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VIA FEDEX
AND U.S. MAIL

Garet D. O'Keefe
O'Keefe & O'Keefe LLP
1341 Francisco Street
Berkeley, California 94702

Re: Dr. Peter Janney / Bill Mitchell

Dear Mr. O'Keefe:

As you will recall, we met two years ago at the deposition of your client, Bill Mitchell. I represent Dr. Peter Janney, author of *Mary's Mosaic*. In that capacity, I write with respect to Dr. Janney's interest in giving Mr. Mitchell an opportunity to comment on newly-obtained information about his background, military service and role as a key prosecution witness in the 1965 murder trial of Ray Crump, Jr. Dr. Janney anticipates using some or all of this information in a new edition of *Mary's Mosaic*, and he would like to give your client a reasonable opportunity to respond.

To that end, I enclose a list of questions for Mr. Mitchell, together with a cross-referenced collection of public records that support or otherwise relate to the questions. More specifically, these questions are based on more than two years of research, including requests under the federal Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), directed to the U.S. Army, the National Personnel Records Center ("NPRC") and the Defense Finance and Accounting Service ("DFAS"). In the process of reviewing and releasing these records, government lawyers balanced a variety of interests, including personal privacy, against the public's right to know. *See, e.g., Rosenfeld v. U.S. Dep't of Justice*, 57 F.3d 803, 808 (9th Cir. 1995). By and large, the government released these documents in the years following your client's January 2014 deposition.

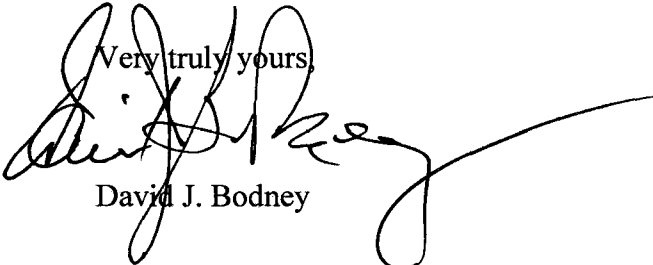
Many of the enclosed questions for Mr. Mitchell are based on Dr. Janney's exacting review of U.S. Army "Morning Reports," pertinent selections from which have been included with this letter for your client's reference. For decades, the Army's Morning Reports have served as the bedrock foundation for the daily reporting system for every soldier assigned

to any Army organization or unit, as well as a reflection of the official strength of a unit as a whole from which other statistical reports are generated. I understand that Morning Reports are so fundamental to the Army's overall accounting system that they are used as legal evidence in court martial proceedings, and in the adjudication of claims based on the duty status of the claimant at any particular time. Accordingly, "Copy No.1" of each Morning Report becomes a permanent record in The Adjutant General's Office in Washington, thereby providing an authenticated, historical record of the strength and status of each organization and its individuals. If the personnel records ("201 File") of any individual become misplaced, lost or destroyed, it may be possible to reconstruct a complete and detailed record of such individual's service from the Morning Report files of The Adjutant General's Office. "For these reasons," reads Army Regulation AR 335-60, "the morning report is considered one of the most important basic documents prepared within the Army and the utmost care should be taken to insure prompt and accurate recording of all entries required thereon by these regulations."¹

One other important element in the Army accountability system are the Military Pay Voucher ("DA Form 2349") – i.e., the record of payments made to any member of the U.S. Army. Military Pay Vouchers are expected to reflect and support all activity documented in Morning Reports, which then become part of the Officer Qualification Record ("DA Form 66") for an individual's 201 File. Suffice it to say, as we have come to understand the process, the Army expects the information contained in financial disbursement records to be true and accurate.

With this background, I ask that you share the enclosed questions and related government documents and other public information with Mr. Mitchell for his review and comment. In the circumstances, we ask that he provide his written responses within the next 30 days – i.e., by February 15, 2016. Of course, if Mr. Mitchell would like to meet with Dr. Janney to discuss his responses, or if you believe more time would be beneficial, please let me know.

I look forward to hearing from you.

