

A WRIT OF HABEAS CORPUS

Documenting the Cause of the Federal
Assault on Gordon Kahl at Medina, ND

*A True and Documented Case of
Federal Tyranny and Treason*

by YORIE VON KAHL

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UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

CR. NO. C3-83-16(3)
CIVIL NO. 96-CV-55

AFFIDAVIT

UNITED STATES OF AMERICA,

Plaintiff,

- v -

YORIE VON KAHL,

Defendant

STATE OF ARIZONA)
COUNTY OF PINAL)

M. WESLEY SWEARINGEN, being duly sworn, deposes and says:

1. I am a former Special Agent for the Federal Bureau of Investigation (FBI) with more than 25 years of service, commencing on May 7, 1951 and ending on May 20, 1977. Approximately 20 of those years were spent on assignments in the intelligence field. During my assignment in Chicago I resigned from the FBI on June 10, 1960, and was reinstated on May 15, 1961, to the same duties as when I had resigned.

2. My assignment to the Bureau's Chicago, Illinois Field Office, was from July 1952 until January 1963. Some of my duties in Chicago were to break into the homes and offices of Communist Party members, without search warrants, in violation of the U. S. Constitution and local laws. I participated in these illegal activities for approximately 5

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was necessary, nor did I have instructions, to excise the name of an FBI Field Office; a Special Agent in Charge (SAC); or the name of a Resident Agency. Field Offices and Resident Agencies were not considered to be within the FOIA Explanation of Exemptions.

14. After my retirement in 1977, I reviewed thousands of FOIA documents in such cases as San Francisco attorney Charles R. Garry, Esquire; New York attorney Leonard Boudin, Esquire; Actress Jane Fonda; the Socialist Workers Party suit against the FBI; the Business and Professional People for the Public Interest (BPI) suit against the FBI in Chicago; Huey P. Newton, head of the Black Panther Party; the case of Geronimo Pratt, who had been wrongly convicted in 1972 for murder; and many other less notable cases. Not once did I ever see an FBI document with the name of a field office or the name of a resident agency excised.

15. While reviewing only a few FBI documents concerning Yorie Kahl, I observed instances in FBI teletypes where the name of a field office had been excised. I had not seen this done in all the years I have dealt with FOIA material. This piqued my interest. Further study of the documents revealed to me that the name of the FBI Field Office may be Milwaukee and the name of the agent deleted may be the SAC.

16. When I questioned an investigator working on the Yorie Kahl case I was told that the only person in Wisconsin

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connected to the Yorie Kahl case in 1983 was one James P. Wickstrom, the self-proclaimed National director of counterinsurgency of the Posses of America, known as the Posse Comitatus. James P. Wickstrom resided at one time in Evansville, Wisconsin and later in Tiger Dells, Wisconsin.

17. Clearly the FBI may have attempted to protect the identity of Wickstrom as an informer by excising the name of the field office covering Wickstrom's residence.

18. The FBI has argued that it must protect its informers for fear of retaliation against the informer. This is a blatant misstatement to confuse and to purposefully mislead the court. For as long as I can remember, the FBI has developed informers so that the informers may eventually testify and be witnesses against a subject in a court of law.

19. The FBI did not protect Herbert Philbrick, who was an FBI informer for many years only to surface in 1949 at the first Smith Act trial to help convict eleven members of the Communist Party, USA. Mr. Philbrick went on to make the popular TV series *I Led Three Lives*.

20. The FBI did not protect Matt Cvetic, who joined the Communist Party in 1943 and who worked as a paid FBI informer. Cvetic became a witness in 1950 and appeared over fifty times against at least five hundred people. Not once was Cvetic's life seriously threatened. Cvetic went on to

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requested be examined by the FBI Fingerprint Division. Both terrorists were prosecuted in Los Angeles.

39. It is clear to me that the FBI was more interested in publicity in the Unabomber case in 1996 than it was in the safety of David Kaczynski, their unsolicited informer. The FBI blatantly and recklessly exposed him as their informer as they claimed credit for solving the Unabomber case.

40. The FBI does not protect informers when they want to break a case surrounded by major radio, newspaper, and television coverage. The only time the FBI wants to protect informers is when the FBI has made a mistake and it wants to cover up any wrongdoing by incompetent or rogue agents, has abused its power, has fabricated informers from the telephone book or grave yard, or has otherwise engaged in outrageous conduct in violation of the Constitution.

41. It is clear to me that the FBI is concealing informers in the Yorie Kahl case because the FBI has something to hide other than an informer's identity -- such as wrongdoing.

42. Mr. James B. Adams, former Assistant to the Director-Deputy Associate Director (Investigation), Federal Bureau of Investigation, said in a sworn affidavit dated the 1st day of October, 1976, which is 16 pages long on legal size paper, that the FBI has a "pledge of confidentiality" to its informants.

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51. Julius Butler was not fully exposed as a perjurer and a fraud until the evidentiary hearing in 1996-97 before Judge Everett Dickie.

52. Newspapers and television throughout the United States, and the world, have carried the story of Johnnie L. Cochran's success in getting a release for Geronimo Pratt on June 10, 1997.

53. Johnnie L. Cochran, Pratt's original attorney in 1972, has successfully made this story into a book to be released in 1999. A news announcement of the book indicated that Cochran had won a \$500,000 advance and had planned to spin off a movie from the book.

54. With all of the publicity of Julius Butler being an informer and a perjurer he continues to live in Los Angeles and remains a member of the board of the AME Church and to my knowledge is still a member of the California Bar.

M. Wesley Swearingen

M. Wesley Swearingen

Sworn to before me this
27th day of August, 1998.

Sharlene R. Tzystuck
NOTARY PUBLIC

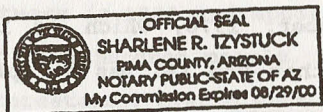


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OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D. C.

October 5, 1955

Personal and Confidential

Mr. M. Wesley Swearingen
Federal Bureau of Investigation
Chicago, Illinois

Dear Mr. Swearingen:

I am happy to take this opportunity to advise you of the approval of a cash award for you in the amount of \$150.00 in recognition of your outstanding participation in the development of a number of highly confidential sources of information relative to the internal security of the country. You will be forwarded a check for this amount, less withholding tax, in the near future.

You displayed notable determination and unusual perseverance in overcoming the many difficulties inherent in operations such as these and through your diligent efforts success was realized. Your extremely fine performance indeed merits praise and commendation.

Sincerely yours,

J. Edgar Hoover

Exhibit No. 11 Affidavit of former FBI Special Agent M. Wesley Swearingen, Letter of Commendation from J. Edgar Hoover