

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 75-1996  
 :  
 U.S. DEPARTMENT OF JUSTICE, :  
 et al., :  
 :  
 Defendants. :

MEMORANDUM OPPOSING MOTION TO COMPEL DISCLOSURE  
OF RECORDS REFERRED TO CENTRAL INTELLIGENCE AGENCY

Plaintiff filed on January 12, 1981, a "motion to compel disclosure of records referred to Central Intelligence Agency" which is a virtual duplicate of his "motion for partial summary judgment with respect to withheld CIA referrals" filed on April 9, 1980. Both motions request release of the same ten (10) classified CIA documents.

In defendant's response to plaintiff's April 9, 1980 motion, attached as Exhibit 1, plaintiff was informed that nine of the ten documents had been dealt with earlier in connection with another one of his FOIA lawsuits, Weisberg v. CIA, C.A. No. 77-1997. According to the affidavit of a CIA Information Review Officer which is attached to that response, the tenth CIA document was "currently being reviewed for possible release" by the CIA to Mr. Weisberg. (Exhibit 2).

Additionally, in order to assist Mr. Weisberg in his matching of FBI abstracts with referred CIA documents, the FBI prepared a chart which it sent to Mr. Weisberg on June 4, 1980 listing the document numbers for the nine released CIA documents and the equivalent abstract serial numbers from the FBI HQ Murkin file. (Exhibit 3).

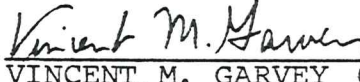
Consequently, it is clear that plaintiff has known since May, 1980, that nine of the ten documents requested in this motion were processed in connection with his lawsuit against the

CIA. He now knows that the tenth document has been released by the CIA to him.

Respectfully submitted,

THOMAS S. MARTIN  
Acting Assistant Attorney General

CHARLES F.C. RUFF  
United States Attorney

  
\_\_\_\_\_  
VINCENT M. GARVEY

  
\_\_\_\_\_  
WILLIAM G. COLE

Attorneys, Department of Justice  
Civil Division, Room 3633  
9th & Pennsylvania Avenue, N.W.  
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Telephone: (202) 633-5459

UNITED STATES DISTRICT COURT  
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 :  
 Defendants. :

ORDER

Upon consideration of plaintiff's motion to compel disclosure of records referred to Central Intelligence Agency and defendnat's memorandum in opposition thereto, it is hereby ORDERED that plaintiff's motion be and hereby is DENIED.

Dated: \_\_\_\_\_

UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum  
Opposing Motion To Compel Disclosure Of Records Referred To  
Central Intelligence Agency was mailed, postage prepaid, this  
26th day of January, 1981, to:

James H. Lesar, Esq.  
2101 L Street, N.W.  
Suite 203  
Washington, D.C. 20037

  
WILLIAM G. COLE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,  
Plaintiff,  
v.  
DEPARTMENT OF JUSTICE,  
Defendant.

Civil Action No. 75-1996

RECEIVED

MAY 7 1980

JAMES F. DAVEY, Clerk

MEMORANDUM IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT  
REGARDING TEN CIA DOCUMENTS

Plaintiff has filed a "Motion for Partial Summary Judgment" requesting this court to order the Department of Justice to disclose ten classified CIA documents which were earlier referred by the FBI to the CIA in connection with plaintiff's requests of April 15 and December 23, 1975.

As the court is aware, plaintiff is also engaged in FOIA litigation with the CIA, (Weisberg v. CIA, C.A. No. 77-1997), requesting similar documents relating to Martin Luther King, Jr. The attached affidavit from Gerald L. Liebenau of the CIA not surprisingly states that nine of the documents requested in plaintiff's "motion" here have already been processed in connection with the other litigation, currently on appeal before the Circuit Court for the District of Columbia.

According to Mr. Liebenau, the tenth CIA document, marked "Secret" is "currently being reviewed for possible release" under the FOIA by the CIA.

