

Affidavit form

1. I have FOIA/PA requests filed with the CIA that have not been complied with since early 1971. Appeals in these matters have not been acted upon.

2. I have CIA records reflecting the withhold of records from higher CIA authority to the end that the existence of these records be denied and ^{by} the request not complied with.

3. ~~Where~~ ^{Where} others have filed the same requests I have filed the CIA has provided records to others and has not supplied them to me. And example of this is records relating to its behavior-control and mind-altering work. After initial compliance the CIA suspended providing copies of these records and failed to answer my appeals for a long period of time that did not end until February 1978, when I threatened suit.

4. False/^{official}swearing has characterized ~~my~~ responses to my many FOIA ~~request~~ suits. More common is the deliberate misleading of the courts. Where I have alleged the swearing to be false and have alleged this under oath there has not been a single official denial that the swearing was false.

5. Over the course of many years I have obtained records initially withheld on a variety of alleged grounds, including "national security". In no single instances ~~has~~ ~~the~~ ~~withholding~~ ~~been~~ ~~justified~~ where I have subsequently obtained the records has the claim to exemption been justified. In all cases the information withheld was embarrassing to officials who are responsible for the withholdings.

6. With regard to the executive sessions of the Warren Commission I have obtained two transcripts that had been withheld under the claim to national security. In neither case was the claim justified. In both cases the obvious reason for the withholding was the avoidance of official embarrassment.

7. In one of those transcripts one of the many causes of embarrassment was the statement of former Director, Central Intelligence, the late Allen Dulles, that is paraphrased as the highest dedication of the intelligence agent is perjury. With regard to himself as DCI Mr. Dulles stated that he might not tell the Secretary of ~~the~~ Defense the truth. The only person he stated he would always tell the truth was the president. With

8/ There are two well-known and extraordinarily dangerous CIA adventures about which Allen Dulles did not tell presidents the entire truth. Each could have caused World War III. One is the Francis Gary Powers U-2 flight, where the United States lied even knowing that the Russians possessed the remain of the Powers plane and perhaps his person; the other is the Bay of Pigs.

9. In this instant cause I knew on reading the Briggs affidavit that it was false.

10. I knew from personal experience that the allegation that defectors face death from being identified is false. Once such Russian defector looked me up, to discourage my interest in Nosenko. He met me in a public place. He called me repeatedly by telephone. He ate with me in another public place. Had I had the slightest interest in learning where he lived I could have learned this. I could have obtained the license number of his automobile with ease and traced him that way.

11. I also knew the Briggs affidavit to be false with regard to Nosenko from having read the book KGB. Nosenko, according to that book, walked into the Readers Digest Washington office. He and other defectors, according to the author of that book, were all available to the author, who knew their new identities and was in regular communication with them by mail for more than a year.

12. I have known the Briggs affidavit was false with regard to such claims relating to Nosenko in particular and that the CIA had made him available to another writer. ~~xxxx~~ My source was an envious reporter for the Associated Press, one who has written about previously-withheld CIA records.

13. I have known for more than a half year that the CIA had made Nosenko available to Edward J. Epstein. My source was a writer for New Times magazine.

14. I have known for about three years what Nosenko told the FBI. Although the FBI had not classified those records they were withheld for almost a decade. Examination of these records discloses no basis for withholding them except to avoid embarrassing the CIA.

15. The FBI reported to the Warren Commission that the Russians suspect Lee Harvey Oswald was "an American sleeper agent."

16. The late Director of the CIA, Allen Dulles, in one of the previously-withheld

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January 27, 1964

16. The transcript of the executive session of the Warren Commission, one that had been withheld from me on spurious claim to national security, discloses that the later Director of the CIA, Allen Dulles, told his fellow commissioners, then discussing the possibility that Oswald had been an American agent, that overseas operations were the responsibility of the CIA, not the FBI.

17. Other records of the Warren Commission disclose that the CIA discouraged the Commission's interest in Nosenko and what he could tell it. His name is not mentioned in its Report.

17. One of these records, all previously withheld from me, was originally made available to me with excisions, under the claim to national security. One of the passages excised, when I later obtained it, turned out to be no more than still another successful CIA effort to talk the Warren Commission out of paying attention to what Nosenko told the FBI and the FBI told the Commission. This passage, from the beginning March 12, 1964 of a memorandum written by Staff Counsel David Slawson and classified "TOP SECRET," is:

"The first topic of conversation was Yuri Nosenko, the recent Soviet defector. A general discussion was held on this problem(sic) with the CIA's recommendation being that the Commission await further developments."

Add above on FBI interviews. The FBI agents who begin interviewing Nosenko on February 26, 1964 are Maurice A. Taylor, Donald E. Walter and Alekso Popanovich.

18. The Briggs affidavit does allege that Nosenko's defection was known to the USSR and that Nosenko had been sentenced to death in absentia. ~~It~~ There thus was no secret from the Russians in Nosenko's defection. the secrecy was from the American people only, as the withholding of Nosenko's knowledge was from the American people only.

