**THE FBI MUST ANSWER FOR ITS INVESTIGATION OF THE DOMINGO AND VIERNES MURDERS, THE UNION OF DEMOCRATIC FILIPINOS AND ITS USE OF ITS CONFIDENTIAL INFORMANT LEVANE FORSYTHE**

TO: Department of Justice, Inspector General’s Office,

Federal Bureau of Investigation, Office of Professional Responsibility

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1. INTRODUCTION

On June 1, 1981 Silme Domingo and Gene Viernes, two anti-Marcos union activists, were murdered in their Local 37 ILWU union hall by a gang of hit men paid for by the dictatorial regime of former Philippine President Ferdinand Marcos. 9 and ½ years later the Marcoses were found liable for the murders by a federal court jury, the first and only time a foreign head of state has been held liable for the murders of US citizens on US soil. The judge in that case also entered a verdict against two Marcos allies who paid for the murders and provided the murder weapon to the hit men, finding that the murders were overt acts of a civil conspiracy initiated and operated by the Marcoses against their opposition in the US. The total damages awarded amounted to a record setting $23.1 million.

The path to justice in this case was arduous and the Committee for Justice for Domingo and Viernes (CJDV), formed by family, friends and fellow activists, was convinced that those who stood in the shadows of the murders, including both the Marcos regime and the Federal Bureau of Investigation (FBI), acted brazenly to cover up the murders to avoid their own responsibility. The CJDV helped authorities obtain the murder convictions of three hit men and another was assassinated because he knew too much. It eventually obtained the conviction of the key Marcos ally, Tony Baruso, who supplied the Marcos money and his own firearm to the hitmen for the murders.

 **Although the FBI Seattle Office entered the investigation of the murders in early June and devoted considerable resources and over 42 agents to the investigation, no charges were ever brought. The lead FBI Special Agent, Lee Zavala, took an unsolicited job offer from Sealand Corporation and left the FBI in early 1982.**

At the trial of the hit men (Ramil and Guloy) who Silme Domingo, with four bullet holes in his stomach, had named to first responders, a mystery witness, Levane Forsythe, appeared for the defense and disputed every significant piece of evidence offered by the prosecution. Most importantly he testified that he was present at the murders and rushed over to the slain man (Silme) outside the union hall. He claimed Silme said he did not know who shot him. **This witness was, at the very time of the shooting, an active informant for the FBI, well known to the Seattle Office of the FBI as a former “bag-man” for the reclusive billionaire Howard Hughes and as involved in the infamous “Morman Will” hoax.** Unbeknownst to the CJDV, Forsythe was a suspect and later informant in an ongoing “loan shark” investigation which resulted in the conviction of three men. Intriguingly, Forsythe was exonerated in this investigation three days after the murders, i.e. after he was dispatched to the scene of the crime to report on what had occurred to his superiors.

 **The FBI Office in Seattle had three ongoing investigations in June of 1981 which intersected:**

 **(1) a longstanding foreign counter-intelligence operation against the Union of Democratic Filipinos KDP)(See a Time to Rise, Cindy Domingo, co-editor) of which Gene and Silme were leaders;**

 **(2) the investigation into the Domingo and Viernes murders in which Forsythe was an eyewitness (see Summary Execution) and**

 **(3) the “Loan Shark” investigation in which Forsythe was an informant and which had resulted in an extensive examination of Forsythe’s background and history as an FBI informant and bag man for Howard Hughes.**

 The purpose of this memo is to summarize the character of each of these three investigations, view them in the context of their inter-relatedness and point out the glaring problems with how the FBI conducted itself with respect to the murders, its cover-up by Forsythe, and its use of Forsythe. We have more questions than we do answers. We are in the process of appealing the FBI’s claimed exemptions in redacting all the names of the FBI agents in Loan Shark investigation. We are demanding that the Department of Justice’s Inspector General and the FBI’s Office of Professional Responsibility conduct a thorough and no-holds barred investigation of the FBI’s misconduct and to provide answers to the questions we have posed. We have over 200 signatures on a Petition to the FBI, including those of many elected officials, union officers, leaders of public interest, constitutional rights and social justice organizations and movements and many others.

