

9/78

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....	
HAROLD WEISBERG,	
	Plaintiff,
v.	Civil Action No. 77-1997
CENTRAL INTELLIGENCE AGENCY, et al.,	
	Defendants.
.....	

AFFIDAVIT OF HAROLD WEISBERG

I, Harold Weisberg, residing at Route 12, Frederick, Maryland, am the plaintiff in this case and, being duly sworn, depose and say as follows:

1. In my affidavit of June 11, 1978, I sought to inform the Court about the unfaithfulness of official representations to it and in general about the infidelity of government representations in the Freedom of Information (FOIA) matters that are within my extensive personal experience. These matters with which I have had extensive personal experience for more than a decade are matters of special interest to the federal intelligence and investigative agencies because their performance, which also means nonperformance, is brought in question; because it is now far beyond any question that not one of these agencies functioned as it was supposed to function in time of great crisis; and because each and every one of the agencies involved misinformed, underinformed and deliberately misled others who range from the people of the country to foreign and domestic courts and even a Presidential Commission. As my affidavit of June 11, 1978, also states, the CIA, a defendant in this instant cause, also treated the Senate Intelligence Committee in this manner. An illustration of the further information of this nature that has come to light since then is represented by Exhibit 1, an editorial article from the Washington Post of September 6, 1978. It is written by an expert whose prior experience not indicated in the article is as a staff member of the National Security Council. In this affidavit I seek to provide this Court with further information relating to the specifics of efforts to mislead it, which to me means to subvert the law of the land, and to provide the Court with some specific illustrations to the degree I am now capable of this under the limitations of my present life.

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2. With both the FOIA and the subject matter of my work and interests, I have experienced the reality of Wordsworth wisdom about being the first the new to try. I have lived the prejudice that attaches to what amounts to pioneering in areas that are of delicacy to those of power and influence. The first of my seven printed books was the first such critical analysis of the Report of the Warren Commission. It was greeted with enthusiasm by editors, with fear by publishers, and in order to open up the subject, I was forced to publish the work myself, thus being credited with the invention of what was called the "underground" book. A publisher who had thrice declined to publish this book ultimately came to me for permission to reprint it. Prior to this reprinting and after enactment of the Freedom of Information Act of 1966 (which did not become effective until 1967), I sought the assistance of the American Civil Liberties Union (ACLU) in obtaining relevant official records of the investigation of the assassination of President Kennedy. The prestigious ACLU never responded to the written request it asked me to make. Instead, it voluntarily provided me with counsel in the event there was the official retribution it anticipated from the official agencies of which my work was critical.

3. While persevering under FOIA was not easy for me, I did persevere. As Judge Gerhard Gesell stated on January 16, 1978, in another case, if it had not been for my continuing efforts against considerable odds, the Freedom of Information Act as we know it today would not exist. In my efforts to make available to all those official records that were withheld, I filed more FOIA requests and suits than any other private person of whom I know. Most of my experience has been with the Department of Justice, including the FBI, the General Services Administration, including the National Archives, the Central Intelligence Agency and the Secret Service. Based on this extensive personal experience, I state without qualification that all lie, all file false affidavits, all resort to trickery and, when cases get before courts, all seek to misinform and mislead the courts. I state without qualification that such dishonesties taint all the many cases in which I have been involved and with which I have personal experience. (I also have personal experience in the FOIA cases of others.) If I were to undertake to present this record in a book, with the appropriate evidence in my extensive files, it would tax the capacity of modern printing equipment to hold it all within a single set of covers. Illustrative of my experience with official

contempt for FOIA and refusal to comply with it is the fact that I have about 50 unmet FOIA requests before these agencies. All are well past time of compliance. Some go back more than a decade. Of these older requests, some are for only a single record. This kind of request is easy to comply with. Compliance requires little time.

4. My work differs from that of others in the field in that I address the functioning of our basic institutions in time of great stress. I am not in pursuit of a real-life whodunit. I do not seek or seek to bring to justice any unknown assassins. I cannot bring back to life those great leaders who have been assassinated. But I can and I do examine how the basic institutions of our society performed under these great stresses and in their wake. It is my unhappy conclusion, based on this large work, that in these times of crisis all of society's normal protections failed. These failures created other and highly divisive and disillusioning public issues, new dissensions and divisions within the country and added motive for the agencies involved to obscure and cover up their failures. Because these agencies have and use great power, including the power to prosecute, they have been and they are immune from punishment for any transgressions.

