

## Author Seeks Sponsor for Continued FOIA Litigation.

Sacramento, California 14 Nov. 2014

During the summer of 1966, when visiting Lebanon, Missouri, Phil Mosier was simultaneously questioned by: an agent who identified himself as from the Central Intelligence Agency (CIA); another agent showing identification from the Federal Bureau of Investigation (FBI); a representative of an unnamed agency, Mosier now believes to be the National Security Agency (NSA); as well as an officer from the Missouri State Highway Patrol who had brought Mosier to the jail to sleep for the night and who witnessed this interview. He says the federal agents were interested in Mosier's psychic ability. The CIA even offered him an unnamed roll in their organization but Mosier refused to go into the night with him. He says, "We now know of the drugging and techniques they were using at that time and I have never, regretted refusing the offer. They would have fried my brain a long time ago." Since then Mosier has filed numerous Freedom of Information Act (FOIA) requests to document his story.

He used his pen name "Philip Chabot" when he published his book ***Operation Blue Light: My Secret Life among Psychic Spies*** that tells the story of his growing psychic ability during his youth, culminating with a unique telephone call to the People's Republic of China (P.R.C.) back when A.T. & T. Long Lines did not allow calls to the P.R.C. He had to impress the old U.S.S.R. with his psychic ability and to convince them they should do him the favor of connecting him to the P.R.C. Soon after the call was over he left his motel room in Lebanon, Missouri and found armed government agents. "They are popularly known as 'Men in Black' but generally now it is acknowledged they are the security arm of the National Security Agency (NSA). Four of these men were waiting in the parking lot outside," Mosier says. Soon a Missouri State Highway Patrol Officer and a mysterious Oriental gentleman drove Mosier to the local jail where he was to sleep that night. Late into the night he was questioned about the call.

The very fact that these agencies were interested in questioning him goes a long way to proving his story of government involvement in telepathic communications. Off-and-on for the next forty years Mosier tried to get documentation of this meeting. The multiple Federal agencies significantly complicated the effort to gain public access to the records, and added to the cost of litigation.

Mosier says. "The Missouri State Highway Patrolman was in uniform so I never asked to see his identification." Inquiries from Mosier's lawyer, Avner Sofer of San Rafael, California, to the Missouri State Highway Patrol revealed that the patrolman was Trooper A. F. O'Dell and that he died July 29<sup>th</sup> 1997. Even to get that much took over a year from July 2010 to February 2011 and cost me almost \$7,500.00, in legal fees.

Because Mosier thought that the Defense Intelligence Agency (DIA) may also have been privy to the nature of the other agencies or even overseen the project he asked his attorney to file Freedom of Information Act (FOIA) request about what they knew. The legal cost was almost \$17,000.00 for a year of FOIA requests and an internal appeal to the DIA. He got a letter of April 29, 2011 that stated “no records responsive to your request were located...no exceptions were asserted and no records were withheld,” by the DIA. Mosier comments, “The good thing about this response is that it is pretty clear that they are not withholding anything. More than can be said for the other agencies I asked.”

Mosier believes the National Security Agency (NSA) fielded the largest contingency of staff to Missouri that night in July of 1966 (four armed members of their security staff to the parking lot outside his motel room, an agent to accept him in the jail with the purpose of sleeping, and a cameraman behind a one-way mirror in to his holding cell, etc.) So he asked his lawyer to file a FOIA request to the NSA. After asking for and receiving a notarized “Authorization for Release of Confidential Records and to Communicate with Counsel Form” dated January 20, 2010 the NSA began denying access to any information they had. In a letter dated April 12, 2011, from Pamela N.

Phillips, Chief FIOA/PA Office reads in part, “The classified nature of the National Security Agency’s efforts prevents us from either confirming or denying the existence of intelligence records responsive to your request, or whether any specific technique or method is employed in those efforts.” The letter goes, “Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Authority.” Mosier’s attorney filed a timely six-page appeal, and included a copy of the book Mosier wrote under the pen name of Philip Chabot. But instead of responding to the appeal at all the NSA Chief of FOIA/PA Office stated in a letter 26 May 2011, “Because this Agency has already responded to you and has fully complied with its FOIA obligation, we are not processing this request. Additionally, any further requests made by you concerning this topic will be filed with your previous FOIA case with no further action by this Agency.” The legal expenses for this was more than \$10,600.00.

He also filed numerous request to the FBI. The first part of a FIOA request is internal to the agency and an internal appeal is also allowed, this is called the Administrative phase. Mosier explains, “I had written letters asking for what information the FBI had but their responses were evasive. Over a period from September 2009 to January 2011 my lawyer, at a cost of almost \$17,000.00, did do somewhat better.” Mostly Mr. Mosier got back copies of his earlier requests, 6 letters he had written to the FBI during the period from December 1967 to December 1974; a partially redacted summary of an interview conducted in the Santa Barbara field office in December 1967; and a copy of the form filled out in Missouri that night in 1966 by Patrolman O’Dell that accompanied his fingerprints, also taken by the Missouri State Highway Patrolman.