 This memo summarizes who was Forsythe and what was known about him by the FBI. It describes each of the three investigations and includes a timeline of how those investigations intersected. It then poses the remaining questions which the DOJ’s Inspector General and FBI’s OPR needs to answer.

1. BACKGROUND ON FORSYTHE

Mr. Forsythe was an eyewitness to the June 1, 1981 murders of Gene Viernes and Silme Domingo who testified at the King County Superior Court trial of Jimmy Ramil and Ben Guloy. State v. Ramil and Guloy, King County Superior Court Cause number 81-1-01924-9. This trial resulted in the conviction of these two defendants for the crime of First Degree Aggravated Murder, based in part on the testimony of two Seattle Fire Department personnel that after the murders, an injured man, Silme Domingo, had named the two men who had assailed him, names the firemen wrote down. Other prosecution witnesses had testified that the two hit men were members of the Filipino criminal gang called the Tulisan gang and had committed the murders because one of the slain men, Gene Viernes, had failed to send some of those gang members to Alaska to work at the canneries, where they ran the gambling operation. In a later trial, gang leader Tony Dictado, who drove the getaway car, was also convicted. Another gang member involved in the murders, Teodorico Dominguez (nicknamed “Boy Pilay”), was murdered 18 months later after he returned to Seattle.

At that trial, on September 15, 1981 , Forsythe testified that he was in a phone booth trying to call his architect, Alex Bertulius, on a construction project he was supposedly involved with in Alaska. He observed two men going into the Local 37 ILWU Union Hall and then come out, get into a green car and leave. He stated that the two men on trial did not resemble the men he saw going in and out of the union hall. He testified that he saw a man come out of the union hall, holding is stomach. He claimed he went over to the man and asked if he knew who shot him and the man said he did not. He claimed the man spoke with a Filipino accent. He claimed he tried to use the phone booth to call for help but the man in the booth refused to let him use it. He stated he got into his car, which had a CB radio, but couldn’t get reception. He testified that he drove around the block and didn’t see anyone coming down the alley but did see a fireman assisting the slain man and since he “didn’t want to get involved” so left the scene without stopping or assisting. He claimed he wrote a report of what he had observed on June 1st and later produced it for the Prosecuting attorney. .

Forsythe’s testimony demonstrated a considerable knowledge of the area around the Local 37 Union Hall. His testimony addressed and contradicted every major piece of testimony and evidence that the Prosecuting Attorney, Joanne Maida, had presented in her case in chief, including

1. The identity of the hit men, who Silme Domingo knew and identified to the two fireman who responded to the scene as Ramil and Guloy. Forsythe’s testimony that those two men on trial did not look like the men he saw was perjured.
2. The color of the get-away car. Prosecution witnesses had testified that the car that was seen driving away from the scene of the murders was a black Trans-Am. A car matching this description was registered to Tulisan gang leader Tony Dictado, who was later convicted of these murders as well. Forsythe attempted to sow reasonable doubt by claiming it was green not black.
3. The alley way next to the Union Hall had no one in it when he drove down it. The prosecutor called Jaime Malabo who testified that he was coming up the alley next to the union hall and saw Ramil and Guloy walking quickly down the alley with a brown paper bag and getting into a car. Forsythe’s testimony contradicted this account by claiming he saw no one in the alley when he drove down it and observed the firemen assisting Domingo.

On cross examination, Maida brought out that Forsythe had claimed he had delivered the famed “Morman Will” of Howard Hughes to Melvin Dummar in the desert in Utah and claimed he was a “publicity seeker.” Forsythe denied he was seeking publicity. He admitted he had worked for Howard Hughes and named Hughes employees Robert Mahue and Nadine Hensley as persons who could vouch for him. It is of some interest how Maida discovered Forsythe’s involvement in the Hughes empire and whether she obtained this information from the local office of the FBI. Robert Mahue’s background and history as the ex-CIA agent who ran the Hughes empire and was involved with the Mafia to create plans to assassinate Fidel Castro was well known to the FBI.

