd come to the CIA with some general knowledge of how it operated." His remark in the book that his "overseas contacts as a businessman" helped qualify him for the controversial appointment by President Nixon to the post of ambassador to the United Nations could also refer to previous C.I.A. experience. Agents often adopt the cover of a businessman. And business people have also served as informants for the agency, passing along information picked up on their travels.

Bush's C.I.A. connections might throw new light on his knowledge of the *contra* funding and supply operation, and his alleged knowledge of *contra* drug smuggling and the activities of General Noriega. It is worth noting in this context that, as Leslie Cockburn writes in *Out of Control*, "The anti-Castro C.I.A. team in Florida were already drawing attention to their drug-smuggling activities by 1963," and that it was Felix Rodriguez, the C.I.A. "alumnus who wore Che Guevara's watch and counted George Bush among his friends," who allegedly coordinated a \$10 million payment to the *contras* by the Colombian cocaine cartel.

"Do the American people really want to elect a former director of the C.I.A. as their President?" Tom Wicker asked in *The New York Times* on April 29. "That's hardly been discussed so far; but it seems obvious that a C.I.A. chief might well be privy to the kind of 'black' secrets that could later make him — as a public figure — subject to blackmail. Given the agency's worldwide reputation for covert intervention and political meddling, moreover, one of its former directors in the White House certainly would be the object of suspicion and mistrust in numerous parts of the globe. And well he might be."

It was characteristic of George Bush, when sworn in as Director of Central Intelligence in 1976, to declare: "I am determined to protect those things that must be kept secret, and I am more determined to protect those unselfish and patriotic people who, with total dedication, serve their country, often putting their lives on the line, only to have some people bent on destroying this agency expose their names."

Bush has absorbed the code of the C.I.A. well, and he may feel that he is duty-bound to draw a veil of secrecy over his activities of the early 1960s. But now, as candidate for the presidency, he has a higher duty of honesty to the American people. If the man who would be President has a longstanding history of involvement in covert activities, then the people are entitled to know about it. Thus far Bush has refused to directly deny such involvement. Either he is intentionally misleading us, or he is a victim of mistaken identity. If it's the latter, he or President Reagan should instruct the gnomes of Langley to turn over the personnel records of the other George Bush. The claims of national security pale beside the overriding national interest in the truth.

Joseph McBride is the author of a biography of Frank Capra, to be published by Alfred A. Knopf.

## '63 F.B.I. Memo Ties Bush to Intelligence Agency

WASHINGTON, July 10 (AP) — Vice President George Bush may have worked for the Central Intelligence Agency in 1963, more than a decade before becoming its Director, according to a magazine article that cites a recently discovered Federal Bureau of Investigation memorandum.

Mr. Bush denied the report through a spokesman.

The Nation magazine, in its current issue, quotes a memo of Nov. 29, 1963, from J. Edgar Hoover, the bureau's Director at the time, to the State Department about the assassination of President John F. Kennedy.

In the memo, according to the magazine, Mr. Hoover stated that the bureau had briefted "Mr. George Bush of the Central Intelligence Agency" on the reaction of Cuban exiles in Miami to the assassination.

The magazine article, written by Je-

seph McBride, also quoted an unidentified source "with close connections to the intelligence community" as saying Mr. Bush "started working for the agency in 1960 or 1961, using his oil business as a cover for clandestine activities."

Stephen Hart, a spokesman for the Vice President, said that he had talked to Mr. Bush about the story and that the Vice President denied any involvement with the agency before President Ford named him its Director in 1975.

"He was an oilman in the early 1960s, and in 1963 he was running for the Senate," Mr. Hart said.

Bill Devine, a spokesman for the intelligence agency, declined to comment on the possibility that Mr. Bush, or someone else with that name, worked for the agency in the 1960s.

"It's our standard policy on allegations that people have worked for the C.I.A. or that sort of thing," Mr. Devine

said. "We neither confirm nor deny."

The magazine said Mr. Hoover's memo was recently discovered among 98,755 pages of bureau documents released in 1977 and 1978 in connection lawsuits brought under the Freedom of Information Act.

At the time the memo was written, Mr. Bush was running the Houston-based Zapata Off-Shore Company, which the magazine said gave Bush an opportunity to do extensive overseas travel, including trips throughout the Caribbean. In 1984, Mr. Bush ran unsuccessfully for the Senate.

