☐ CLASSIFIED ☐ INTERNAL USE ONLY ☐ CONFIDENTIAL ☐ SECRET

PRIORITY HANDLING FOIA REQUEST

SUBJECT: (Optional)

Request of David C. MARTIN re: Angleton vs Turner on Nosenko

REQUEST NUMBER
F79-0510
CR F78-1534

FROM:
Grady Vickers 6027 R1211
Jesse Guajardo 6400 R9581
DDA/IPS 2E42 HQS DX2

EXTENSION

DATE SENT
29 May 1979

SUSPENSE DATE
12 June 1979

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. DDO/FPG Mr. Randall				Please note interest of: Mike Sednauni CI/Staff, 2B1405 X1345
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				ACTION: DDO/FPG
RETURN TO:				

PRIORITY HANDLING FOIA REQUEST

FORM 3749 1-75 ☐ SECRET ☐ CONFIDENTIAL ☐ INTERNAL USE ONLY ☐ UNCLASSIFIED

13-00000

31 May 1979

Lou D

Brad Ext

This afternoon I talked with Chris Winkle re David Martin's request for documents related to the Angleton case.

His comments were as follows:

Martin obviously got his act together from the Stipulation of Dismissal document on file with the U.S. District Court in Alexandria. (The copy of the Stipulation of Dismissal we had on file in our Litigation folder did not include the "Exhibit A" referred to in paragraph one of the Stipulation.) "Exhibit A" was the 20 March 1979 letter to Angleton's lawyer, Chabot, from Ernest Mayerfeld, outlining the specific items in the litigation that Angleton would "be allowed access to". (We had a copy of it but no indication it was "Exhibit A".)

Don't answer his initial request any sooner than necessary. When we do, deny release of any of the information, maintaining it is still classified and involves protection of sources and methods, (b)(1)(b)(3) of FOIA.

If he appeals we will worry about it later.

But there's no denying that Martin knows of the existence of the specific documents.

(Chris said that Grady Vickers is sending out an interim response from IPS.)

Eleanor

I spoke to Lou D. and reafirmed that what we are proposing to do is to deny these documents to Martin even though some of them were previously prepared for release in sanitize form to Angleton in litigation. We acknowledged that if it had not been for OGC's release of three documents to Angleton without coordination with the DO we would have "Glomarized" Angleton's request. A "Glomar" response is also not possible to Martin for the same reasons ~~xxxxxxx~~ but also beaause exhibit A is on file in U.S. Distric Court in Alexandra and that exhibit lists the documents that Martin is requesting. The proposal now is to list and deny the documents to Martin under (b)(1) and (b)(3) of FOIA.

BR

Brad R.
31 May 79

13-00000

SUMMARY OF FOIA/PA PROCESSING

David C. MARTIN

X	INITIAL		REFERRAL	CASE NO. F-79-0510

PROCESSERS	DATE-IN	DATE-OUT
REPROCESSER		
ANALYST		

SUBJECT *(FOIA cases only)*
Angleton vs Turner
on Yasenko

PREVIOUS FOIA/PA CASES AND REFERRALS

CHECK: IPS-LOG, IPS-HIST POST 77 AND IPS-HIST PRE 77. LIST ONLY THOSE FREEDOM CASES THAT HAVE THE SAME SUBJECT AS THIS CASE..

CASE NO.	REF'ED. BY	PENDING ?	CLOSED?	NEGATIVE ?	APPEAL ?	LITIGATION ?

DOES FBI HAVE CASE		YES		NO
IS/WAS SUBJECT A DO SOURCE		YES		NO
IS/WAS REQUESTER A DO SOURCE		YES		NO
IS/WAS COVER PROVIDED TO REQUESTER		YES		NO

DATE(S) OF COVER

IS REQUESTER A CURRENT EMPLOYEE		YES		NO
IS REQUESTER A FORMER EMPLOYEE		YES		NO

DATE(S) OF EMPLOYMENT

CRYPTONYMS, PSEUDONYMS OR AKA'S

201 NO.

C NO.