 The Plaintiffs took a sworn deposition of Levane Forsythe in 1985. Forsythe admitted he was a paid FBI informant who had been used in this capacity for decades. He stated: “I had to be told what to do...what to say and what not to say,” including “where to go, what to look for, how to report back.” His reports were mostly oral but included written reports. He stated he conducted electronic surveillance on behalf of the FBI “on numerous occasions” and they were court-approved (“all had a C-number”). Forsythe tapped phones “numerous times,” maybe more than 50 times.” He has an FBI “C-number” which identifies “your activities and so forth. I guess they keep a record of it.” He signed a secrecy agreement with the FBI in the 1940s and perhaps also in the early 50s.

He testified in 1985 that he was still used as an informant as part of a “joint Presidential task force” of the FBI, DEA and IRS and that his control agent of this work was Agent Ralph Hernandez who was “the person [he] talked to regarding any activities with the task force”. Hernandez was with the Department of Treasury, IRS criminal investigation division a special agent. His work for the task force involved travel and use of electronic surveillance equipment. Forsythe was asked about his testimony in the Domingo and Viernes case stating it was “in a room in San Francisco... and there was quite a few [task force] guys there” **Ralph Hernandez also was deposed in the case and he testified that Forsythe was considered a “reliable” FBI informant, before and after his testimony in the Domingo and Viernes murder case.**

Forsythe claimed to have communicated with Maheu through FBI Las Vegas director Dean Elston and had met Hughes approximately 20 times. He testified that he knew a Torrance, California police captain named Don Henry, who was involved in providing electronic surveillance equipment and advice to Washington State. Forsythe said me made financial deliveries to politicians for Hughes. He used numerous aliases, including: Jack Swartz, Finn Trudell, Al Cromer and Carl Anderson when making deliveries.

In his deposition, Forsythe testified that he had taped the telephone conversation he had with Maida and played that tape at his deposition. He tried to draw Maida into prosecutorial misconduct by telling her: “You just tell me what to say.” Maida didn’t fall for his ploy. Under Washington law, such a taping was illegal unless consented to by both parties. At no time did Maida know about or consent to the taping of that conversation.

Forsythe testified he had written a report of what he had seen on June 1, 1981 and described it to his wife, Rebecca Forsythe, and a neighbor, US Navy Captain, Mark Williamson on the afternoon of the shooting when he arrived back home in Port Orchard Washington. Rebecca Forsythe was deposed and testified under oath that her husband told her about the murders when he returned to Port Orchard that evening.

1. **The FBI national investigation of the KDP-- 1973-1981**

This investigation of the KDP grew out of and was a remnant of the now infamous “Counter-Intelligence Program” or “Cointelpro” of the FBI under the guise that the KDP may be violating the Foreign Agents Registration Act (FARA). See <https://en.wikipedia.org/wiki/COINTELPRO>

In 1982 the Estates of Domingo and Viernes, represented by Michael Withey and others, requested and obtained under the Freedom of Information Act approximately 14 volumes of heavily redacted documents from the FBI regarding the KDP and some of its leaders. In 2009 historian Trevor Griffey obtained the FBI Seattle Office’s file on the local KDP under the FOIA, which included even more documents and contained far fewer redactions. In both productions the names of the FBI agents and informants involved in the investigation of the FBI are redacted.

These documents demonstrate that the FBI engaged in active and thorough surveillance of the KDP nationally and in Seattle for a long period of time. This national investigation was initiated in 1973 and continued through at least October 1981.

Originally, the file was opened under this case as an Internal Security – Nationalistic Tendency Matter (105 classification) with instructions that upon investigation a may be reclassified as a Subversive Organization matter (100 classification). There are numerous investigation numbers assigned to the investigation. There were interlocking files investigating individuals and organizations (eg ACWA) involved with the KDP that were assigned the 100 designation.