In his 1987 autobiography, "Looking Forward," Mr. Bush calls his appointment to head the agency "a real shocker" in light of his background — and a "non-professional outsider" — and a politician to boot. "However, Mr. Bush also notes in the book that "I'd come to the C.I.A. with some general knowledge of how it operated."

- 1 - Rosen
- 1 - Liaison
- 1 - Nasca

Date: November 29, 1963

To: Director  
Bureau of Intelligence and Research  
Department of State

From: John Edgar Hoover, Director

Subject: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY  
NOVEMBER 22, 1963

NOV 29 1 31 PM '63  
 REC'D - READING ROOM  
 FBI

Our Miami, Florida, Office on November 23, 1963, advised that the Office of Coordinator of Cuban Affairs in Miami advised that the Department of State feels some misguided anti-Castro group might capitalize on the present situation and undertake an unauthorized raid against Cuba, believing that the assassination of President John F. Kennedy might herald a change in U. S. policy, which is not true.

Our sources and informants familiar with Cuban matters in the Miami area advise that the general feeling in the anti-Castro Cuban community is one of stunned disbelief and, even among those who did not entirely agree with the President's policy concerning Cuba, the feeling is that the President's death represents a great loss not only to the U. S. but to all of Latin America. These sources know of no plans for unauthorized action against Cuba.

An informant who has furnished reliable information in the past and who is close to a small pro-Castro group in Miami has advised that these individuals are afraid that the assassination of the President may result in strong repressive measures being taken against them and, although pro-Castro in their feelings, regret the assassination.

The substance of the foregoing information was orally furnished to Mr. George Bush of the Central Intelligence Agency and Captain William [unclear] of the Defense Intelligence Agency on November 23, 1963, by Mr. W. T. Forsyth of this Bureau.

Director of Naval Intelligence

Attachment 5

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- Belmont
- Mohr
- Casper
- Callahan
- Conrad
- DeLoach
- Evans
- Malone
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

VIII: gcl (12)

XEROX

Director  
Bureau of Intelligence and Research  
Department of State

1 - Director  
Central Intelligence Agency

Attention: Deputy Director, Plans

1 - Office of Special Investigations  
Air Force

Attention: Chief, Counterintelligence Division

1 - Assistant Chief of Staff for Intelligence  
Department of the Army

Attention: Chief, Security Division

1 - Office of Counterintelligence and Security  
Defense Intelligence Agency  
The Pentagon  
Washington, D. C.

1 - Mr. J. Walter Yeagley  
Assistant Attorney General

# Mistaken Identity Discerned in '63 Memo on Bush

WASHINGTON, July 19 (AP) — A report that Vice President Bush worked for the Central Intelligence Agency in the early 1960's as an operative appears to be a case of mistaken identity, the agency said Tuesday.

The agency has identified a George William Bush, who worked at the C.I.A.'s headquarters in that period and who is apparently the one mentioned in a recently discovered memorandum by the Federal Bureau of Investigation, said Sharron Basso, a C.I.A. spokesman. The Vice President's full name is George Herbert Walker Bush.

Ms. Basso said that while the agency usually does not confirm nor deny employment or association with the C.I.A., its officials believed in this case that "the record should be clarified."

Another agency official, who spoke on the condition that he not be named, said, "We put a lot of effort into this."

## Magazine Article Cited

The suggestion that Mr. Bush, who was appointed Director of Central Intelligence by President Ford in 1975, may have had an earlier role with the agency was raised in the July 16 issue of *The Nation* magazine.

The magazine reported that a 1963 memorandum to the State Department from J. Edgar Hoover, then Director of the F. B. I., expressed the bureau's concerns that anti-Castro groups in Miami might use the assassination of President Kennedy as the rationale for undertaking a raid against Cuba.

"The substance of the foregoing information was orally furnished to Mr. George Bush of the Central Intelligence Agency," the Hoover memorandum said.

The magazine article speculated that Mr. Bush used his Texas oil business as a cover for clandestine C.I.A. activities in the early 1960's. The Vice President denied the report.

Previously, the C.I.A. would not comment on the article or on the possibility that Mr. Bush may have worked for the agency more than a decade before he became its director.