5. The expertise with which I have been credited by the government is wider than is indicated in my affidavit of June 11, 1978. In C.A. 75-226, the Department of Justice informed that court that I know more about the investigation of the assassination of President Kennedy than anyone then in the employ of the FBI. I believe these also are unique credentials. In this affidavit I draw upon the expertise, knowledge and experience with which the Department of Justice itself credits me in both cases.

6. My personal work is larger, no matter how measured, than any other inquiry made by any other person of whom I know. Whether it be measured by published work or by files and records accumulated, I know of no other inquiry - on any subject - of this magnitude, of its size or sweep.

7. In this work I have undertaken a public responsibility. I do not seek personal ends, whether of glory or enrichment. In order to perform this public function, I have had to subordinate what might be regarded as personal ends, like the writing of more books, which I do want and intend to do. To assure that the work and its fruits will be freely available to all, I have bequeathed it,

in toto, to a public archive in a university system. I have already begun the deposit.

8. There are no personal values for me in the information I seek in this instant cause. Rather does the time and effort required of me prevent my writing of a planned new book on the assassination of Dr. King. However, because I have acquired the unique knowledge attested to by the government, I give priority to the public role I serve.

9. Rather than regarding these great tragedies of the political assassinations as real-life mystery stories to be lived, I regard them as the most deeply subversive of crimes in a representative society. They subvert representative society. I neither see nor seek a smoking gun hidden in Langley. However, other secrets remain buried there and elsewhere. These are secrets that are embarrassing to errant officialdom. One such embarrassing secret ("family jewels") brought to light for the first time in this instant cause is the fact that the CIA, like the FBI, was engaged in illicit adventures in domestic intelligence activities against Dr. King. Records kept secret until long after this case was filed characterize Dr. King as a tool of "Peking Communists" and of "Maoists" as well as of Russian Communists. This is false and defamatory. It also is the self-defamation of those who engaged in these sordid improprieties and illegalities, kept them secret and still seek to keep other details and records secret and to misuse this Court to this end.

10. In the course of acquiring the knowledge with which the government credits me, I have learned much that is disagreeable to me. This includes the previously mentioned fact that when the President was killed, a crime that negates our system of representative society, all the institutions of government failed. No satisfactory solution to the crime was found, an entirely unsatisfactory political "solution" was presented, and there thereafter was a massive "cover-up" inside the government to "whitewash" this. These descriptions, from the titles and subtitles of my earliest books, were more than merely confirmed ten years after I used them by such investigations as those of the Senate's Church committee. History repeated itself when Dr. King was killed. There was the same unsatisfactory "solution" in which even a trial was aborted and since for 10 years has been refused. In that case and for a number of years, I was the defense investigator. Since then, under FOIA, I have obtained and studied

about 50,000 relevant, once-secret, FBI pages. Based on knowledge acquired from all sources, I state that there never was, in either crime, an investigation to determine who had committed the crime or to determine whether there had been a conspiracy. In each case officialdom immediately seized upon a convenient "solution" and then insisted on its acceptance. I state this on the basis of almost fifteen years of the most intensive work, on the study of countless thousands of pages of once-secret official records, including many of those of the CIA, and on extensive personal investigations and numberless interviews with witnesses all over the country.

11. It is also disagreeable to me, more so perhaps because I am a first-generation American, that the results of public dissatisfaction with the official accounts of these crimes include disenchantment with government, sometimes complete lack of trust in it and refusal to participate in it. These reactions are common among the younger generation, with which I have had considerable personal contact and communication. I cannot recall a single collegiate audience that did not articulate this lack of faith and trust in government. It is an easy matter to titillate such audiences and countless other Americans on radio "talk" shows with sensational and excitingly illustrated conspiracy "theories," attractive untruths, are commonplace in the field in which I work. But it is not an easy matter to persuade these audiences, especially but not limited to those just entered into adulthood and its responsibilities, that they should undertake to make the system work and that to do this they must participate in it.

