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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

THE MARY FERRELL FOUNDATION,
INC.; JOSIAH THOMPSON; and GARY
AGUILAR,

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity as
President of the United States; and
NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION,

Defendants.

No. 3:22-cv-06176-RS

Declaration of William E. Kelly, Jr.

Date: July 13, 2023

Time: 1:30 pm

Dept: 17th Floor, Courtroom 3

Judge: Richard Seeborg

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I, William E. Kelly, Jr., declare:

1. I am a journalist in New Jersey. My work covers various subjects, including in-depth study of the JFK assassination.
2. In 1978, when I asked the head Archivist at NARA for JFK Assassination Records Marion Johnson, why the HSCA records were being sealed for 50 years as Congressional Records, and why not 35 or 70, he said that 50 years was the estimated time in which those mentioned in the documents were dead.
3. After Congress exempted itself from compliance with the Freedom of Information Act (FOIA), Congressional passage of the JFK Records Act of 1992 was the only way to obtain the release the congressional records related to the assassination. Since I began to study the assassination in 1969, I have interviewed a number of important witnesses who have since passed away, all of whom supplied important new information that I have shared that otherwise would not be publicly available. A number of important witnesses died shortly before I located them.
4. The JFK Act required the government to release all of their records in full by October 26, 2017, unless the president issue a certification claiming a need for additional time. This deadline that has come and gone with many records still being withheld and many more with redactions, mainly the names of living persons. Some important witnesses have died since then. I am informed and believe that we are still waiting to determine the identity of NIEXIT-3, who had Dallas contacts stating that JFK was killed due to a plot by the ChiComs and Castro jointly. There was also discussion that the Soviets made up the rumor to "make it rough" on the Chinese Communists and Castro. Memos of this story are attached as Exhibit 1.

5. The idea that it is the government's responsibility to "protect" these individuals is false, as is the belief that these living witnesses do not want to be questioned, as most of those who I have interviewed were anxious to talk for a number of reasons, especially to correct record against false allegations made against them. In addition, they expressed the desire for their children and grandchildren to know the truth from their perspective.
6. Both Jim Braden and John Rosselli expressed the desire for their testimony to be made public, and were extremely dismayed that they had to testify in secret executive sessions and that their testimony was then sealed for fifty years. Rosselli even went to Jack Anderson to tell him what he testified to so it would become known,.
7. When the Secret Service claimed they had destroyed some of their records, including the Tampa Advance Report, after the passage of the JFK Act, SS Agent G. Blaine noted in his book that since he wrote the Tampa report he had a copy in a box under his bed. When I pointed that out to the Archives, they retrieved the documents from Blaine and made them publicly available.
8. For the CIA and FBI to continue withholding names of living witnesses hurts the witnesses as much as it does the journalists and historians who require such oral testimony to correct and supplement the incomplete and sometimes wrong public record. I declare under penalty of perjury that the foregoing is true and correct and of my own personal knowledge except for those matters stated on information and belief, and as to those matters I believe them to be true. Executed on June 29, 2023, in New Lisbon, New Jersey, USA.

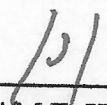

WILLIAM E. KELLY, JR.

EXHIBIT 1



Cryptonym: NIEXIT-3

Definition: A CIA agent, name still unknown, serving as a communications circuit between Mexico and Cuba as a foreign embassy FI asset.

Status: Probable

Discussion: See 104-10335-10001, p. 11: NIEXIT-3 described as a foreign embassy FI asset.

Sources: 104-10092-10453: PACKAGE AND ENVELOPES RECEIVED FROM ASSET ON 31 OCT

Oct 1963: Cable MEXI 6759 from Mexico City to Director, slugline DYVOUR PBRUMEN NIEXIT: "Package and envelopes received from NIEXIT-3 on 31 October."

104-10528-10422: CABLE: RECEIPT OF ENVELOPE

11/14/63 cable MEXI 6889 from Mexico City to Director, slugline DYVOUR PBRUMEN NIEXIT: "Envelope marked urgent received from NIEXIT-3 on 13 November."

104-10075-10172: JMWAVE CABLE RE IAPA DELEGATES SAID U.S. MUST OVERTHROW CASTRO BECAUSE THERE IS LITTLE CHANCE OF INTERNAL REVOLT

Memo written in late evening hours of 11/22/63 (apparently sent 11/23), IMMEDIATE ACTION JMWAVE to Director, WAVE 8057: "...Miami Herald reported IAPA delegates said US must overthrow Castro because there is little chance (of) internal revolt. Latin editions did not think USSR would fight over Cuba, and agreed Castro regime must be eradicated for sake of hemispheric security...on WMIE 21 Nov Alfredo Perez Berreiro interviewed Brigade 2506 members to whom President spoke at airport on 18 Nov. They reported President said following: To Jose Perullero: 'I am not forgetting you.' To Bernardo Torres: 'I am not forgetting Cuba' and to Antonio Paz, 'Do not become desperate, everything will come.'...Operational Developments...Henry J. Sloman (Tony Sforza) departed WAVE for MEXI to meet (the) wife of AMHALF (note: a Uruguayan diplomat)."

