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Judge Sues Over JFK Information

He wants CIA to answer questions on mystery man

*By Michael Taylor
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It was the kind of case any hard-boiled DA or cop might look at skeptically — a Central Valley woman believes her mysterious boyfriend was in a CIA conspiracy to assassinate President John F. Kennedy, and she fears for her life.

The boyfriend tells her that Lee Harvey Oswald, the reputed assassin, was just an innocent bystander and that others fired the fatal shots. Top-secret government codes are found on papers in his house. Evidence about the man's possible complicity in the assassination is given to congressional investigators and then disappears during a burglary in Washington. The CIA refuses to talk about it.

And then, years later, the boyfriend dies of a heart attack just hours before he is to be interviewed by the district attorney and a sheriff's detective.

Oliver Stone, where are you?

This may sound like the kind of farfetched tale concocted by wild-eyed conspiracy theorists, but in fact it is the stuff of a lawsuit filed in federal court in Fresno by a respected Madera County judge acting as a private citizen, one who does not like it when the CIA tells him to get off its case.

The judge, who was the district attorney at the time, is David Minier, 61 — and he now sits on the Municipal Court bench in Chowchilla. He gained a certain fame in the 1970s for prosecuting three young men who had kidnapped 28 Chowchilla schoolchildren and their bus driver.

Two years ago, using the Freedom of Information Act, he sued the CIA after the agency refused to tell Minier whether Claude Barnes Capehart had ever been employed by the CIA and whether Capehart was in Dallas in Novem-

with Lens!

FK LAWSUIT: Judge Sues Over Information

From Page A19

ber 1963, when Kennedy was assassinated.

A federal judge dismissed Minier's suit, but Minier, who is doing all the legal work himself, is appealing the decision to the U.S. Court of Appeals in San Francisco.

The judge may be tilting at windmills — thousands of books and articles over the past 33 years have failed to come up with a definitive solution to Kennedy's death, the Warren Commission's report notwithstanding. But Minier says he is suing the CIA to release the Kennedy assassination documents as a way to preserve this "historical research" on the public record for generations to come.

"I wanted to get it into some form of permanent record," he said earlier this week, "so that if there's any validity to this thing, then the information will be there as a resource. Anything you file in court is there for all time. And someone may come along who has a lot more ability in doing research than I do, and the material will still be there."

Minier's odd quest about the Kennedy assassination started nearly 20 years ago, when Capehart moved to Chowchilla and opened a well-drilling business. Soon Capehart came to the county sheriff's office and said some men had been sent from "back East" to kill him. Sergeant Dale Fore said he would look into it. But after scouring the dusty Central Valley town (population: 6,000), he could find no assassins.

But Capehart seemed like an interesting guy to Fore, and soon he was confiding to the sergeant that he had done some work for the CIA. After a while, Fore called a friend at the FBI and asked about Capehart. Both men concluded that Capehart was a fake, but Minier and Fore were later told by a retired FBI agent that Capehart had been employed by the CIA.

Capehart had told his female friend that he once worked on industrialist Howard Hughes' *Glo-Mar Explorer*, a deep-sea research vessel that, under CIA sponsorship, raised a Soviet submarine from the floor of the Pacific Ocean in 1968.

In 1978, Kennedy assassination theories were at such a full boil in the United States that Congress

formed the House Select Committee on Assassinations and began digging into the tons of muck raked up over the preceding 15 years by dozens of investigators.

Back in Chowchilla, Capehart's female friend, who had seen newspaper photographs of possible assassination conspirators being sought by the committee's investigators, came to Fore and said Capehart's face was in one of the pictures.

The woman, who still fears retribution and declines to be publicly identified even years after Capehart's death, said Capehart told her he was "in the (Texas School Book) Depository when the president was shot, and Oswald wasn't the only one involved at that time," Fore wrote in his police report, which ended up as part of Minier's lawsuit.

She also reportedly said: "Oswald was not the person who shot the president. Capehart showed (her) a handgun with a silencer, automatic firearms, a cyanide pistol, and passports under an assumed name." Capehart, apparently disturbed by the publicity of the congressional investigation, moved to Pahrump, Nev., to lie low.

Then the woman brought Fore a sheet filled with what appeared to be ciphers. She said she had found it in Capehart's papers. Fore added it to his file.

In early 1979, while the House assassinations committee was in full-bore operation, Fore traveled to Washington to attend an FBI training course, a routine career assignment for many local law enforcement officers. While there, he called up committee staffers



A suit seeks information relating to Kennedy's death

and told them his tale. They seemed interested and took his information, including the cipher sheet.

When he finished his training course several weeks later, Fore stopped by and asked to have his evidence back. The FBI agents who had interviewed him at the time gave him some of it, but kept the code sheet, saying the ciphers were "classified government codes." When Fore got back to Madera County, he heard that the committee office he had visited had been burglarized, and the evidence he had given the committee's investigators had been stolen.

In July 1979, the assassinations committee concluded that conspiracies were "likely" in Kennedy's death. But 17 years later, no government agency has confirmed or refuted that conclusion.

In 1989, Fore and Minier prepared to interview Capehart at his home in Nevada. A few hours before they were to meet him, Capehart, 64, dropped dead of a heart attack.

"After he died," Minier said, "things kind of dried up, in terms of information, and so there was nothing else to do but ask the CIA about it."

So far, the CIA is saying nothing about Claude Capehart.

Man Sues Over Robert Kennedy Photos

Associated Press

Los Angeles

A man who claimed he took photographs of the assassination of Robert F. Kennedy testified Wednesday that he believes the city lost or sold his negatives.

Scott Enyart said he was an awestruck high school photojournalism student on assignment at the Ambassador Hotel when the Democratic presidential candidate was gunned down in 1968.

"As I was taking pictures, Robert Kennedy all of a sudden just dropped and twisted and fell," En-

yart said in his second day of testimony in the trial of his lawsuit against the city.

Enyart, 43, alleges that the pictures, among 108 frames of film he says he exposed that night, were lost or sold by the Los Angeles Police Department after being seized that night by investigators.

The city contends that the pictures exist only in Enyart's imagination and that whatever photos he took at the Ambassador were returned to him as prints. The negatives, the city alleges, were lost in a theft this year.