Very truly yours,

David J. Bodney

DJB/dma
Enclosures

¹ U.S. Army Regulations AR 335-60 (Morning Reports), Headquarters, Department of the Army, Washington, D.C., 27 August 1962. p. 5.

Questions for Bill Mitchell

[The following questions were sent to Bill Mitchell, via his attorney, on January 12, 2016. The questions reflect the arenas that are addressed in the 3rd Edition of *Mary's Mosaic* (September 2016) in the new final chapter *Finale*. On January 22nd (2016) Mr. Mitchell, via his attorney, declined to respond, saying: "Please inform Mr. Janney that we respectfully will not engage in any further back and forth on this matter."]

1. While an undergraduate at Cornell did you have any contact with any military or civilian intelligence agency concerning employment with that agency after graduation on June 11, 1962 ?
2. During your January 2014 deposition, you were presented with your 25th Anniversary high school questionnaire where you listed "Williamsburg, Pa." as one of places you once lived. [See p. 3 of *Document Reference*]
 - a. Do you have a further explanation as to why you listed "Williamsburg, Pa." ? [p.87:9 - p.90:3]
 - b. Were you ever, even briefly, at the CIA training center at Camp Peary (aka "The Farm") in Williamsburg, Va. ?
 - c. Do you now wish to amend your January 2014 deposition testimony with regard to the answer you gave during your January 2014 deposition ?
3. In your 1961 Cornell ROTC class, you were one of two engineering students who were awarded the distinction of being a "Distinguished Military Student" (DMS). [See pp.1-2 of *Document Reference*]. This distinction was not something given out lightly, as you had to have excelled in an number of different categories. The DMS recognition could have also entitled you to a 'Regular Army' commission, similar to any West Point graduate. In addition, your Cornell academic record would have qualified you for the Army Corp of Engineers. Please answer the following:
 - a. Did you consider joining the Army Corp of Engineers ? If not, why not?
 - b. Why did you not accept the Regular Army commission available to you as a DMS graduate?
 - c. Why did you initially indicate a preference for Quartermaster Corps in 1961 as your branch choice? [See p. 4 of *Document Reference*].
 - d. By June 1962, why had you changed your branch choice from Quartermaster Corps to the Transportation Corps? [See p. 5 of *Document Reference*].
4. Your graduation at Cornell University took place on June 11, 1962 at Barton Hall, followed by your ROTC Commission Ceremony across the street at the Statler Hotel in Ithaca, New York.
 - a. Who, or what entity, wanted you in Suitland, Maryland on June 11 (1962) and for what purpose?
 - b. Why did you choose to have your oath of commissioning administered by the Notary Public Martin Clinton Hughes at a used car lot by the name of Suitland Auto Sales in Suitland, Maryland on June 11? [See p. 6 of *Document Reference*].
 - c. Did you have any contact with any Federal bureaucracy of the U.S. Government before, or after, you signed your notarized oath as an Army officer on June 11, 1962 in Suitland, Maryland?
 - d. Did you meet with representatives of the Central Intelligence Agency (CIA) or any other U. S. civilian or military intelligence agency at this time ?
 - e. Exactly where, and in what precise capacities, did you spend the remainder of the late spring and summer of 1962 between your notarized oath as an army officer on June 11, 1962, and the onset of graduate work in September 1962 at Harvard?

