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CIA Cleared on Answer to Telepathy FOIA Demand

By HEATHER JOHNSON

SACRAMENTO, Calif. (CN) - The CIA properly handled a man's demand for records on his 1966 interrogation regarding telepathy and espionage, a federal judge ruled.

Phillip Mosier had sued the agency in San Francisco under the Freedom of Information Act last year, but his case was removed this past April to the Eastern District of California.

The complaint is sparse on details about the nature of the CIA's alleged interview with him nearly 50 years ago in Lebanon, Mo.

"For years, Mr. Mosier has sought information on the interview from the CIA," his complaint stated. "Each attempt has been stalled, blocked and thwarted by the Agency."

Mosier told Sacramento's ABC News affiliate, however, that the CIA and other government agents had questioned him about his supposed psychic abilities.

In previous interviews, Mosier told the news outlet that "its agents questioned him in the summer of 1966 because he had stumbled upon a secret government program aimed at using telepathy as a tool for espionage."

Mosier also allegedly wrote a book about the experience, titled "Operation Blue Light," which he self-published because he lacked a second source to back up the story.

He was represented in his lawsuit by San Rafael-based attorney Avner Sofer.

U.S. District Judge Morrison England Jr. granted the agency summary judgment last week.

The 24-page ruling notes that the 2009 FOIA request at issue came four years after the CIA had conducted a search for records based on an earlier Mosier request.

Mosier was displeased with the CIA's answer that it would perform only "an updated search" from Dec. 14, 2005, through Jan. 19, 2010.

He instead requested "all documents in the possession of the CIA (not just CIA-originated documents as described in [the CIA's] letter) from 1964 to the present regarding [Plaintiff]," according to the ruling.

Though the agency performed this unrestricted search, it told Mosier that it failed "to locate any such information or records," Judge England noted.

"The letter also stated that '[s]ome of the records [plaintiff] 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,'" he added. "This security file on plaintiff was destroyed in 1996.

Mosier also received a so-called Glomar response from the CIA in which the agency neither confirmed nor denied the existence of or nonexistence of records responsive to his request. Such answers take their name from the Hughes Glomar Explorer, a ship used in a classified CIA project to raise a sunken Soviet submarine from the Pacific Ocean.

England found no reason to deem the CIA's Glomar response improper.

"It is logical and plausible that either confirming or denying the existence or nonexistence of records reflecting a classified connection between Plaintiff and the CIA could reveal intelligence methods, intelligence sources, and ongoing intelligence

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activities," the opinion states.

Further, "plaintiff presented no evidence to support a showing that any classified records have been publically acknowledged or that the agency acted in bad faith," England added.

As for plaintiff's allegations that the CIA improperly limited its searches, England cited a declaration that "explains in a detailed manner the steps taken by the CIA in searching for records responsive to Plaintiff's request."

Mosier, age 70, told the ABC affiliate that he has spent more than \$150,000 in legal fees pursuing his claims against the CIA. 