Although no criminal charges were ever recommended or brought under Foreign Agents Registration Act (FARA) the investigation constituted a “foreign counter-intelligence operation” or FCI, whose agents often did not share information with the criminal investigators. The investigation included FBI actions which, amongst other things:

1. identified KDP chapter and national leaders and members;
2. reported on its activities including peaceful and non-violent demonstrations by anti-Marcos organizations, at local Philippine Consulates, including Seattle’s;
3. took photographs of KDP members attending public conferences;
4. infiltrated the KDP leadership through agents or informants becoming high ranked members of the organization and gaining access to leadership meetings.
5. **used numerous unnamed “sources” (e.g. T-1, T-2, T-3 and T-4) as well as “informants” in its investigation, including informants who were present inside secret meetings of the KDP leadership in Seattle in the mid-1970s and probably later) which included Silme Domingo.**
6. obtained internal documents describing the KDP’s policy, program and strategies;
7. collected publicly available newspapers, documents, campaigns etc. of the KDP.
8. Interviewed local dignitaries (Fred Cordova) and newspaper employees regarding the activities of the KDP.
9. included detailed descriptions of the role of the KDP in promoting other causes, such as ending discrimination in the construction trades with the United Construction Workers Association (UCWA), and the Seafood industry with the Alaska Cannery Workers Association (ACWA) which Silme helped found and Gene worked with.

**The FBI file on the Seattle KDP (1-105-9034) identifies Silme Domingo on at least 8 known occasions, along with other key KDP members in Seattle such as Cindy Domingo, Nemesio Domingo, Jr (sister and brother of Silme Domingo, respectively), Dale Borgeson and David Della.** The FBI identified the KDP as a participant in the Oct. 1981 “Conference in Solidarity with the Liberation Struggles of the Peoples of Southern Africa.” There are hundreds of pages that the FBI withheld in their entirety. A copy of an internal KDP document was included in the files, allegedly discovered by an agent “in the International District, [r]ight in front of Tai-Tung restaurant.” a well-known restaurant in Seattle in 1978. Almost all the names of the FBI Special Agents involved in the investigation of the FBI, including those working in the Seattle office of the FBI are redacted, except for Charles R. McKinnon, Special Agent in Charge of the San Francisco office of the FBI who requested that the US Post Office intercept the mail to the KDP. Although this investigation may have been conducted by FBI agents involved with the Foreign Counter-Intelligence unit, the Chief of Station in Seattle was Paul J. Mack and his assistant was George Fisher, both of whom therefore had institutional knowledge of the aims, targets and methods of this operation.

These files also include at least one document generated and provided to the FBI by the Naval Investigative Service (NIS), at its office at Alameda Naval Air Station in Alameda California, referencing “continuing coordination maintained with the FBI San Francisco during the course of this investigation.” **The NIS had infiltrated the KDP with at least two informants who provided detailed information about the KDP nationally, including its unproven suspicion that KDP members were providing material and financial support to the opponents of Philippine dictator Ferdinand Marcos in the Philippines.** Other NIS documents describe the fact that the NIS routinely provided the results of this operation to the FBI office in San Francisco, the Legat (Legal Attaché) of the US State Department in Manila and to intelligence offices of the Marcos regime.

 *Summary Execution* describes the report of a confidential source close to US military and civilian agency who described a report of the NIS to the FBI office in San Francisco and Marcos intelligence in the Philippines that Gene Viernes had carried $290,000 with him to provide to the anti-Marcos movement in the Philippines when he traveled there just two months before the murders. In fact, Gene took only $2900.00. The book also describes the close inter-relationship between the Marcos intelligence operation in the US, here to “operate against” the anti-Marcos movements, including the KDP and the FBI and NIS.