Defendant suggests that plaintiff's motion be denied, not merely because nine of the ten documents have been processed and identified in CIA's Disposition Document of May 25, 1978, but for the more basic reason that all ten

documents are CIA material and may not be released by the  
FBI. (See opinion of Smith, J., Weisberg v. CIA, No. 77-  
1997, pp. 2-3, January 4, 1979).

Respectfully submitted,

ALICE DANIEL  
Assistant Attorney General  
Civil Division

CHARLES F.C. RUFF  
United States Attorney

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VINCENT M. GARVEY

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WILLIAM G. COLE

Attorneys, Department of Justice  
Civil Division, Room 3137  
10th St. & Const. Ave., N.W.  
Washington, D.C. 20530  
Tel: (202) 633-3768

Attorneys for Defendant.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Defendant's Memorandum in Opposition to Plaintiff's Motion for Partial Summary Judgment regarding Ten CIA Documents was hand-delivered this \_\_\_ day of May, 1980, to following:

James H. Lesar  
Suite 203  
2101 "L" Street, N.W.  
Washington, D.C. 20037

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WILLIAM G. COLE

Attorney, Dept. of Justice  
10th St. & Const. Ave., N.W.  
Washington, D.C. 20530  
Tel: (202) 633-3768





plaintiff Weisberg's litigation with CIA. They are discussed in the affidavit of Robert E. Owen of 25 May 1978 and identified in the Document Disposition Index which accompanied the affidavit as Document Nos. 224, 250, 251, 277, 279, 284, 285, 326 and 327.

3. Available records do not establish what disposition was made of the tenth document, an informal three-page biographic statement, stamped Secret, concerning one individual apparently received by the FBI from the CIA on 17 April 1968. The document is currently being reviewed for possible release under FOIA to plaintiff Weisberg, who will be advised directly of the determinations.

*Gerald L. Liebenau*  
 GERALD L. LIEBENAU

COMMONWEALTH OF VIRGINIA )  
 ) ss.  
 COUNTY OF FAIRFAX )

Subscribed and sworn to before me this 30th day of April 1980.

*Kimberly Ann Johnson*  
 Notary Public

My commission expires: June 14, 1983

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

11/23/89

Mr. Harold Weisberg  
7627 Old Receiver Road  
Frederick, MD 21701

Dear Mr. Weisberg:

In the litigation of your FOIA request with the Justice Department (Civil Action No. 75-1996), the Justice Department surfaced ten CIA-originated documents. Because of their classification, these documents were referred to the Agency for disposition. Nine of the documents were identified as having been dealt with in your FOIA litigation with CIA (Civil Action No. 77-1997). By an affidavit of 3 April 1980, Mr. Liebenau of the Directorate of Operations of the CIA, identified the nine documents by numbers assigned to them in your litigation with the Agency.

This letter is to advise you of the FOIA determinations regarding the tenth document. The document concerns an individual whose name bore a remote resemblance to an alias allegedly used by James E. Ray. A segregated version of the document is released to you in a copy enclosed with this letter.

The document from which material has been deleted is marked with letters that designate the category of information removed from that portion of the document. The deletions marked "A" contained information which identified the individual and which were removed to protect the individual against a clearly unwarranted invasion of personal privacy. This information was deleted pursuant to FOIA exemption (b)(6). The deletions marked "B" contained information which identified CIA staff employees. Such information is exempt from release pursuant to FOIA exemption (b)(3). Classification markings were lined through and marked "C" to show that the document has been declassified in this form for release under the FOIA.

These FOIA determinations were made by Gerald L. Liebenau, Information Review Officer of the Directorate of Operations of the CIA.

The following are brief explanations of the FOIA exemptions which apply to this document.

EXHIBIT 2

Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are subsection 102(d)(3) of the National Security Act of 1947, as amended, 50 U.S.C. 403 (d)(3) which makes the Director responsible for protecting intelligence sources and methods from unauthorized disclosure, and section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. 403g, which exempts from the disclosure requirement information pertaining to the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency.