Ms. Basso said the Mr. Bush mentioned in the memorandum worked on the night watch at the C.I.A.'s headquarters.

"This would have been the appropriate place to have received such an F.B.I. report," she added.

George William Bush left the C.I.A. in 1964 to work for the Defense Intelligence Agency, which he has also since left. His current whereabouts are unknown, Ms. Basso said.

PHIBIT 5

**'Not me,' says Bush**

The Nation magazine has tracked down the elusive George William Bush, and he says he is not the guy who was briefed by the FBI following the assassination of John F. Kennedy. This Mr. Bush, according to The Nation, lives in Alexandria and is an employee of the Social Security Administration. GWB did work at the CIA at the time when, according to a memo signed by J. Edgar Hoover, "George Bush" was briefed. But he told The Nation he was a researcher and never received any interagency briefings.

The Nation contends that the person briefed was George Herbert Walker Bush, currently vice president of the United States. The CIA, in a rare public comment, denied that and put out the name of George William Bush, "whereabouts unknown," who worked the night watch at the agency at that time.

GHWB, who headed the CIA under Gerald Ford, says he was in the oil business in Texas at the time the FBI briefed "George Bush" at the CIA. He says he doesn't have any idea what The Nation is talking about in suggesting that he had CIA ties in the early 1960s.

Joseph McBride, the author of The Nation stories, tracked down GWB and checked out some of the background information he provided. "In the Alice in Wonderland world of intelligence, there is always the possibility that people are not who they say they are," Mr. McBride says.

**INSIDE THE  
BELTWAY**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSASSINATION ARCHIVES AND )  
RESEARCH CENTER, INC. )  
918 F. Street, N. W., Suite 510 )  
Washington, D. C. 20004 )  
 )  
Plaintiff, )  
v. ) Civil Action 88-2600 GHR  
 )  
CENTRAL INTELLIGENCE AGENCY, )  
 )  
Defendant. )

AFFIDAVIT OF GEORGE WILLIAM BUSH

I, George William Bush, a resident of Alexandria, Virginia do hereby state under oath as follows:

1. My name is GEORGE WILLIAM BUSH. I reside in Alexandria, Virginia.

2. From September 1963 until February 1964 I worked at the CENTRAL INTELLIGENCE AGENCY headquarters. My job responsibility was as a junior watch officer.

3. As a junior watch officer I was part of a team of three or four persons on watch on any particular shift. I was the junior person on duty at the time of the John F. Kennedy assassination.

4. I have carefully reviewed the FBI memorandum to the Director, Bureau of Intelligence and Research, Department of State dated November 29, 1963 which mentions a Mr. George Bush of the Central Intelligence Agency (attached hereto as Exhibit 1.) I do not recognize the contents of the memorandum as information furnished to me orally or otherwise during the time I was at the CIA. In fact, during my time at



the CIA I did not receive any oral communications from any government agency of any nature whatsoever. I did not receive any information relating to the Kennedy assassination during my time at the CIA from the FBI.

5. Based on the above, it is my conclusion that I am not the Mr. George Bush of the Central Intelligence Agency referred to in the memorandum.

George William Bush  
GEORGE WILLIAM BUSH

COMMONWEALTH OF VIRGINIA  
COUNTY OF ARLINGTON, ss:

Before me, Barbara G. Koeppen, a Notary Public in and for the Commonwealth of Virginia and County of Arlington, personally appeared GEORGE WILLIAM BUSH and acknowledged the foregoing Affidavit to be his free act and deed.

Taken, subscribed and sworn to before me this 21st day of September 1988 by George William Bush.

Barbara G. Koeppen  
Notary Public

My commission expires: 12/18/88

- 1 - Rosen
- 1 - Liaison
- 1 - Nasca

REC'D - READING ROOM  
F B I

NOV 29 1 31 PM '63

Date: November 29, 1963  
 To: Director  
 Bureau of Intelligence and Research  
 Department of State

From: John Edgar Hoover, Director

Subject: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY  
NOVEMBER 22, 1963

Our Miami, Florida, Office on November 23, 1963, advised that the Office of Coordinator of Cuban Affairs in Miami advised that the Department of State feels some misguided anti-Castro group might capitalize on the present situation and undertake an unauthorized raid against Cuba, believing that the assassination of President John F. Kennedy might herald a change in U. S. policy, which is not true.

