

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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HAROLD WEISBERG,

Plaintiff,

v.

U. S. DEPARTMENT OF JUSTICE,

Defendant.  
.....

Civil Action 75-1996

AFFIDAVIT

My name is Harold Weisberg. I reside at Route 12, Frederick, Maryland. I am the plaintiff in C.A. 75-1996.

1. I have already informed the Court of deliberate misrepresentations to the Court by the defendants, including defendants' counsel.

2. On Sunday morning, May 28, 1978, while searching files (not related to my files on this instant cause) as I was preparing an affidavit in another case, I came across a duplicate copy of my May 31, 1977, letter to FBI FOIA Supervisory Agent John Hartingh. I attach it as Exhibit 1.

3. There have been persisting misrepresentations to this Court that it was not possible to check on withholdings the impropriety of which I drew to the FBI's attention. It also has been misrepresented that I did not provide serial numbers. In response I have stated that in no case was it not possible for the FBI do do the necessary checking with ease, that in all cases I provided a means for doing this, that often I provided full explanations, and that in addition to providing serial numbers I went to the extra cost and took the extra time to give the FBI copies of its own records so that it could see without consulting its own files what I was calling to its attention.

4. This one of many letters proves that I informed the Court accurately in representing as I did and, conversely, that any contrary representation to this Court was knowingly false.

5. On May 24, 1978 - and not for the first time - this Court stated that other matters also require its attention. In this connection, I call the Court's attention to my awareness of this and the effort I made to try to avoid the extra



time required of the Court by what the FBI has been doing and continues to do. At the bottom of page 3 of Exhibit 1 I state to the FBI my desire to avoid the need to take the time of this Court unnecessarily over what the FBI had done and continues to do.

6. Exhibit 1 includes a long list of FBI Serial numbers, with specific comment about improper withholdings.

7. The first paragraph on page 2 includes the fact that it was impossible for me to make the kind of inclusive notes defendants' counsel misrepresented to this Court that I had made.

8. At the very beginning, Exhibit 1 states that the FBI was providing deliberately illegible copies, practicing withholding by xerox.

9. The extreme misuse of exemption (b)(7)(D) to withhold the public domain is stated with specific reference to volume and serial number (at the bottom of page 4).

10. I believe that not a single one of these records in which there was unjustifiable withholding has been replaced. Not even those that withhold what I published (bottom of page 5).

11. As I have previously informed the Court, I did not anticipate the need for the present uses of the carbon copies I made and that often they are not clear because I anticipated no more need than to be able to refresh my recollection of what I had written or to be able to go back to the source of what the FBI might respond to. Mr. Lesar and my wife save for me the carbon paper from carbon sets. This is the carbon paper I use. The Exhibit is not clear for this reason.

12. Exhibit 1 is one of many illustrations of the detail in which I did inform the FBI. I will be coming to others. My consultancy review is completed and dictated through the FBIHQ MURKIN notes I was able to make. (I have not had time to read and condense what my wife has typed. I am certain this will be needed because I could not remember what I dictated over so long and often interrupted a period of time as that during which I dictated about 10 cassettes of the memorandum, about 160 typed pages.) I have only begun the review of my many letters to the FBI.

13. Bearing further on the deliberateness of improper withholdings and the deliberate misrepresentations to this and to other Courts, on Friday, May 26, 1978, I was informed by a reporter that records promised to me a year/ago in this case and still withheld in their entirety, records that are included in Mr. Lesar's C.A. 77-0682 and not provided to him, have just been provided to another requester. Neither the



Department nor the FBI informed either of us. To the contrary, in order to continue its withholding in C.A. 77-0682, the Department had just filed a lengthy Motion for Summary Judgment and a lengthy Memorandum, each with numerous attachments, a stack of papers over an inch thick.

14. This has become a standard method by which the Department and the FBI assure that the meaning of the disclosed records will not receive adequate and proper attention. It is a form of "news management." The knowledge of a subject expert is required at the outset if these purposes of the Act are to be served.

15. I have not taken the time of the Court to inform it of all such releases to others of what I requested. Not long ago United Press International reported internationally, in a series of news stories, that all the work I have done in this instant cause was exclusively its work.

16. Any one such government propaganda ploy and harassment is damaging to me and to my work. Each also defeats the purposes of the Act. The series of such official government acts has been extremely damaging. It serves to destroy the means by which I might be able to work more efficiently and more effectively.

17. These government acts also serve to misinform more people than I can possibly reach.

18. My experience of Friday, May 26, illustrates how this kind of official trick serves to discourage the news attention the records involved justify.

19. The reporter who consulted me informed me that the records involved had been given to Morton Halperin. The reporter also indicated the contents of a few pages by reading from them. I had to respond truthfully when he asked me if what he read to me was new. What he read me was disclosed by the FBI to the Senate Select Committee on Intelligence in late 1975. My assurance that the records contain information not reported in 1975 was not sufficient to overcome this reporter's reluctance to turn in a story for which he might be criticized for writing what was not new. As a result, his newspaper, a major paper, made no mention of the content of these records. These records contain details of the extraordinary campaign the FBI waged against Dr. King, even FBI plans to destroy Dr. King's leadership and to be able to enshrine and control its own "black messiah."

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HAROLD WEISBERG

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**FREDERICK COUNTY, MARYLAND**

Before me this \_\_\_\_\_ day of \_\_\_\_\_ 1978 deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires \_\_\_\_\_

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**NOTARY PUBLIC IN AND FOR  
FREDERICK COUNTY, MARYLAND**