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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: 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 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 <input type="text"/>			
2.				
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12.				

Please note interest of:

CI/Staff, 2BI405 X1345

ACTION: DDO/FPG

RETURN TO:

PRIORITY HANDLING FOIA REQUEST

FORM 3749
1-75

SECRET

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31 May 1979

Lou D
Brad BR

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 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 [redacted] is sending out an interim response from IPS.)

Eleanor

I spoketo Lou D. and reaffirmed 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 ~~plusxxxx~~ but also because exhibit A⁵ 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

Items as related to Mr. Angleton's initial request
F78-1534

MAV

May 15, 1979

IPS REGISTRY
79-0510
KAV/YS

4700 Drummond Ave.
Chevy Chase, Md. 20015

Log T
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" *Denial 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 Hart'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

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).

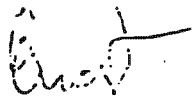
Access will be granted to Mr. Angleton on the same basis as mentioned in our 9 March 1979 letter to you. Should Mr. Angleton wish to disclose portions of the contents of these documents to members or staffers of the Select Committee on Assassinations of the U.S. House of Representatives, he should apply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

APR 11 1979
U.S. DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

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 Z. Chabot, Jr.

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

William B. Cummings

WILLIAM B. CUMMINGS
United States Attorney

Thomas P. Mains, Jr.

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Post Office Box 602
Alexandria, Virginia 22313
TELEPHONE: 703/548-1112
Counsel for Plaintiff

Elsie L. Munsell

ELSIE L. MUNSELL
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

[Signature]
UNITED STATES DISTRICT JUDGE

A True Copy, Teste:
W. Farley Fowers, Jr., Clerk
By: *[Signature]*
Deputy Clerk

30 Jul 79

MEMORANDUM FOR: RECORD

Don Robinson from OS ex 1150 questioned if we had released TS-197124 dated Feb 68 it concerned Nosenko and was titled Examination of the Bona Fides of a KGB Defector. He said that the FBI was investigating a ~~re~~ 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/

9/4/79
Edward J. [unclear]

Date

FORM 5-75 101 USE PREVIOUS EDITIONS

☆ U. S. GPO: 1977-0-234-508

FPMR (41 CFR) 101-11.6