5. With regard to your Harvard University Master of Arts degree in Applied Mathematics which you received in June 1963:
 - a. Did the Army, or any other entity, pay for your tuition and/or any part of your living expenses while you were at Harvard? If not, who paid the expenses for this undertaking?
 - b. Did you in fact study “Applied Mathematics” ?
 - c. Will you provide a copy of your Harvard transcript or authorize Harvard to release a copy of your transcript to me?
 - d. Did you have any connection while you were at Harvard with any military or civilian intelligence entity, or any other U.S. government bureaucracy?
6. During the time you were at Ft. Eustis, and afterwards, did you ever meet or know Lt. Ronald S. Pletter, or Specialist Peter Pray while you were connected to any U.S. government bureaucracy?
7. Your original assignment upon being ordered into active duty on June 12, 1963 was to the Los Angeles Procurement District in Pasadena, Ca. Can you explain why and how this assignment came about? [See p. 7 of Document Reference].
8. Based on information contained in your Army records, which the Army and the National Personnel Records Center (NPRC) released to us under a FOIA request, you had a relationship with the Defense Intelligence Agency (DIA) starting in September 1963; yet you testified at your January 2014 deposition, when asked if you ever had any connection to any intelligence agency, you said the following: “No. Never. I never went into any kind of intelligence.” (p.31:22-25; p.32:1-9). Please explain why your deposition testimony in this instance contradicts the documented evidence that the Army ordered you (Special Order 219) to the DIA in September 1963. [See pp. 8-11 of Document Reference].
 - a. After you arrived at the DIA on September 16 (1963), two days later the Army revoked your SO 219, and ordered you back to Ft. Eustis (SO 230). Why were your orders revoked two days after you arrived at the DIA in Washington? [See p. 12 of Document Reference].
 - b. What prior intelligence training had you received (where, when, and with what entity) making you eligible for a DIA assignment?
 - c. Do you now wish to amend the testimony you gave at your January 2014 deposition?
9. When the U.S. Army released your Army personnel file to us in 2014, we were surprised to see your U.S. Army Locator Card for the time you spent at the Defense Intelligence Agency (DIA) in the fall of 1963. [See p. 13 of Document Reference]. It is highly unusual in our experience for the U.S. Army to allow locator cards to be maintained in personnel files.
 - a. Given that locator cards were routinely destroyed after six months, with few exceptions up to one year, why do you suppose your DIA Locator card was still in your personnel file after fifty (50) years?
 - b. Do you believe that someone was trying to frame you in connection with your association with the circumstances surrounding the murder of Mary Pinchot Meyer ?
10. What were you actually doing in terms of duty at Ft. Eustis between the time you graduated from your TOBC training, and when you left to start your new assignment at the Pentagon on January 1, 1964? Please explain in detail.
11. With regard to the Academic Report dated November 19, 1963 in your personnel file [See p. 14 of Document Reference], was the narrative stated in the remarks section of this report *staged* or in any way *contrived* ? If so, please explain.

- a. According to this report, you were then required to “repeat the field training portion of the course.” Please explain and state why this was necessary.
 - b. Having been designated with the distinction of DMS at Cornell, why were you then labeled as having an “unacceptable attitude” as stated in the academic report? What caused your “unacceptable attitude” ? Was this also *staged* or *contrived* in any way?
 - c. During the January 2014 deposition you denied that such an incident, as outlined in the November 19, 1963 report, ever took place [p.31:13–p.33:4]. Do you now wish to amend your testimony ?
12. You stated in your January 2014 deposition that you arrived in Washington, D.C. on November 25, 1963, the same as JFK’s funeral procession [p.37:9], to begin your new assignment at The Adjutant General’s Office (TAGO) which officially started on January 1, 1964. However, your orders (SO 298) to report to TAGO in Washington were not issued by the Army until December 4, 1963 [See pp. 15-19 of Document Reference]. In addition, there was no “Assigned Loss” entry for any Morning Report issued by the U.S. Army in November or December for the date of your departure from Ft. Eustis from your assigned unit, the Headquarters 4th Transportation Command, where you had been assigned on October 11, 1963, then officially joined on November 13 (1963) [See pp. 21-22 of Document Reference]. Your record of assignments lists you “en route” to Washington, D.C on December 20 (1963) [See p. 20 of Document Reference]., as did your record of travel payments for that day where you were paid \$11.28 [See p. 23 of Document Reference].
- a. What was the purpose of your arrival in Washington on November 25, 1963?
13. With respect to your residence at 1500 Arlington Blvd, Arlington, Virginia while you were stationed at the Pentagon, did the Army procure this apartment for you, or did some other entity? If so, which entity? Please explain.
14. On October 13, 1964, the day after Mary Meyer’s murder, you went to police and spoke with Homicide Squad Captain George R. Donahue. Did you inform anyone in your office at the Pentagon, or any commanding officer, that you would either be late for work that morning, or that you needed time off to visit with police? Please explain in detail.
15. Who was Major Leon Miller, and when did you last have any contact with him?
16. Who was Lt. Col. Ralph Cruikshank? Were you aware of him when you were working at DATCOM in the Pentagon? When did you last have any contact with him?
- a. According to the U.S. Army’s Morning Report of January 17, 1965 for your unit (U.S. Army Data Support Command AG-3001), you and your fellow officers Maj. Leon Miller, and Lt. Col. Ralph Cruikshank left your unit together for five (5) days. [See p. 24 of Document Reference].
 - i. Where exactly did you go on this trip?
 - ii. What was the purpose of your trip?
17. What specific steps did you take to prepare for your July 26, 1965 trial testimony at the Mary Meyer murder trial? Please explain.
18. The Morning Report, dated June 1, 1965, for your new unit (U.S. Army Transportation and Data Systems Command SF-1249) lists you as taking leave from June 1 thru June 9, 1965. [See p. 25 of Document Reference].
- a. Exactly where were you during this time, and what were you doing, between June 1 – 9, 1965?
 - b. The Morning Report, dated June 10, 1965, lists you as having returned to your unit on this day. Is this correct? Were you back at your office that day? [See p. 26 of Document Reference].

