

0692- Affidavit of James P. Turner, 1/6/78

His Par. 4, reclassification upward, from Secret to Top Secret, can't be based on the content, the national-security considerations of the E.O., which ostensible has the opposite purpose, to reduce over-classification.

I could provide an affidavit based on what I've already given you on the CRD report and specify that there are withholdings that cannot be justified, that they are of the public domain, that one such illustration is the absence of ~~the~~ names that are the basis of the FBI's allegations against Dr. King, like that of Stanley Levison; and that some of the b1 withholdings, absent a deliberate cover-up in the report, have to include the known fact that the FBI has SCLC staff members about its informants. That, in fact, the DJ, after review by the same review authority, has released the foregoing to me and that I, personally, have read it.

That I have read many records for which the DJ has claimed b2 and after the claim and the withholding have received some and that in no case did a withholding meet the test of the Act, "solely" an internal matter. That at least to a very large degree in a large number of records I have read and ~~found~~ obtained under FOIA the same claim has to be baseless from content.

That the record in my cases makes it appear that these exemptions are shifted around willy-nilly, as the use of b2 for 7D and vice versa when the applicable exemption is 7D

The use of the word "disclosure" in this paragraph, from my review of the report in question, does not mean to make known what was not known, the dictionary meaning; that the known- the public domain, remains withheld

His language is evasive when he says "This information is not known to be within the public domain..." First they have refused offers to inform them, even of an index; and second, the record is extensive that they see to it that review is by those who are not familiar with what is public domain.

But in his case he has to know that the name Levison is public domain, using it as one of several examples of what he withheld; and the same is true of inside SCLC FBI informers.

That I have read earlier samples of his withholding in my own 75-1996 and they extend to the ridiculous- withholding what has received coast-to-coast publicity, including on prime time TV, as the case of Dick Gregory and the phoney Byron Watson story. That his own files would have permitted him to live in a cocoon, never reading a newspaper, never listening to a radio or looking at TV, and have known this because the matter was also referred to his Division by the White House after all the publicity on it. That in fact his Division had had this information called to its attention by a lawyer and his investigator, a former IRS investigator, who are not alone among those who knew the story.

That Eaton and his mother did all possible to publicize the story prior to his withholding; that it was the cause of an investigation by the ~~State~~ Atlanta police, who did not keep their report secret but gave it to members of Congress- that I am not alone among journalists who have copies.

Even that in fact rather than conducting a real investigation his division limited itself to what it knew the Senate's Church committee would be reporting- even attaching the summary of contents of that report to its report to let others in DJ know this without spelling it out.

We can clobber Turner and CRD if you want to.