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The substance of the foregoing information was orally furnished to Mr. George Bush of the Central Intelligence Agency and Captain William [unclear] of the Defense Intelligence Agency on November 23, 1963, by Mr. W. T. Forsyth of this Bureau.

Director of Naval Intelligence

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DEC 9 1963

REC'D

Director  
Bureau of Intelligence and Research  
Department of State

1 - Director  
Central Intelligence Agency

Attention: Deputy Director, Plans

1 - Office of Special Investigations  
Air Force

Attention: Chief, Counterintelligence Division

1 - Assistant Chief of Staff for Intelligence  
Department of the Army

Attention: Chief, Security Division

1 - Office of Counterintelligence and Security  
Defense Intelligence Agency  
The Pentagon  
Washington, D. C.

1 - Mr. J. Walter Yeagley  
Assistant Attorney General

U.S. GOVERNMENT IDENTIFICATION

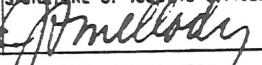


NAME OF EMPLOYEE George W. Bush		
SIGNATURE OF EMPLOYEE <i>George W. Bush</i>		
ISSUING DEPARTMENT OR AGENCY DHHS/Reg. III/SSA		
PLACE OF EMPLOYMENT Arlington, Va.		
BIRTH DATE 5-18-39	HEIGHT 5'11"	WEIGHT 175
COLOR HAIR Brown	COLOR EYES Brown	ISSUE DATE 12/11/80

5055-102

U.S.C.S.C.

OPTIONAL FORM 55  
June 1973

SOCIAL SECURITY ACCOUNT NUMBER 516-42-3560	SERIAL No 817071
TITLE OR POSITION OF EMPLOYEE Claims Representative	
NAME AND TITLE, ISSUING OFFICER James F. Meliody Principal Reg'l Off	SIGNATURE OF ISSUING OFFICER 
<p align="center"><b>IF FOUND DROP IN ANY U.S. MAILBOX</b></p> <p><small>Postmaster:—postage guaranteed. Return to: General Services Administration, Federal Supply Service, Region 3, Washington, D.C. 20407. Attention: Standard Forms Service Officer. Property of the U.S. Government. Counterfeiting, alteration, or misuse is a violation of Sections 499 and 701, Title 18, U.S. Code.</small></p>	

# FBI: 'Bush' called about JFK killing

By Miguel Acoca  
SPECIAL TO THE EXAMINER

WASHINGTON — A man who identified himself as George H.W. Bush phoned the FBI office in Houston a few hours after President John F. Kennedy's assassination in Dallas to report that a right-wing Young Republican had "been talking of killing the president," FBI documents show.

At the time of the 1963 assassination, Vice President Bush, whose full name is George Herbert Walker Bush, was an oilman living in Houston and a leader in the growing Republican Party in Texas. The party was split in those days by a bitter struggle for control between moderates such as Bush and extreme conservatives.

Bush's press office at first said the vice president hadn't made the call and challenged the authenticity of the FBI reports. Then, several days later, an aide said Bush "does not recall" making the call.

The key FBI document, obtained in a Freedom of Information Act action, is dated Nov. 23, 1963. It says that on the day before, George H.W. Bush had "telephonically advised" the Houston FBI office that a right-wing member of the Texas Young Republicans "had been talking of killing the president when he comes to Houston." The document identified the young Republican as James Milton Parrott, whom the FBI questioned shortly after getting the call.

Houston sources said Parrott, who couldn't be reached for comment, was connected with the John Birch Society and right-wing Texas groups. He was fighting Bush and

other moderates for control of the state's Republican Party.

The FBI reports gave the address of the man who called and named Parrott as "5525 Briar, Houston, Texas." According to a "Who's Who" of the period, that was then the vice president's home.

When questioned by FBI agents William J. Schmidt and Kenneth B. Jackson on Nov. 22, 1963, at his mother's home, Parrott denied knowing anything about the assassination or ever threatening Kennedy. He also produced an alibi.

He said "he was a member of the Young Republicans and had been active in picketing" officials of the Kennedy administration who appeared in Houston.

He said he had been one of the demonstrators at the Rice Hotel when Secretary of State Dean Rusk had been in Houston earlier in 1963.