**B.** **The Seattle Loan Shark Investigation Used Forsythe as an Informant.**

1. The Initial FOIA Request Sought Documents Related to Decades of Forsythe’s Work as an FBI Informant and Bag-Man for Howard Hughes and His Associates.

The FOIA request brought by Mike Withey and Sharon Maeda in June of 2015 covers at least thirty-seven years during which time the documents sought were generated or collected by the FBI. Although broad in its scope, the request relies upon contemporaneous substantiation of the request and the likely sources and locations of the documents sought. The broad categories of the request were for:

1. Documents that referred to or described the FBI’s use of Forsythe as a confidential informant.
2. Documents that referenced Forsythe’s testimony in the case of *State of Washington vs. Ramil and Guloy*, King County Case # 81-1-01924-9.
3. Documents related to the FBI’s knowledge of Forsythe’s sworn deposition testimony in *Estates of Domingo & Viernes v. Republic of the Philippines*, (W.D. Wash # C82-1055V.).
4. Documents related to Forsythe’s contact, relationships and communications with several specifically named individuals that included:
	1. Ralph Hernandez of the joint FBI-IRS-DEA “Presidential Task Force” who Forsythe had identified as his “control agent,”
	2. Dean Elston of the FBI Las Vegas office,
	3. Pat Slavins, a former FBI agent,
	4. Robert Maheu, the former CIA officer and top operative for billionaire recluse Howard Hughes;
	5. Don Henry, a former police officer in Torrance California who Forsythe claimed had supplied electronic surveillance equipment to the State of Washington and who was cited in the Ninth Circuit’s opinion in *United States vs. Williams*, 668 F. 2d 1064 (9th Cir. 1982) as someone who pressured those defendants to repay the loan involved;
	6. Alex Bertulius, an architect from Seattle who Forsythe testified he had been trying to call on the day he witnessed the murders of Domingo and Viernes. Bertulius is also mentioned in the files produced by the FBI both as someone who accompanied Forsythe when he allegedly delivered the Mormon Will and as an employer of Forsythe.
	7. Mark Williamson, Ralph Springer, Nadine Hensley, Bob Golden and Johnny Meyer.
5. Documents referencing civil or criminal lawsuits involving Forsythe as a party.
6. Documents referring to Forsythe’s political cash contributions on behalf of Howard Hughes or Hughes’ companies.
7. Documents concerning Forsythe’s aliases, some of which were specified.
8. Results of the lie detector tests administered to Forsythe.
9. Documents pertaining to the FBI/IRS/DEA Task Force whose members asked Forsythe about his testimony in *State of Washington vs. Ramil and Guloy.*
10. Documents about anyone who contacted Forsythe about going to the location where he observed the events of June 1, 1981 (when Ramil and Guloy murdered Domingo and Viernes).
11. Documents referring or pertaining to the identities of persons to whom Forsythe provided any oral or written report of his observations at the scene of the June 1, 1981 murders.
12. The heavily redacted documents produced relate to only one relatively small aspect of Forsythe’s work for the FBI but reveal for the first time that Forsythe worked for the Seattle Office of the FBI.

Briefly summarized, the heavily redacted documents produced on April 24, 2018 contain FBI files from Seattle and FBI Headquarters related to a loan shark investigation in which Forsythe was identified as a potential suspect and then as a source of information, i.e. an FBI informant. The investigation covered a period between 1979 and 1985 when it was closed. Three individuals, whose names were all redacted but who are named in the Ninth Circuit opinion in *U.S. v. Williams, 668 F. 32d 1064* were investigated and eventually indicted, as follows:

“In mid to late October, before the loan was due, **Farmer** began receiving threats concerning repayment from **Don Henry**, who was introduced to **Farmer** by **Marcheselli**. Finally, in late November, **Farmer** decided to go to the F.B.I.

The F.B.I. agents undertook an investigation and arranged to have **Farmer** cooperate in their investigation by having him wear a body recorder to tape any subsequent conversations with the defendants. Portions of the resulting tape recordings were introduced at trial against **Williams and Jenkins. Marcheselli** pled guilty before the trial and testified for the government.”