12. One of the most common protests and objections to this advice is that the government lies, that not a word it says can be trusted. Indeed, these are the precise words of the late conservative Senator Richard Russell of Georgia, who was also a Member of the Warren Commission. I had a relationship with him prior to his death. In an executive session of the Warren Commission the transcript of which was classified "TOP SECRET" without basis or justification, Senator Russell, drawing upon his experience as chairman of CIA "oversight" in the Senate, told his fellow Commissioners that they could not believe a word the CIA said. (In another such session, long withheld at the behest of the CIA, former CIA Director Allen Dulles equated perjury with patriotism and went so far as to say that CIA employees should not tell the truth in official

proceedings and relationships.)

13. It is my experience in this and in many other FOIA cases that the CIA and other government agencies to not tell the truth, do lie and do swear falsely. Based on my extensive knowledge and personal experience, I attribute this to a number of factors, some of which are to perpetuate the withholding of proof of official failures in the investigations of these serious and costly crimes, to hide proofs of misleading the courts and other official bodies, and a recently intensified effort to avoid what is required by FOIA, to misuse the courts to accomplish this, thereby, in effect, rewriting the Act.

14. I believe that because, as other courts have stated, I have been in a leading role in bringing to light what has been suppressed about these crimes, and because I do not weave merchantable conspiracy theories but focus on the basic facts of the crimes and their investigations, the federal investigative and intelligence agencies have singled me out with special efforts to obstruct my access to what under the Act is public information. They also deter my making use of what information I do obtain by tying me up in court. At my age, which is 65, and in my known state of impaired health, this also can be described as trying to run life's clock on me and my work.

15. As an illustration of what I personally have brought to light under FOIA relating to the King assassination, I state that except for fabrications there was no new evidence presented at the recent hearings of the House Select Committee on Assassinations that I had not obtained in C.A. 75-1996.

16. As an illustration of how official stonewalling can tie me up, I cite the history of C.A. 75-1996. My first information requests for King assassination records were filed in March 1969. The complaint was filed in 1975. After providing fewer than 100 pages of records, the government alleged full compliance, which was false. In the almost three years since then, I have received about 50,000 additional pages and compliance is not completed. The nature and extent of the unjustified withholdings within the pages provided has already required extensive reprocessing of them and full reprocessing of all that was provided is presently under consideration. The time, work and money required of me have precluded my writing based on the records provided. The time wasted for me has interfered seriously with my ability to attend properly to other FOIA matters, including this present one. The cost of the government of its

successful stonewalling has been great. A heavy and unnecessary burden was imposed upon that court. The government's accomplishments were waste and delay. It ^{also} has succeeded in frustrating my use of the information that I have obtained.

17. As now in this case, in that case the Department alleged that further search was a practical impossibility and that searching by subject was also impossible. In both cases this is false. The most recent proof I have obtained is two full FBI volumes provided to another and later requester, who gave them to me on September 7, 1978. My appeal from the denial of the same records is a year and a half in the past and has not been acted upon. This later requester is a friend not publicly identified with me. He proceeded with my advice and did obtain and give me what the government claimed it could not provide me.

18. In litigating FOIA cases with agencies like the CIA and FBI, it is my experience that one has to confront spurious claims to "national security." Both have withheld from me under national security claim what does not qualify for classification and what, in fact, is within the public domain. Understandably, courts are unwilling to risk any jeopardy to real national security, a reality cleverly exploited by these agencies. Ordinarily, it is impossible for a private person to know what is withheld or to prove that there is no basis for national security claims.