104-10075-10177: JMWAVE CABLE RE CUBAN NAVAL PATROLS

11/22/63 PRIORITY cable WAVE 8062 from WAVE to Director, slugline RYBAT TYPIC AMCANOE KEYKAY/CIA Europe Division, copy issued to Mr. Tilton 22 Nov: "Cancelling 22 Nov KEYKAY/CIA Europe Division exfil attempt for foll reasons: "SI traffic morning 22 Nov reflects Cuban naval patrols alerted in same general area exfil point "to intercept pirate boats"...AMRIPE-2/"Jose" telephoned AMRIPE-1/"Maggie" early morning 22 Nov and advised, obviously keyed to signals (WAVE 7712) that their son should not take any of courses suggested. WAVE tentatively interprets this conversation to mean exfil attempt should not be made. Phone conversation mentioned paragraph 2 (DIR 84284) indicates info passed and AMCANOE-3/ heading for exfil point. Sea area between Florida Keys and exfil point still (illegible) by heavy seas which makes any exfil attempt impractical with available station boats. AMRIPE-2/"Jose" also advised AMRIPE-1/"Maggie" that he mailed her letter 21 Nov. WAVE interprets this to mean that A-2 sent (shortwave) to WAVE, explaining change in plans, via NIEXIT pouch due Mexico 22 November. In view importance exfiltrating AMCANOE-3/Antonio Jose Ramirez Mendez and obvious complications which would ensue were he arrested, WAVE requests Headquarters use whatever influence available try convince AMCANOE/a Cuban resistance group assets refrain from all unnecessary phone calls to AMCANOES in Cuba."

104-10075-10179: JMWAVE CABLE CONCERNING MARITIME EXFIL OF HEADQUARTERS ASSET

11/22/63, cable WAVE 8065 from WAVE to Director, slugline DYVOUR PBRUMEN: On 11/22, CIA maritime officer John Tilton was involved in the attempted exfiltration of AMCANOE-3/Antonio Jose Ramirez Mendez from Cuba, one of the most sensitive operations going, called off due to "heavy

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Cryptonym: NIEXIT-3

seas". On 11/22, the story is that Henry Sloman/Tony Sforza leaves WAVE this day to meet with AMHALF-2 (note: a Uruguyan diplomat). "Henry J. Sloman arriving Mexi 22 Nov order meet with AMHALF-2. WAVE expecting priority message, *concerning maritime exfil of Headquarters asset, in NIEXIT pouch which presumably will arrive MEXI 22 Nov. Sloman will contact Choaden (Phillips) by phone either at station or home 23 Nov arrange pick up any material NIEXIT-3 may have received 22 Nov." (Note: AMCANOE-3 killed by Cuban government by Jan. 1964. Bill Simpich, State Secret, Conclusion).

104-10075-10293: CABLE: PBPRIME CONTRACT AGENT AMPAL-1 (IDEN-1) GOING MEXI 29 NOV

11/23/63, Cable from JMWAVE to Director: Slugline DYVOUR PBRUMEN AMPAL AMWEE: REF MEXI 7079 (IN 68566) "1. U.S. contract agent AMPAL-1 (IDEN-1/Alec Resnick) going MEXI 29 Nov pick up AMWEE-1/Bohumil Jirkal messages and AMWEE-2/Zbynek Samonil passport for AMWEE-3/ and debrief AMWEE-3 re plans transfer to Guadalajara. 2. AMPAL-1 will stay Hotel Francis under alias Joe Anderson. Request MEXI staffer contact AMPAL-1 at hotel between 0900 and 1100 hours 30 Nov to deliver ref letter to A-1 who will bring back to WAVE same day. Staffer can introduce self as colleague of Gordon R. Hawlott (IDEN-2). C/S Comment: "Envelopes recd from NIEXIT-3 on 25 Nov." - - - 11/29/63, Cable from JMWAVE to Director: Slugline DYVOUR PBRUMEN AMPAL AMWEE: REF WAVE 8295 (IN 70381) "IDEN-1: True name is Alec (AKA Abe) Resnick. IDEN-2: (REDACTION)." <https://www.maryferrell.org/showDoc.html?docId=19220&relPageId=2>

104-10097-10425: NOTIFICATION OF RECEIPT OF ENVELOPES

11/27/63 cable MEXI-7079 from Mexico City to Director: "Envelopes received from NIEXIT-3 on 25 November."