*U.S. v. Williams*, 668 F. 2d 1064, 1066. (**emphasis added)**

This investigation involved six FBI offices (Seattle, Tacoma, San Francisco, St. Lake City, Anchorage, Indianapolis), and the US Attorney’s offices in Seattle and Tacoma Washington in which three individuals (whose names were redacted) were criminally charged, tried and convicted of ECT and conspiracy, in violation of 18 U.S.C. 682 and 2; Forsythe was both an informant/source of information and, at times, a potential suspect in this investigation who is referred to in many documents. The files describe Forsythe’s employment as a construction contractor in Anchorage (which was his cover story for why he was present at the scene of the murders) and his work with Bertulius (who he claimed he was trying to call at the time) but concludes that, in fact, there were no ongoing construction activity there that would have involved any substantial time of Forsythe.

The documents also contain a significant background history on Forsythe, including his involvement with Howard Hughes and the Morman Will case. Portions of the book, *Empire*, by Steele and Bartlett are contained in the file and refer to Forsythe’s role as a key eyewitness on behalf of Robert Maheu in his lawsuit to regain control of the Hughes operation, as well as his claim to have delivered the “Morman Will” to the Utah gas station attendant Melvin Dumar, thus perpetuating the hoax.

**Of interest is a two-page document demonstrating a background investigation of Forsythe’s public records in Kitsap County which bear the initials of the agent “HLZ”, short for Hector Lee Zavala. The document does not indicate any direct contact between Zavala and Forsythe however.**  The only FBI official named in these documents was Paul J. Mack, the Seattle FBI Station Chief. Forsythe was interviewed by an unnamed FBI agent and there is a document which states that the FBI has determined that Forsythe was not involved in the loan sharking. The date of this exonerating memo is June 3, 1091, three days after Forsythe was present at the murder scene. **Without doubt, numerous FBI Special Agents had extensive ongoing contact with its informant Forsythe over a period of years prior to the murders and the conclusion of the loan shark investigation.**

**The FBI has provided no documents related to Forsythe’s presence, reports or role in relation to the events of June 1, 1981, notwithstanding the fact that the FBI office in Seattle became very actively involved in a related Hobbs Act investigation which was opened within days the murders of Silme Domingo and Gene Viernes.**

1. **The FBI Hobbs Act Investigation of the Murders**

 The Seattle office of the FBI entered the investigation of the Domingo and Viernes murders in early June 1981 after receiving information that the murders may have been related to the two reformers activities within Local 37 of the ILWU (Alaska Cannery Workers) and therefore constituted a violation of the Hobbs Act, which prohibited the use of violence in labor disputes. Special Agent Hector Lee Zavala was assigned to head the investigation and it eventually employed over 42 FBI agents in pursing it. Special Agent George Murphy was also active and took over the investigation when Zavala left the FBI.

 Initially, the FBI started questioning many of the activists who supported Gene and Silme’s work in reforming Local 37 and opposing the Marcos regime. Concerned the FBI was involving itself in the political views and associations of these activists, the CJDV lawyers sought and obtained an agreement as to the parameters of the questioning. As a result, scores of Local 37 and KDP members were questioned. The FBI identified an individual who worked for an Alaskan Seafood Company who testified that he had overheard a conversation in which murder mastermind Tony Baruso bragged to the heads of seafood companies about the size of the bullet holes in Silme.