Exemption (b)(6) applies to information the disclosure of which would constitute a clearly unwarranted invasion of the privacy of an individual other than the requester.

Under provisions of the Act, I am advising you of your right to appeal the above decisions by addressing your appeal to the undersigned who will ensure that it is reviewed by the appropriate senior officials of this Agency.

Sincerely,

*for Charles E. Seville*  
John E. Bacon  
Information and Privacy Coordinator

Enclosure

(3)  
CIP

*Handwritten:* [Redacted] 3/17/51  
[Redacted] 10/10/50

SUBJECT: [Redacted] PHOTOGRAPH  
aka: [Redacted] A  
DPOB : [Redacted]

Subject of FBI investigations in 1954 (Voice of America) and 1956 (USIA) - Bureau File 123-15026,

Of possible interest is similarity between his name and that of "Eric Starvo GALT." In that similar, [Redacted] Among references on a 1949 PHS is [Redacted] A

From 1959 to 1962 (latest information available) [Redacted] A  
His local residence addresses during that period are shown as: [Redacted] A

APPROVED FOR RELEASE  
Date 22 Jan. 1981

X-115 | EX-115

REC-19 12344-37861-1549

ENCLOSURE

REC-31  
*Handwritten:* Ca 11/13/51

10 APR 29 1968  
91  
11, 68

79 MAY 7 - 1968

[Redacted] C

*Handwritten:* [Redacted] MARKIN

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

~~\_\_\_\_\_~~  
A

~~\_\_\_\_\_~~  
A

MURKIN

A not with James Earl Ray

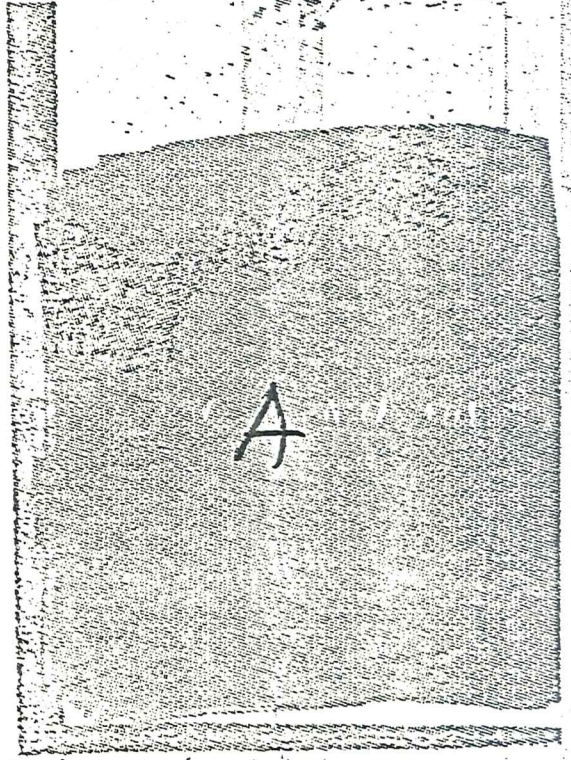
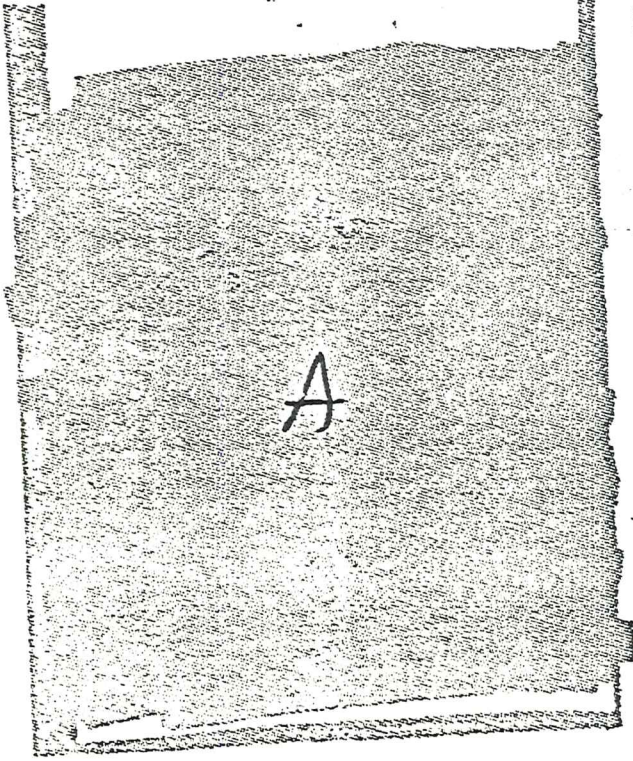
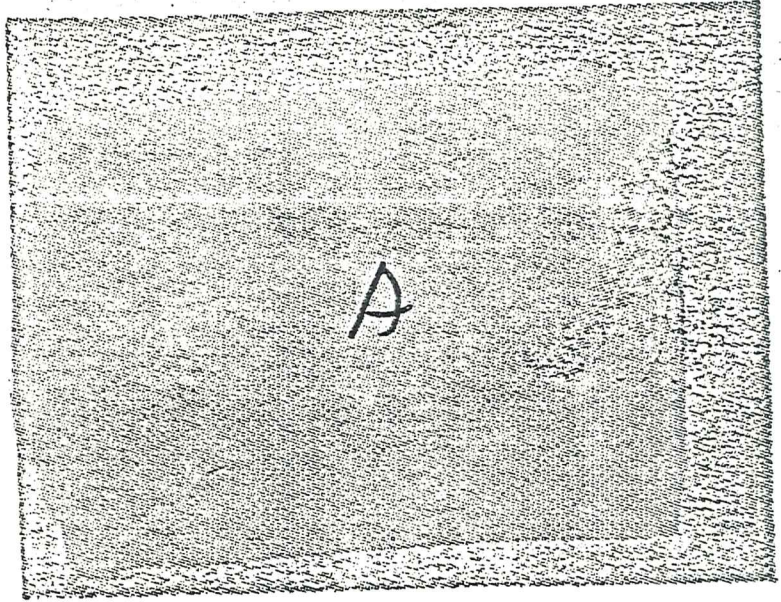
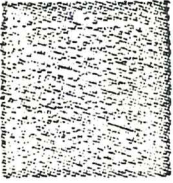