ALL PRIVACY REQUESTS

FILE/COMPONENT SEARCHED	DATE REQUESTED	ITEMS P=POSITIVE N=NEGATIVE	SEARCH FEES ESTIMATE
OG/CIS 1B-4003 TUBE DT-5			
DC/DCD/STAFF A 913 KEY BLDG.			
C/FR/PLANS 2E-19 TUBE BU-6			
C/CI/RA/I 2B-28 TUBE CU-6			
C/OG/SCB GB-1907 TUBE ES-2			
IAD-TG/OS GB-704 TUBE ES-2			
[redacted]			
OED GG-2709 TUBE BY-5			
OG/ARP GH-50 TUBE GT-7			
ASB/US GC-32			
DC/CCS/PRG GH-56			
C/AF/STAFF A 3B-17 TUBE ES-5			
EA/RES/EXO 5D-5109 TUBE EW-2			
C/EUR/STAFF A 4B-4406 TUBE BS-3			
C/LA/STAFF B 3C-34 TUBE ET-3			
NE/STAFF B/FOIA 6D-3115 TUBE CU-7			
C/SE/PO 5B-4803 TUBE FS-1			
C/CMS/MSB 2C-42			
PREDECESSOR RECORDS GA-50			
IAD/CAS/PB 3D-109 TUBE CU-6			
DC/AD/SOG 1E-4846 TUBE CU-6			
OG/IS *(Recheck)* 1B-4003 TUBE DT-5			
APPLICANT FILES			
TRAVEL LISTING			
MIA FILES			
OGC. 7C-24			
OLC 7D-49			
		TOTAL ESTIMATE	

(10-78) 4078

CONFIDENTIAL

CL. BY: 012170

(13-42)

Items as related ◎ Mr. Angleton's initial request F-79-1534

GAU

May 15, 1979

IPS REGISTRY
F-79-0510
GAU/85

4700 Drummond Ave.
Chevy Chase, Md. 20015

Leg E

Fees?

George W. Owens
Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

OGC should be able to provide copies of anything already released. The other records would have to await the conclusion of the litigation.

Dear Mr. Owens,

Under the terms of the Freedom of Information Act, I hereby request copies of the following documents as described in the recent case of Angleton v. Turner, 78-865-A, in the U.S. District Court for the Eastern District of Virginia, Alexandria Division:

Item 4+8 -- "the incoming telegram from Geneva describing the first contact and meeting with Mr. Nosenko and the 'long telegram' which Mr. Angleton sent to Geneva in reply;" Denied in toto (b)(1)+(b)(3)

Item 5 -- "the document which supports Mr. Hart's allegation that Mr. Angleton visited the installation in Northern Virginia at which Mr. Nosenko was detained. (Please note that there is no mention of Northern Virginia in Mr. Hart's testimony. See p. 250, line 4626. The document indicates that the visit by Mr. Angleton was to a facility outside Northern Virginia.);" Release in sanitized version

Item 6 -- "any documents that reflect that Mr. Angleton or any member of the Counter Intelligence Staff participated in any conference, discussion or meeting relating to the alleged hostile interrogation of Mr. Nosenko;" Release in sanitized version

Item 9 -- "the memorandum referred to by Mr. Hart (see p. 165 of Har.'s committee testimony) regarding a conversation between Mr. Angleton and the Chief of the Soviet Division;" Release in sanitized form.

Item 10 -- "the tape or transcript of the interview mentioned in Mr. Hart's testimony in which Mr. Angleton is alleged to have referred to Mr. Bagley's having 'caught a big fish' (Nosenko)." Release in sanitized form.

Since these documents have already been identified in response to Mr. Angleton's demands for access to the material, I would expect that my request could be handled with a minimum of delay.

Sincerely,

David C. Martin

David C. Martin

MAY 17 3 22 PM '79

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

20 MAR 1979

OGC 79-02653

Philip L. Chabot, Jr.
Duncan, Brown, Weinberg
and Palmer, P.C.
Suite 1200
1775 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Dear Phil:

Re: Angleton v. Turner
Civil Action No. 78-865-A

I am writing you regarding our telephone conversation of 19 March 1979 and Mr. Angleton's acceptance of our pending settlement offer in the above-captioned litigation. The offer outstanding is for your client, James J. Angleton, to be allowed access to the records mentioned in our 9 March 1979 letter to you, viz:

1. the contract by which Mr. John Hart was employed for the purpose of representing the Central Intelligence Agency in testimony before the House Assassinations Committee (This document has previously been released to Mr. Angleton with some deletions in response to his FOIA request. Under the terms of this offer, Mr. Angleton would be permitted to see the unredacted version.);

2. the document by which Mr. Hart was authorized to review agency files in preparation for the Committee testimony (A further review of the files has resulted in the discovery of documents which may have some bearing on this portion of the request. These will be made available to Mr. Angleton pursuant to the terms enumerated in CIA's 9 March 1979 letter to you.);