19. Among my FOIA requests of the CIA that are without response are those relating to Nosenko and the information he provided. These requests should have been responded to several years ago. In fact my appeals have not been responded to after all this time.

20. I am familiar with the writing of Edward J. Epstein. In all his work he is the apologist of a federal intelligence agency and in all his work that I have read, including

books and magazine and newspaper articles, official sources are apparent.

21. His writing in defense of federal operations against militant blacks, which was to appear in the New Yorker magazine, was touted on coast-to-coast TV by former Attorney General John Mitchell prior to the publication of that writing. I saw and heard Mr. Mitchell when he plugged Epstein's defense of officialdom.

22. The political coloration of Epstein's writing is not only in defense of officialdom, more recently of a faction of that officialdom. It also is opposed to those he considers "liberals," particularly ⁱⁿ ~~the~~ the press.

23. Prior to the appearance of his ^{current} book, titled "Legend," several instalments of an interview with him were published in New York magazine. I have read these interviews.

24. The book, by Readers Digest Press, and with a reported "advance" of a half million dollars, is being serialized in Readers Digest. The first serialization is in the current issue, dated March 1978.

2625/ From prior experience I know that it is the custom for serialization to appear prior to publication of the book. It is stypical and unusual for the book to appear simultaneous with the serialization. In this case the book and the serialization were both available at the same time. This considerably diminishes the value of the serialization and the book because the serialization is not exclusive and because the book does not enjoy the promotional value of the serializations.

25 I am a ^{book} ~~small~~ publishers, alebit perhaps the smallest in the country. I am so recognized and listed in standard directories, like Books in Print.

27. This stypical commercial behavior with the Epstein book Legend id consistent with saturation attention to what it argues, not with obtaining maximum commercial return from the project.

28. Nearing on this is the disclosure of a major part of the content of the book in New York magazine prior to its appearance or that of the Readers Digest's first serialization.

29. In this writing Epsteins stated that the CIA gave him services, like running checks for him.

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30. This is but one of the evidences that the Briggs affidavit is a fraud upon the courts.

31. Epstein has had formerly secret records given to him. The numbers attributed to him in the above-cited writings range from 10,000 pages to 50,000 pages.

32. My prior requests for these records have not been complied with by the CIA.

33. Epstein states, contrary to the Briggs affidavit, that the CIA "sent" Nosenko to him.

34. Epstein states, contrary to the Briggs affidavit, that Nosenko resided in North Carolina and moved to Washington, where he now handles 120 cases for the CIA.

35. Epstein states that because the former CIA head of counter-intelligence, James J. Jesus Angleton, recognized that the CIA had "sent" Nosenko to Epstein, Angleton became a major source for Epstein. (Angleton and others were forced out of the CIA in the wake of Watergate.)

36. All of this is contrary to the CIA's representations about protecting intelligence sources and methods.

37. While all of this was going on the government filed charges against former CIA employee Frank Snepp, although the government admits Snepp has disclosed no secrets at all, while no such charges were filed against Angleton and others who had served under him, although they did disclose secrets to Epstein, who has published them. These secrets extend to the disclosures of the identify and an identifiable description of an agent identified by the code name "Fedora." What Epstein published enables the USSR to identify, recall and publish the Russian official who Epstein states is an American intelligence agent. All of this is directly opposed to the claims of the Briggs affidavit in this and in other cases.

38. It is obvious that the Briggs claims were known to be false at the time they were sworn to.

39. If Nosenko's life were in danger it could not come from disclosure of the contents of the transcript of the session of the commission, whose function was limited to the assassination of President Kennedy but it could come from Nosenko's availability

to those who write what the intelligence agencies liek liked to have written, like John Warren and Edward J. Epstein. They also disclosed what Nosenko said about Russian intelligence operations other than related to the assassination of the President.

40. The transcript of 1964 cannot disclose where Nosenko lives in 1978. Epstein does disclose where Nosenko lived and where he now lives and does.

41. The transcript cannot disclose of intelligence operations and procedures what Epstein, through both the CIA and Angleton, does disclose about intelligence methods and operations-including current operations.

42. The CIA and Angleton have enabled Epstein to publish current FBI counter-intelligence operations, and he has published this widely.

43. I know of no claim before this court that the transcript does or can disclose to the USSR what it did not know about Nosenko's knowledge of "Lee" Harvey Oswald. The previously ~~mentioned~~ referred to FBI reports state that Nosenko's knowledge was limited to having read the KGB file after the President was assassinated.

44. This simply cannot disclose CIA intelligence procedures and methods. It also is not possible for the CIA to have employed any procedures or methods for the Warren Commission and related to Nosenko that are secret from other intelligence agencies. I know of no claim before this court that in fact the CIA did employ any procedure or method that was not known to the KGB or any other intelligence agency of any country.