19. Of the many possible examples of misuse of classifications like TOP SECRET, I attach as Exhibits 2 and 3, an illustration that was on my desk awaiting refiling. Exhibit 2 had been withheld in its entirety by the National Archives until 1973, almost nine years after the Commission's life ended. The then withheld second paragraph of this page was released in 1975. The document was originally classified TOP SECRET although the Commission neither had nor sought classification authority. The fact that Yuri Nosenko had defected from the KGB was well known to it, although the CIA had made no public announcement of it. Initially, only the American people were kept in the dark. While keeping this and other records secret from me and others like me, the CIA provided Nosenko to a writer whose sycophantic attitude was well known to it. He thus had the information from Nosenko, information not in any way indicated in this record, for his own exclusive use. Naturally enough, he used it in a book extolling the CIA. The "problem" of Nosenko referred to in the exhibits is that this former KGB official had told the FBI that the KGB suspected Lee Harvey Oswald

as a United States agent-in-place, or "sleeper" agent, and that he had no connection with the KGB. In taking the CIA's "recommendation" and awaiting "further developments," which there never were, the Commission suppressed all that Nosenko had said, what was embarrassing to the CIA. There is no mention of Nosenko or of his evidence in the Commission's Report or its 26 volumes of printed evidence. There also is no mention of the KGB's suspicions relating to Oswald as an American, meaning most likely CIA, agent-in-place.

20. While the CIA continues to withhold all Nosenko records from me under a request of several years ago, it made all these records available to another and also sycophantic writer. It also made Nosenko available in person for interview by that writer. Simultaneously, the CIA swore to a federal court quite the opposite of what it had already done and extended this to allege that if even the state in which Nosenko lived were to become known, he would be killed by the KGB. Although this second book assisted by the CIA with its "TOP SECRET" Nosenko information has been out for a long time, the CIA still has not responded in any way to my prior request. After the publication of two heavily promoted books relating to Nosenko and including information from CIA records, the CIA still treats the identical information as TOP SECRET in its nonresponse to my earlier requests. (The difference, of course, and the only difference is that I do not write what the CIA wants to be written about it.)

21. In recent months the FBI and CIA have orchestrated their obstructions. Both file false, misleading and deceptive affidavits in which they make the identical spurious arguments. In this instant cause, an example is the falsehood that providing any records other than the few belatedly disclosed would require a search of every paper in the CIA's possession. A parallel falsehood was sworn to at the same time by the FBI in a 68-page affidavit to which there were so many attachments a box six inches high was used to mail them. I was required to prepare an affidavit for my counsel's use, detailing the untruthful official statements and factual errors, and an additional 70-page memorandum of other such evidence. Sixty-eight pages of nonfact and untruth and perhaps some unintended error is a large amount of misleading information to which to have to respond and file correction.

22. For one of my years and in my health, one who has no help and has undertaken a large study, merely having to address affidavits of such length

and complexity and of so many attachments as this one by the FBI and those filed by the CIA in this instant cause requires a major and exhausting effort. When these are false, misleading, deceptive and conclusory affidavits, the problem is more serious and the time required is even greater. I have, for example, no way of knowing which untruth, which unjustified official opinion, which misleading statement or which improperly excised record may appear to be significant to this Court. Yet based on false representations, the government can prevail as it has in the past, and what for me is a great and costly effort will be wasted or still more cost and effort can be extorted if I appeal. This is an even more serious consideration for me because of my age and health, because of the distance that separates me from my counsel and because he is in sole practice and also is wasted by the same official stratagems and devices.

23. It presently is impossible for me to respond to all the sworn untruths, deceptions and misrepresentations made by the CIA in this matter. The government is well aware of this, having imposed similar burdens upon me by the same strategy and tactics in other current cases. It also delayed the providing of a large volume of records in still other cases, making review of them coincide with the need to examine and prepare responses to its long and detailed affidavits that are, as I have stated, not faithful to fact. Over the years I have obtained many pages of records earlier withheld by the CIA under claim of national security. I state without equivocation that, after obtaining and reading these pages, which had been classified up to and including "TOP SECRET," I have yet to see a single word that ever justified any classification or withholding. While without doubt there is need for some classification with regard to material of genuine national security character, within my extensive personal experience it is commonplace for official agencies to exert spurious "national security" claims for what is withheld because it is embarrassing to officials. Improper and illegal acts also are hidden by such unjustified claims to exemptions. One example is the hiding of illegal and improper acts against Dr. King and his associates. Another example is the asserting of false "national security" claims to suppress the embarrassing transcripts of the Warren Commission executive session and such content as the CIA's dedication to false swearing as the new patriotism.