 During the investigation, Lee Zavala grew suspicious that his superiors in the Seattle office were not going to indict Baruso, despite the strong evidence of his guilty. He relayed to Mike Withey that they were considering granting immunity to Baruso in exchange for his testimony implicated the gang leader Tony Dictado. This was alarming since the FBI and US Attorney’s office should have been offering immunity to Dictado (who had been charged with murder by local King County Prosecuting Attorney) to implicate the higher-up—Baruso. Eventually Zavala though his superiors were trying to blame him for not conducting a thorough investigation and took steps to forestall this. **Then in early 1982 Zavala was offered an unsolicited position as head of security at Sealand Corporation and left the FBI. No indictments were ever brought.**

 Although the FBI file on the Loan Shark investigation had extensive background information on Forsythe, his name is not found in the FBI files on the murders, either as an eyewitness, as an informant, as a perjurer, or as someone who violated Washington law by taping his conversation with Prosecuting Attorney Joanne Maida before his testimony at the Ramil-Guloy trial. **There is no record produced that anyone from the FBI questioned Forsythe about his role. If this happened, the FBI has not produced any documents referring to such interview. Intriguingly, Zavala was subpoenaed and testified about an unrelated matter in the Ramil and Guloy trial the day after Forsythe testified.**

1. **ANALYSIS OF THE INTERRELATIONSHIP OF THESE THREE INVESTIGATIONS AND THE QUESTIONS THEY POSE.**

Reviewing these three heavily redacted files in relationship with one another, a few important observations can be made:

1. ALL (**KDP, DV, LS)** have separate FBI file numbers and the author gain access to the complete and unredacted files in all three investigations.
2. ALL three were active from at least June 1, 1981 onward and TWO (**KDP** and **LS**) from the 1970s through the early 1980s.  The criterion of contemporaneity, that is that the files were all open at the same time in the Seattle FBI office, is easily met.
3. All three of these files were presumably under the supervision of Station Chief Paul J Mack (who is the only FBI agent identified in the **LS** investigation) and his assistant, Special Agent in Charge George Fisher. Since Mack is mentioned in the **LS** investigation, one would presume he was aware of Forsythe’s involvement in that case as well as his extensive background with electronic surveillance and the Hughes operation.
4. TWO (**DV** and **LS)** dealt directly with Levane Forsythe as a suspect/witness/informant and the KDP Investigation may have used Forsythe as an informant against it (this may well have been the real reason why Forsythe was at the union hall where Domingo and Viernes worked). The KDP files show the use of numerous “sources” and informants in gathering information about its members and activities.
5. ALL involved the same Seattle FBI office and there was at least some overlap in personnel between the three investigations (Lee Zavala, George Fisher, and Paul J. Mack)
6. Forsythe’s picture was in the local newspapers after he testified in the Ramil/Guloy trial and the DV investigation file contained newspaper articles about this trial. This makes it very likely that at least some of the FBI agents in the Seattle office (including the 42 agents involved in the DV investigation) on all three investigations must have known that Forsythe was at the scene of the murders and had testified in the Ramil and Guloy trial. These articles dealt at length with Forsythe’s work for Maheu and Hughes.
7. The names of the FBI agents are known in the **DV** investigation, but they were redacted in the FBI files related to the **Loan Shark** and **KDP** investigation. The DOJ’s IG investigation should access all the relevant documents to obtain the names of all those agents to see who had access to the files, who worked on which cases and what the overlap in agents used was.
8. TWO (**DV** and **LS**) clearly demonstrate an institutional failure. There are two scenarios, but in **either case** responsibility for obstruction of justice is justified. These two scenarios are:
	1. No attempt by the FBI agents in charge of the DV investigation or the LS investigation was made to even question Forsythe about his eyewitness account of the murders and his testimony in court. Such a decision to not question Forsythe would constitute a potential obstruction of justice. The very informant the local FBI was using in the Loan Shark investigation, Forsythe, had perjured himself in his testimony in open court. Yet the FBI continued to use him as an FBI informant in at least the Presidential Task Force investigation he testified about, after that. Forsythe was never investigated or charged with perjury. In fact, on June 3, 1981, three days after the Domingo and Viernes murders which he witnessed, he was exonerated in the Loan Shark investigation. The clear inference in these circumstances was that someone in the FBI office in Seattle decided that Forsythe should NOT be questioned or investigated because it might adversely affect his ongoing work as an FBI informant. In short, the FBI did not want to blow Forsythe’s cover. But as a result, the FBI contributed to the cover-up of the murder conspiracy and FBI informant wrongdoing.
	2. OR, the FBI has documents reflecting such interrogation or investigation and has failed to provide them or identify them in the files produced. Such a failure of its responsibility under the FOIA is similarly without justification and is highly suggestive of a cover-up of what such questioning or investigation revealed) .