Mosier’s attorney appealed this response and the FBI’s Associate Director Janice Galli McLeod wrote a letter dated September 2010, it reads in part, “The FBI properly withheld certain information that is protected from disclosure under the FOIA,” to protect

third person privacy and “I am denying your request that we itemize and justify each item of information withheld. Your client is not allowed such a listing at the administrative phase of processing FOIA requests and appeals.” This Administrative phase cost almost \$17,000.00. He could appeal in Federal court.

In 1972, as a journalist Mosier contacted the CIA about their use of psychics in gathering intelligence and got a response from the then CIA, Assistant to the Director, Angus MacLean Thuermer, March 16, 1972, that said, in part, “We have maintained an open mind on the subject of your letter and although there have been no tangible results at hand, we have certainly not dismissed the technique.”

In November 2009 Mosier’s lawyer filed a FOIA request to the CIA. A letter dated March 29, 2010 from CIA Information and Privacy Coordinator, Delores M. Nelson said, “Some of the records you requested were from files that are retained only for a short period of time in accordance with the approved schedules of the National Archives and Records Administration. These files have been destroyed....With respect to records that would reveal a classified connection to the CIA... The CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of records is currently and properly classified and relates to CIA intelligence sources and methods of information that is protected from disclosure...Therefore you may consider this portion of the response a denial of your request pursuant to FOIA exemptions.”

On May 7, 2010 Mosier’s lawyer filed a 4 page appeal to the Agency Release Panel in care of C/O Delores M. Nelson. Parts of this appeal read, “It is the requestors belief that the vast majority, if not all, of the materials in question, are subject to FOIA’s mandatory release provisions. The documents are primarily historical in nature. The events in question occurred 45 years ago.” Also to withhold “entire documents merely because a portion may be exempt from disclosure, overlooks the ‘segregable portions’ clause part of the Act.” Also it would be reasonable to disclose any materials that may be covered by an exemption by utilizing its discretionary release powers ...Release of material is to be “considered in the public interest if the benefit to the public in releasing the document outweighs any harm likely to result from disclosure.” Other specific paragraph headings were; “The search was too limited in scope...The denial letter fails to disclose which records were destroyed...The required thorough search was not conducted...the denial letter fails to address all outstanding records...The CIA is hiding behind blanket of exceptions while failing to provide any substantiations...Any claim that records are classified is defeated by length of time and publication of facts.” Finally a copy of Mr. Mosier’s (A.K.A. Philip Chabot’s) book “Operation Blue Light” was included in the appeal package.

CIA responded in a letter dated December 23, 2010 that still held that the “CIA can neither confirm nor deny the facts of the existence or nonexistence of records” of any classified material. This Administrative phase of the FOIA request cost over \$21,500.

Now Mosier needed to decide which, if any, of the agencies he would take to U. S. Court. Now that the cost was mounting and he could only afford to take one of the agencies to court. And if there was an appeal, which was almost inevitable, he would need a sponsor.

He decided to take the CIA to court. Initially filings by the CIA in the Eastern District of California U. S. Court stipulated that some files about Mr. Mosier were destroyed in 1996, 30 years after the events described in his book. The CIA claims a Glomar Defense, that is it refuses, like the NSA, to admit the existence or non-existence of more classified records.

Mr. Mosier's lawyer argued, "Any claim that the records are classified is defeated by length of time and publication of facts. The Denial Letter claims that the records are classified. However, the records requested reflect events that transpired (more than) 45 years ago to one individual. It is specious to claim that the events from so long ago, in such a finite and narrow scope would have any classified relevance today. Additionally, the matter has been published and widely disseminated (Exhibit 3) (better known as ***Operation Blue Light: My Secret Life among Psychic Spies***, by Philip Chabot with Laurie Anne Blanchard © 2008). Thus, the claim that the records are somehow still classified is illogical and unfair and must be stricken."

In Sacramento, Chief Judge Morrison C England, Jr. found that the CIA's declaration adequately demonstrated how disclosure of the requested information may reveal an intelligence source or method. And this meant that the court would review no documents and no index of the possibly secret files would be made public. This litigation coast was over \$137,000.00.

The nearly five-year battle to document his story with multiple F.O.I.A. claims plus over \$1,900.00 in Misc. Disbursements has brought the total cost at this time to more than \$212,000.00, which is his life savings. He is still looking for supporter who would be able to appeal the CIA's non-response and take the FBI to court.

Mosier believes, "Confirming this story would significantly enlarge parapsychology's evidence for telepathy. Our scientific community needs the full disclosure of the events of that summer."

Philman@philmosier.com

Phil Mosier  
2728 Bridgeford Drive  
Sacramento, California 95833

E: [philman@philmosier.com](mailto:philman@philmosier.com) - I: [www.philmosier.com](http://www.philmosier.com)  
E: [philip@philipchabot.com](mailto:philip@philipchabot.com) - I: [www.philipchabot.com](http://www.philipchabot.com)

---