

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,  
Plaintiff,  
v.  
GENERAL SERVICES ADMINISTRATION,  
Defendant

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Civil Action No. 75-1448

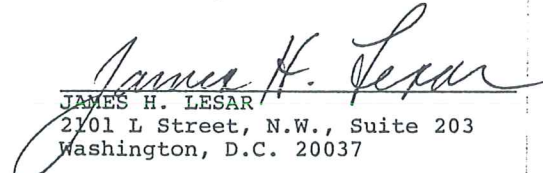
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OCT 29 1980

NOTICE OF FILING JAMES F. DAVEY, Clerk

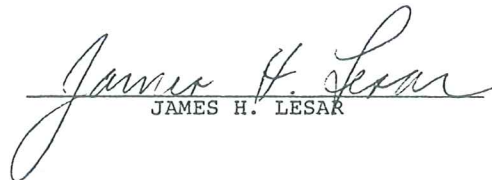
Comes now the plaintiff, Mr. Harold Weisberg, and gives notice of the filing of the attached October 28, 1980 affidavit of Mr. Harold Weisberg.

Respectfully submitted,

  
JAMES H. LESAR  
2101 L Street, N.W., Suite 203  
Washington, D.C. 20037  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of October, 1980, hand-delivered a copy of the foregoing Notice of Filing and the attached October 28, 1980 affidavit of Harold Weisberg to the Office of Ms. Patricia J. Kenney, United States Courthouse, Washington, D.C. 20001.

  
JAMES H. LESAR

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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 GENERAL SERVICES ADMINISTRATION, :  
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AFFIDAVIT

My name is Harold Weisberg. I am the plaintiff in this case. I reside at 7627 Old Receiver Road (Route 12), Frederick, Maryland.

1. For a month beginning in mid-September I was hospitalized for two operations. I am severely limited in what I can do. It now is not possible for me to make any real file searches.

2. In Defendant's Reply to Plaintiff's Opposition filed October 16, 1980, it is alleged that my prior affidavits are untruthful and that I have undertaken to mislead the Court in other ways. These representations are not in accord with fact and are refuted by a written record that defendant does not produce. These misrepresentations have the clear purpose of seeking to deceive and prejudice the Court.

3. It is alleged (pages 3 and 4) that "plaintiff's statement under oath that he gets information from the CIA 'under compulsion' after bringing suit is not true" (sic) because, allegedly, "plaintiff overlooked the thousands of pages of documents which he obtained from the CIA without compulsion in connection with requests (sic) for information relating to the Kennedy assassination and certain drug experiments." (This falls short of stating that the original requests were mine.)

4. These misrepresentations are followed by further misrepresentations,

alleging an unpaid bill and "Plaintiff does not deny that he has failed to pay his bill. Plaintiff admits it."

5. Attached to and described in my prior affidavits are proofs of a number of information requests I made of the CIA going back to 1971. The CIA does not claim to have complied with these requests and almost without exception they are not complied with.

6. What government counsel fails to state to the Court is that the records referred to, pertaining to the assassination of President Kennedy and the CIA's toying with minds, were not disclosed pursuant to my request. In fact, they were not. The CIA, in writing and repeatedly, refused to comply with my information requests pertaining to the assassination of the President, on the ground that it was making general releases. It also has refused to continue with its general releases. It suspended them several years ago and since then has provided what has not been truthful promises about when what remains withheld would be disclosed. As of the time of the appeals court hearing in this instant matter, when I asked CIA house counsel when I could expect further JFK assassination records, his response was that "green lights are flashing all over the place." Those lights may have been flashing in anticipation of Christmas, but there have been no further disclosures.

7. Not even those records that the CIA claims it cannot withhold because of its disclosures to the House Select Committee on Assassinations have been provided - after about two years.

8. With regard to the CIA's mind-bending and other abuses of humans in the name of national security, those records were provided to another litigant, John Marks. In his book about that matter which I have read, Marks states that he was stonewalled by the CIA until he engaged counsel. In no sense was as little as a single piece of paper on this subject disclosed as a result of my FOIA request.

9. My interest does not coincide with that of Marks. My original request was based on the CIA's representation of the extent of those records and, in fact, I paid for the first of those records that were provided. But as is not uncommon for the CIA, even when it speaks through the mouth of its Director, its public

representations are not truthful. With regard to the total extent of these records and with regard to their alleged earlier destruction, its and his statements were enormously inaccurate. This misled me and others with regard to their cost. I could not begin to pay for what the CIA finally admitted was the total extent of these records. Had I known this to begin with, I would not have sought copies or I would have begun with the fee-waiver request.

10. Government counsel attaches the CIA's letter to me of March 20, 1978, suggesting thereby that it is full and complete. The CIA knows full well that it is not. The CIA wrote me further three days later and I responded immediately. My response has been ignored by the CIA for more than two years. It is my appeal from the CIA's refusal to waive fees, exactly as I earlier informed the Court the CIA also refuses to act on my appeals.

11. My prior affidavits list my personal FOIA requests with which I stated the CIA had not complied. Since those affidavits were filed, the CIA has not complied with any one of those requests. It has not informed me when I might expect compliance. It has not acted on my appeals, including for the fee waiver, whose prerequisites I believe I meet and another court has held I meet. (See also Paragraph 7 above.)

12. I do not mean to suggest that the CIA always provides me with information it provides to others. It does not and it has not. Related by subject matter to this instant case are my information requests pertaining to Yuri Nosenko. My first request was prior to that of the sycophant Edward J. Epstein. After he wrote of being provided with information by the CIA under FOIA, subsequent to my ignored request, I filed an additional request with the CIA, for copies of what it had disclosed. After two years or more, the CIA has not complied with that request, which is limited to what it had already processed and disclosed.

  
HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 28th day of October 1980 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1982.



*Lillian Weisberg*

NOTARY PUBLIC IN AND FOR  
FREDERICK COUNTY, MARYLAND