No pertinent info  
Bufiles + prints  
Not of with tentacle  
per Bailey JTB

~~44-38861-  
10 APR 25 1968~~

Received from CIA  
through Liaison by  
U.O. Corp. JTB

44-38861-1549

APR 25 1968



Mr. Harold Weisberg  
7617 Old Receiver Road  
Frederick, Maryland 21701

Dear Mr. Weisberg:

Enclosed herewith are nine abstracts for documents that were referred to the Central Intelligence Agency (CIA).

For your assistance in matching each abstract with the appropriate CIA document as furnished to you in Weisberg v. CIA, C.A. No. 77-1307, the following chart lists the serial numbers of the abstracts for the FBIHQ MURKIN documents along with the numbers assigned by the CIA for the same documents as they are contained in the Owen Document Disposition Index.

<u>FBI SERIAL NO.</u>	<u>CIA DOC. NO.</u>
860	224
1371	226
2341	277
2505	277
3119	279
3286	284
3515	250
3562	285
3795	251

The abstract for FBIHQ MURKIN serial 44-38861-1549 is not being provided at this time inasmuch as the underlying CIA document is currently being reviewed for release by that agency.

If you so desire, you may appeal to the Associate Attorney General from any denial contained herein. Appeals should be directed in writing to the Associate Attorney

1 - James H. Lesar, Esq.

Mr. Harold Weisberg

General (Attention: Office of Privacy and Information Appeals), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

Sincerely yours,

David G. Flanders, Chief  
Freedom of Information-  
Privacy Acts Branch  
Records Management Division

Enclosures (2)