

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOUGLAS VALENTINE,

Plaintiff

VS.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

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No. 99cv30255-MAP

MOTION FOR AN IN CAMERA REVIEW
(Not Assented To)

The plaintiff, Douglas Valentine, Pro Se, after consultation with the defendant's attorney, Karen Goodwin, Assistant United States Attorney, moves that the court conduct an in camera review of all documents withheld and redacted by the CIA, regarding his Freedom of Information Act request F-1993-02381, as well as his Privacy Act request P-1999-01613. The plaintiff prays the court will review this material to determine if any documents withheld in their entirety, or if any redacted portions of documents provided to date, have been improperly withheld. If the court determines that any documents or portions of documents have been improperly withheld, the plaintiff prays the court will compel the CIA to release the material immediately, in its entirety.

*The plaintiff filed a Privacy Act request for material added to his CIA name file since 1989, but has yet to receive a response. He believes this lack of response is related to his FOIA litigation.

As grounds for this motion, the plaintiff states as follows:

- 1.) On 16 February 2000, the plaintiff appealed the CIA's decision to redact portions of 96 documents released to him on 14 and 31 January 2000. He also asked the CIA to produce any and all documents that were unaccounted for and denied in their entirety.
- 2.) On 12 March 2000 the CIA notified the plaintiff there were 305 appeals to be considered before his. The CIA gave no indication as to when it would process the plaintiff's appeal, but the plaintiff believed it would be completed within a 60 day "stay" period proposed by the U.S. Attorney and agreed to by the plaintiff.
- 3.) On 29 April 2000, the plaintiff was notified by the U.S. Attorney that the CIA "anticipates that it will need six months to complete the processing of the appeal." There was, however, no guarantee that the processing would be completed within six months. On the contrary, the CIA's record in such matters suggests otherwise.
- 4.) In making this motion the plaintiff notes that only after he filed a motion for a Vaughn Index in April, rather than sign the Stipulation of Dismissal offered by the U.S. Attorney, did the CIA in May produce a list of 66 documents it had not acknowledged. The fact that the CIA concealed the existence of these most relevant documents is indicative of its inability to voluntarily fulfill its statutory obligations under the Information and Privacy Acts.
- 5.) The plaintiff argues that the CIA has a record of not providing all releasable information unless compelled to do so. Specifically, in

1992 the plaintiff sued the CIA in federal district court for documents in a "name file" the CIA maintains on the plaintiff. As Magistrate Judge Michael A. Ponsor noted on 15 April 1993, in a Report and Recommendation addressing the central issues in that case (CA 92-30025-F), "It has taken an application, an appeal, a lawsuit, a court order and the filing of a Vaughn Index for plaintiff finally to be given, in three installments, the material that the defendant now concedes he was entitled to in the first place under the Privacy Act. The defendant's action, or inaction -- whether deliberate or not -- has thwarted the intent of a statute designed to be self-executing..."

- 6.) In filing this motion for an in camera review, the plaintiff hopes to avoid the needless gauntlet of administrative hurdles the CIA habitually uses to avoid its responsibilities. Only an in camera review by the court will assure the plaintiff that he has received, in a timely fashion, all releasable information he is entitled to receive. Notably, in this instant case, documents were provided to the plaintiff six years after he filed his FOIA request, and then only after he filed suit in federal district court.
- 7.) The defendant's argument that it is overloaded with Information and Privacy Act, which it handles on a "first-in, first-out basis," is a canard. US Congressmen and other powerful persons are routinely put at the top of its list. When cases involve average US citizens, the defendant simply refuses to allocate the necessary resources to meet its statutory obligations.

- 8.) The plaintiff has in his possession documents regarding the Victims Task Force which the CIA still has not acknowledged. In addition, the plaintiff believes that among the documents that have been acknowledged and released, many redactions are unfounded. The plaintiff also believes that the defendant has redacted information and withheld documents inconsistently and improperly.
9.) Not only does the CIA have a record of improperly withholding documents, it has a record of concealing the truth about the MKULTRA Program, in which CIA officers administered LSD to unwitting U.S. citizens. In 1973, MKULTRA program manager Dr. Sidney Gottlieb, with the approval of Director of Central Intelligence Richard Helms, ordered subordinate CIA officers to destroy all operational reports pertaining to the MKULTRA Program. The only MKULTRA records that still survive are those pertaining to the Victims Task Force.

In accordance with with Local Rule 7.1, the undersigned Pro Se plaintiff certifies that he has conferred with the defendant's attorney, but she has stated her intention to oppose this motion.

WHEREFORE the CIA has a record of concealing its MKULTRA related-activities, and because the CIA has a record of obstructing Information and Privacy Act requests filed by U.S. citizens, the plaintiff respectfully requests the court to conduct an in camera review of all redacted portions of documents provided to date, and of all documents withheld in their entirety. If documents have been improperly withheld, or if information has been improperly redacted, plaintiff prays the court will compel the CIA to produce all unaccounted for documents in

their entirety, and all redacted information in its entirety. The plaintiff believes that, more than a generation after the fact, the public's right to know outweighs the sixteen victims' right to privacy. Indeed, the plaintiff has independently identified twelve of the sixteen victims. (One victim was nineteen years old when surreptitiously administered LSD by a CIA agent. The woman had her 18 month old baby with her at the time. No one knows what happened to her the night she was dosed, but she was eventually admitted to a mental institution.) The plaintiff also argues that the public's right to know outweighs the CIA's state secrets interest in withholding the names of government employees in the MKLUTRA Program and the Victims Task Force. Likewise, the plaintiff has identified many of these individuals through other sources. Complete disclosure of all documents concerning the Victims Task Force is essential if Americans are to learn an important but dark chapter of their history.

Respectfully submitted,

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