- c. According to records at the Ft. Eustis Dental Clinic B, you were there for a dental visit on June 11, 1965 [See p. 27 of Document Reference]. Why did you travel all the way down to Ft. Eustis on June 11, 1965 when you could have easily used one of the dental clinics at the Pentagon, Ft. Meyer, Ft. Belvoir, or Walter Reed, all of which were in close proximity to where you were supposedly stationed in the Washington area?
 - d. The Morning Report for your unit, dated June 11, 1965, has no entry for your taking off that day to go to the Ft. Eustis Dental Clinic. How do you explain this? [See p. 28 of Document Reference].
19. You stated during your deposition that you had no recollection at any time meeting with prosecutor Alfred Hantman [p.58:19–p.59:16] before you gave your testimony at the Mary Meyer murder trial on July 26, 1965. Furthermore, in a recent letter dated January 13, 2015 that you sent to Tony Lyons at Skyhorse Publishing, you wrote the following: “I was never interviewed by the press and never talked personally with either the defense or prosecuting counsel, before or after the trial.”
- a. Invariably, attorneys prepare their witnesses before putting them on the witness stand during a trial. Prosecutor Alfred Hantman was counted among the top three attorneys in the criminal division of the Justice Department. As Assistant Chief of the Criminal Division in 1965, Alfred Hantman, whose career would span twenty-two years, had the reputation of a superb prosecutor who had won numerous important cases, and received many awards and promotions.
 - b. How do you explain that in one of the most important and sensational trials ever to take place in Washington, D.C. you did not first talk with attorney Hantman before testifying on July 26, 1965?
 - c. Are you now amending your deposition testimony that you are *absolutely certain* you were “never interviewed by the press and never talked personally with either the defense or prosecuting counsel, before or after the trial” ? Please explain.
 - d. Finally, were you ever questioned or prepared, either by prosecutor Hantman or anyone else in the U.S. Attorney’s office before, or after, you gave your trial testimony on July 26, 1965?
20. Reviewing your trial testimony on July 26, 1965, you were never asked at the beginning of your testimony about your current employment at the time you testified. [See pp. 29-43 of Document Reference].
- a. Do you have any recollection as to why you were not asked about your current employment at that time?
 - b. Did you have any conversation with prosecutor Hantman or anyone from the U.S. Attorney’s office about your then current employment at the time of the trial?
 - c. Were you informed in advance of your testimony that any entity, including the U.S. Army or any military or civilian intelligence agency, suggested that you not be asked about your current employment at the time of the trial?
 - d. Did you ever mention to prosecutor Hantman or anyone connected with the prosecution or U.S. Attorney’s office that you were a mathematics teacher/instructor?