104-10097-10050: HELP GIVEN WITH VISA APPLICATION

12/6/63 cable MEXI-7275 from Mexico City to Director: "Request to LITEMPO based upon NIEXIT-3 request; made on 4 December not 3 December; Station cannot account for timing of NIEXIT-3's telegram to Jentons. N-3 contacted Station 29 November said (QUOTE) a (US) agent of ours in (Cuba) must get out (of Cuba) but having difficulty; you must help him ASAP or else he will find his head in noose (QUOTE); not having all details locally on AMSOUR op nor any means determining on spot the precise nature of N-3 request, Station Mexi forced to act in good faith on basis (NIEXIT-3) oral request.

Oswald 201 File, Vol 6, CD6, Part 2, Addtl

12/9/63 cable DIR 87746 ref WAVE 8658 from WH/3 x 5613 to WAVE IMMEDIATE: "Tracing all names. (FBI) here tells us they questioned Robert Nieto in Miami on basis your tip but he denied all knowledge of plot. FBI pressing us for direct access to source, which of course not possible. Pls cable immediate what itinerary what (Mrs. Unstar) is. (For the accidental revelation of "Mrs. Unstar", see 104-10400-10215.) Can she still be reached? Can she securely come to Miami if still in Nassau? Could she delay her return to Cuba? What is WAVE commo to UNSTAR? Our file shows none. How will UNSTAR report to WAVE by 14 Dec. Note: WAVE 8658 reported from UNSTAR and (illegible) allegations about Cubans being behind Kennedy assassination."

104-10404-10246: MEMORANDUM: SUBJECT - LEE HARVEY OSWALD

12/9/63 Memorandum for the Record by Chief, CI/SIG Birch O'Neal: FBI liaison officer Sam Papich reports the re-emergence of the rumor "from a western (french) diplomat" who says JFK was killed due to a plot by the ChiComs and Castro jointly. Same as in JMWAVE 8658 (IN 75902). Papich even suggests that the Soviets made up the rumor to "make it rough" on the Chinese Communists and Castro. It also mentions that Ramon Cortes was indicted for impersonating the Guatemalan honorary consul back in 1960.

104-10076-10385: JMWAVE CABLE - FIDEL CASTRO REPORTEDLY EXTREMELY CONCERNED WITH PERSISTENCE OF INVESTIGATION INTO PRESIDENT KENNEDY'S MURDER AND WITH POSSIBLE DISCLOSURES THAT COULD RESULT

12/12/63, cable WAVE 8949 from WAVE to Director, slugline RYBAT GPFLOOR PBRUMEN: "JENTONS returned WAVE 12 Dec. In addition to commo channel outlined para 9 Ref C (WAVE 8736 - not sent to MEXI), JENTONS also included in his letter to UNSTAR suggestion that UNSTAR could also send name of source and other details via NIEXIT pouch to NIEXIT-3 in Mexico if UNSTAR felt personal letter via Nassau insecure or slow. UNSTAR should ask NIEXIT-3 pass letter personally to JENTONS. Re Ref B (DIR 87746 - not sent MEXI), assume (FBI) questioned Nieto on alleged Dallas contacts, since Ref A (WAVE 8658 - not sent MEXI) reported

Cryptonym: NIEXIT-3

only that Nieto could give info on Dallas contacts." Chief of Station comments: According to UNSTAR, Fidel Castro reportedly extremely concerned with persistence of investigation into President Kennedy's murder and with possible disclosures that could result. (FBI) pressing for direct access to source, which of course not possible. JENTONS queried Mrs. UNSTAR at length, but satisfied she has no further knowledge."

104-10436-10048: MEXICO CITY CHRONOLOGY

Goodpasture's memo copies this cable and fills in the blanks

([http://maryferrell.org/showDoc.html?](http://maryferrell.org/showDoc.html?docId=8660&relPageId=55&search=%22niexit%22)

[docId=8660&relPageId=55&search=%22niexit%22](http://maryferrell.org/showDoc.html?docId=8660&relPageId=55&search=%22niexit%22)): "JENTONS also included in his letter to UNSTAR suggestion that UNSTAR could also send name of source and other details via NIEXIT pouch to NIEXIT-3 in Mexico if UNSTAR felt personal letter via Nassau insecure or slow. UNSTAR should ask NIEXIT-3 pass letter personally to JENTONS...assume (FBI) questioned Nieto on alleged Dallas contacts, since Ref A reported only that Nieto could give info on Dallas contacts." Marginalia added "copy sent to NIEXIT-3".

See Also: AMHALF-2
UNSTAR
AMCANOE-3

Contributors: Bill Simpich