 In either case laws and DOJ standards were violated. Justice was obstructed.

 These initial questions are posed by the review of these three files in the context of one another and must be answered:

1. What were the names and backgrounds of all the FBI agents involved in all investigations?
2. What was the overlap between the FBI agents assigned to each file—who in addition to Zavala, Paul J. Mack and George Fisher were involved in more than one? They should all be questioned immediately if still living.
3. Was the FBI actively conducting surveillance of the KDP or its members in June of 1981 in Seattle or elsewhere?
	1. What were the means, manner and methods by which any such surveillance was accomplished?
	2. Who were the FBI agents, informants,  third party contractors or other governmental offices (OGA)  involved in such surveillance?
	3. Was Forsythe ever used for this purpose, including by providing electronic surveillance services or equipment, conducting physical surveillance  of members or locations, or serving as an informant for such purposes.
	4. If so, does that account for his presence at the union hall on June 1, 1981 and perhaps prior thereto?
4. Who sent Forsythe to the Local 37 Union Hall on June 1, 1981? To whom did he send his written report of what he observed.
5. Who were the FBI agents, informants, third party contractors or other governmental offices or officers (OGA)  who were aware that Forsythe was at the scene of the murders and/or came forward as a witness in the *State v. Guloy and Ramil* trial?
	1. When did they become aware of either such fact?
	2. How and from whom did they become aware of either such fact?
	3. With whom have they communicated such knowledge?
	4. What was the content and circumstances of such communication?
6. Was a decision reached to not question Forsythe about his role in witnessing the murders and testifying in court and if so, by whom and for what reasons?
	1. Was his story that he was near the Domingo & Viernes slayings to try to call his architect friend Alex Bertulius ever investigated?
	2. Did the FBI, in 1981, or at any other time, investigate the relationship(s) between Bertulius, Maheu and Forsythe?
	3. Why did the LS investigation file include documentation that Forsythe had a key role in the Howard Hughes, so-called Mormon will, that also involved Maheu?
7. Who from the Seattle FBI office shared information concerning Forsythe’s role with the Howard Hughes “Mormon Will” with Joanne Maida, the Prosecuting Attorney in *State v. Ramil & Guloy*? Alternatively, was Forsythe questioned about his presence and/or role as a witness?
	1. Who interviewed him, and when did that (those) interview(s) occur?
	2. What was said in the interview(s)?
	3. To what other office(s) was the substance or all – or portions – of the interview(s) conveyed?
	4. What if any action resulted from the interview(s)?
8. Was a decision reached to not question Forsythe about his role in witnessing the murders and testifying in court and if so, by whom and for what reasons? Did such reasons include the fact that it did not want to adversely affect Forsythe’s cover as an informant in various roles?
9. In short, was Forsythe yet another example (see other examples below) of how the FBI had a pattern and practice of authorizing its informants to commit crimes, including murder, perjury, obstruction of justice, in order to advance its interests and then covering-up the FBI informants’ role.
10. CONCLUSION

This story deserves the attention of justice minded individuals and organizations, investigative journalists, civil justice organizations and the investigative bodies of the Department of Justice and the FBI. The simple truth is that the FBI supported and facilitated the operation of a foreign intelligence and influence peddling operation of the Marcos regime against the interests and first amendment rights of US citizens protesting the regime and US policy in support of it. This underlying bias seemed to have affected the Seattle Office of the FBI in its handling of Forsythe and its failure to investigate and pursue obstruction of justice and perjury charges against him. We have asked all justice minded people to sign our Petition and join our efforts to expose the role of the FBI in covering up the Domingo and Viernes murders.