3. the document setting forth the guidelines under which Mr. Hart's testimony was given (Like the document requested per subparagraph 1 above, this document has been previously released to Mr. Angleton. Under the terms of our settlement offer, Mr. Angleton would, likewise, be permitted to view the unexcised version.);

4. the incoming telegram from Geneva describing the first contact and meeting with Mr. Nosenko and the "long telegram" which Mr. Angleton sent to Geneva in reply;

5. the document which supports Mr. Hart's allegation that Mr. Angleton visited the installation in Northern Virginia at which Mr. Nosenko was detained (Please note that there is no mention of Northern Virginia in Mr. Hart's testimony. See, p. 250, line 4626. The document indicates that the visit by Mr. Angleton was to a facility outside Northern Virginia.);

6. any document(s) that reflect that Mr. Angleton or any member of the Counterintelligence Staff participated in any conference, discussion or meeting relating to the alleged hostile interrogation of Mr. Nosenko; and

7. the memorandum referred to by Mr. Hart (See, p. 165 of Hart's Committee Testimony) regarding a conversation between Mr. Angleton and the Chief of the Soviet Division.

In addition to the above materials, Mr. Angleton will also be allowed access to item No. 10 requested from CIA in your 11 December 1978 letter to the Freedom of Information Coordinator, i.e.:

> the tape or transcript of the interview mentioned in Mr. Hart's testimony in which Mr. Angleton is alleged to have referred to Mr. Bagley's having "caught a big fish" (Nosenko).

Access will be granted to Mr. Angleton on the same basis as mentioned in our 9 March 1979 letter to you. Should Mr. Angleton wish to disclose portions of the contents of these documents to members or staffers of the Select Committee on Assassinations of the U.S. House of Representatives, he should apply for such authority to the Agency via the undersigned.

Acceptance of this offer will terminate our controversy as to all the CIA records requested by your client under the FOIA and allow us to stipulate a dismissal of the pending litigation.

If this letter correctly states our settlement agreement, please sign the enclosed copy in the appropriate place indicated and return to the undersigned.

As soon as your concurrence is received, I will telephone you to make arrangements for Mr. Angleton to come to CIA Headquarters to review the documents.

Sincerely,

Ernest Mayerfeld
Associate General Counsel

CONCUR:

Philip L. Chabot, Jr. _____ Date _____

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

JAMES J. ANGLETON, Plaintiff, v. STANSFIELD TURNER, DIRECTOR, CENTRAL INTELLIGENCE AGENCY, Defendant.	)	Civil Action No. 78-865-A

STIPULATION OF DISMISSAL

It is hereby stipulated by and between counsel for the parties hereto

1. That on 20 March 1979 counsel for the parties entered into a written agreement by which defendant agreed to provide plaintiff with access to those documents set forth in Exhibit A which were requested by plaintiff, pursuant to the Freedom of Information Act in order that he might rely upon them in his testimony before the Select Committee on Assassinations, United States House of Representatives.

2. That on 29 March 1979 plaintiff was given the opportunity to and did inspect the documents listed above.

It is further stipulated by and between counsel for the parties, subject to the approval of the Court, that this action be dismissed with prejudice, except as to

the amount, if any, of attorney's fees and costs to which plaintiff is entitled pursuant to the Freedom of Information Act.

PHILIP L. CHABOT, JR.
Duncan, Brown, Weinberg & Palmer, P.C.
Suite 1200
1775 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
TELEPHONE: 202/467-6370

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Assistant U.S. Attorney
117 South Washington Street
Alexandria, Virginia 22314
TELEPHONE: 703/557-9100
Counsel for Defendant

APPROVED this 4th day of April, 1979

UNITED STATES DISTRICT JUDGE

A True Copy, Teste:
W. Farley Powers, Jr., Clerk
By: Deputy Clerk

30 Jul 79

MEMORANDUM FOR: RECORD

Don Robinson from OS ex 1150 questiined if we had released TS-197124 dated Feb 68 it concern Nosenko and was titled Examination of the Bona Fides of a KGB Defector. He said that the FBI was investigating a xe unauthorized release which was sourced to this document. I informed him that we in FPG had not addressed this document in any FOIA/PA case yet

Brad R/

Date

FORM 5-75 101 USE PREVIOUS EDITIONS

☆U.S.GPO:1977-0-234-508 FPMR (41 CFR) 101-11.6