45. In every instance I can recall the CIA's a cited authority for withholding of Warren Commission records and for withholding from me is this same Charles Briggs. In every case in which I have obtained a ~~previously withheld~~ record previously withheld under the Briggs authority there was no basis for the claims made to withhold and in every case the possibility of official embarrassment was obvious.

46. In the case of the Nosenko availability to Epstein it is obvious that Epstein's writing and the enormous attention to it as well as the enormous investment in it serve the interests of one wing of the CIA, those still aligned behind the posted Angletonians.

57. They succeeded in preventing ~~proper~~ consideration of the report that Oswald might have been ~~working~~ for the CIA when that was clearly within the responsibilities of

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the Warren Commission.

58. Now they have succeeded in one of the larger disinformation operations by misuse of the information withheld from me.

59. I qualify as a subject expert. The Department of Justice has stated in C.A.75-226 that I know more about the ~~JFK~~ assassination of President Kennedy and its official investigation than anyone working for the FBI.

60. Based on this expertise and more than 14 years of intensive inquiry and study and on prior experience as an intelligence analyst it is my opinion that the allegations now made by Epstein are totally conjectural and totally untenable. They lack even reasonableness in their basic assumptions. As Epstein states explicitly, they are also completely detached from the actual evidence of the crime itself.

61. As an example of the spuriousness of these basic assumptions there is the motive Epstein and the Angletonians attribute to this fancied KGB disinformation operation, of sending Nosenko to ~~me~~ misinform the Warren Commission. At the time Nosenko defected, February 1964, the official determination of a lone assassin had already been made. This is readily apparent in the public press of the period. It is explicit in official records also, including the definitive five-volume report of the FBI that was leaked by it to the press prior to its delivery to the Warren Commission or or about December 9, 1963. That it was ~~the~~ FBI Director Hoover's conclusion within a few hours of the assassination is disclosed in the recently released FBI records that received wide public attention. There never was a time when the Russian had any reason to believe other than that the official solution to the assassination of the President was the work of a lone nut - a no conspiracy conclusion. There thus never was or even could have been the Epsteins/CIA/Angletonian imaginary motive in the Nosenko defection.

62. In this I am alleging that the actual reason for withholding these transcripts from me was to ~~prevent~~ prevent proper use and interpretation of them and to enable the kind of CIA/Epstein disinformation operation that has just been launched against the nation that still sorrows from the terrible crime of the assassination of the President.

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63. From Epstein's own published statements the decision to perpetrate this latest domestic ~~misinformation~~ disinformation operation against the actualities of this crime coincides in time with the establishing of the Select Committee on Assassinations by the House of Representatives and an upsurge in national interest in those crimes.

64. There also is a coincidence in time, as there was the with earlier Barron book ICE, with moves toward detente in international relations.

65. ~~Epstein's~~ Epstein's is an inflammatory book, alleging that the accused assassin of President Kennedy had been a KGB agent.

66. It is for the wide dissemination of this fiction that the CIA made disclosures to him of much more than it denied ~~him~~ and still denies to me. These disclosures include what Epstein represents transpired at the Warren Commission executive session of June 23, 1964.

67. I believe it is worthy of note that knowing better Epstein dates this session ~~as~~ as of the next day, June 24. In doing this he is able to misrepresent that the session was called by Chairman Warren following a conference with the CIA's then Director of Plans, Richard Helms, on the morning of June 24. This is a direct reversal of the actuality, which is that in meeting with Chairman Warren the day after the Nosenko executive session ^{Helms} Helms could argue against use of the content but did not cause the session. The record, as quoted above, is clear that the CIA was deterring the Commission from examining into the Nosenko account to the FBI.

68. This is not the only known factual misrepresentation by Epstein in the service of the CIA.

69. A conspicuous example is his false representation that Oswald reached England on the same day, October 8, 1959 and embarked for Helsinki, ~~the same day~~

70. This false representation is necessary to the CIA if Oswald had served it for the following reasons.

71. Oswald is known to have registered at a Helsinki hotel on October 10.

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72. There was no commercial carrier by which Oswald could have left England on October 10, 1959 and have reached Helsinki in time to register in the hotel on the same day, October 10.

73. These facts were reported to the Warren Commission by Richard Helms.

~~74.~~ But Oswald's passport is stamped with the embarkation date of October 10, not as O Epstein falsely represents, October 9.

75. This leaves unexplained how Oswald could have reached Helsinki on the day he actually left England when it was not possible by means of any commercial airplane.

76. The possibility that he travelled by other than commercial airplane is obvious, if such passage is not commonplace.

77. It also is well known that intelligence agencies provide such services, whether or not it happened with Oswald, the suspicion of it cannot be avoided.

78. These are only some of Epstein's deliberate misrepresentations, misrepresentations ~~which~~ that were enabled by the CIA and that serve the interests of the CIA only.

79. The Epstein writings about the executive session of June 23, misrepresented as June 24, and the Helms communications to the Warren Commission about Oswald and Helsinki and of Oswald's passport, the ~~latter~~ records as published by the Warren Commission, are attached hereto.