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# Court Denies Bid for Records in JFK Death

## Judge had sued CIA for information

By Michael Taylor  
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The U.S. Court of Appeals in San Francisco ruled yesterday against a Chowchilla judge who had said in a lawsuit that the CIA may have information about a man possibly involved in a conspiracy to kill President John F. Kennedy.

David Minier, 61, acting as a private citizen, sued the CIA two years ago under the Freedom of Information Act after the agency refused to tell him whether it had employed a Chowchilla man, possibly as an assassin.

A three-judge panel of the appellate court said the "plain language" of federal law "expressly provides that the CIA is exempted from disclosing the names of its employees."

Minier, a Chowchilla Municipal Court judge, said he had not yet seen the ruling and therefore could not say whether he will ask the U.S. Supreme Court to hear his case.

"I'm not really too optimistic," Minier said of his chances that the high court would agree to review Minier's brief against the CIA. "I'd have to think of (some legal tenet) that would interest the court enough for them to take it."

In Sacramento, Assistant U.S. Attorney Camil Skipper, who represented the CIA, said, "We are, obviously, pleased with the court's decision." The appeals court was upholding an earlier decision by U.S. District Court Judge Garland Burrell in Sacramento.

Minier's crusade began after the CIA refused to tell him whether Claude Barnes Capehart, a mys-

terious well driller who moved to Chowchilla in 1976, was ever an agency employee and whether he was in Dallas in November 1963 when Kennedy was assassinated.

Capehart himself had told Madera County Sheriff's Detective Dale Fore that he had done some work for the CIA. Minier and Fore later learned, through a friend at the FBI, that Capehart had worked on the Glomar Explorer, the deep-sea research vessel that had raised a Soviet submarine from the Pacific Ocean floor for the CIA. A woman who was Capehart's friend told detectives that Capehart had told her he was involved in the Kennedy assassination. Capehart died of a heart attack in 1989 at the age of 64.

The appellate court, while rejecting Minier's claims, was clearly intrigued by this tale and particularly with the idea that Minier may have unearthed information that could shed new light on the Ken-

neddy assassination.

"Certain historical facts are unassailable, while others are constantly subject to attack and, ultimately, remain shrouded in mystery and confusion," Judge A. Wallace Tashima wrote in the court's unanimous opinion. "Both types of facts surround the assassination of President John F. Kennedy."

Tashima said it is indisputably known that Kennedy was "tragically shot and killed" in Dallas and that "Lee Harvey Oswald was arrested and portrayed to the public as the sole assassin."

"Over the past 30 years, howev-

er, many people have debated the accuracy of the sole assassin theory, positing that one individual could not have accomplished the task alone," Tashima wrote. "Although many conspiracy theories

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— U.S. APPEALS COURT RULING

have been generated through the years, the most infamous theory alleges CIA involvement in the assassination."

In 1975, Tashima said, the Rockefeller Commission found "no credible evidence of any CIA involvement." But in 1979, without specifying the CIA or any other government agency as a conspirator, the House Select Committee on Assassinations reported that conspiracies were "likely" in Kennedy's death. That assertion has been neither confirmed nor denied.

The appellate court judges found, in their new ruling, that because federal law exempts the CIA

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from saying whether Capehart ever worked for the agency, at any time, the agency "... may also decline to disclose Capehart's alleged CIA activities during November 1963. Release of such information would not only tacitly reveal whether Capehart had an employment relationship, but would also provide a window into the CIA's 'sources and methods.'"

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