24. Although the representation of the CIA's affidavits in this

instant cause is that it has complied to the degree that is humanly possible, the CIA knows better than this. It knows that in withholdings from records it has provided in excised form it withholds what is within the public domain. It also knows very well that its affidavits do not attest to the searching of all of its relevant files. Components whose records should have been searched are not mentioned. There is no evidence that such components and their relevant records were included in the search. Among the omissions are records relating to me and my work. (More on this follows.) Records I have reason to believe exist and are withheld deliberately include what I regard as and believe is intrusion into my rights, including my First-Amendment rights. These records relate to CIA domestic intelligence operations I believe are violative of its charter. I refer to a form of surveillance. The CIA denies any surveillance. I do have proofs of this, proofs the CIA still withholds, proofs I did not obtain from the CIA. My proofs include copies of transcripts and copies of checks.

25. From extensive and consistent prior experience, I have learned that when I make specific disclosure of what I know, if there is any subsequent compliance, it is limited to that which can be anticipated to be within my knowledge. For me there is always a long drawn-out process of providing new proofs to obtain further compliance after full compliance has been alleged. The record of my many FOIA cases is consistent in this regard. I obtain nothing or virtually nothing until I go to court and then obtaining compliance is like drawing teeth. This is the record in this instant cause as in all others I have filed. I recall no single exception.

26. I fear that, if I make full and open disclosure of what I know, any subsequent CIA response will be limited to that which I disclose.

27. I have discussed with counsel whether I may seek to inform the Court in camera. I am willing to do this. Pending decision, I assure the Court that I have the most substantial reason to believe that in the field of my work I have held what was described to me as the "all-time track record" for the CIA's interest.

28. In this I am referring to records that also should have been provided by the CIA in response to my 1971 request for its records relating to me. As of this moment, these records - of which I have copies from another source - remain withheld from me by the CIA. It did allege compliance with that request. It now

is years late in reaching a final decision on my appeal.

29. Because it now is impossible for me to make full response to the CIA's allegations and affidavits in this instant cause, I provide illustrations of its false, deceptive and misleading representations.

30. If the Court desires, I can also supply examples of its conclusory and misleading affidavits in another cause, affidavits the CIA succeeded in withholding even from the plaintiff and his counsel. To my personal knowledge, the CIA has a long and consistent record of making self-serving, untruthful and incomplete representations to courts. I believe that the CIA's own "track record" is relevant to appraisal of its truthfulness in this instant cause.

31. The CIA's representations with regard to my requests related to its program for toying with human minds, euphemistically designated "behavior modification," are misrepresentations. Its own attachments disclose the adding of false, misleading and deceptive notations. The CIA presents this material to this Court as though it were truthful, which it is not.

32. My interest in the CIA's mind-bending activities was initially triggered by a Warren Commission record of early 1964. The only reasonable inference to be drawn from that meager classified CIA report, provided to the Commission over the signature of Richard Helms, then chief of what was called "dirty tricks," was that the Commission was exploring the possibility that Lee Harvey Oswald was some kind of "Manchurian Candidate." (I know of no other Commission records relating to this that have been made available for research.) When I learned that Dr. Frank Olson, a scientist who lived not far from me, had lost his life in the CIA's experiments with humans, my interest was renewed. In that case the widow and three young children were led to believe that Dr. Olson killed himself because of deep-seated psychiatric problems. Not until the children were grown, through the Rockefeller Commission, which also did not inform the Olson survivors, did the family learn that Dr. Olson died under the influence of a clandestinely administered CIA drug. For years the family suffered under a stigma. It would not have received even the minimal line-of-duty pension had it not been for a revolt by one of Dr. Olson's former associates in the secret CIA cell within the Army's Fort Detrick, the closest border of which is but a half-mile from my home. The CIA's concept of national security was to cause Dr. Olson's death; to pretend it had no involvement in what amounts to murder; to hold its victim to have caused his own death; by these false

pretenses to deny any assistance to the widow raising three young children; and to force the four Olson survivors to live under a cloud and on a virtual subsistence level while it lavished taxpayers' money on the effluvia of foreign intelligence services. (My Olson request is the CIA No. 76-146.)

33. Contrary to the false record the CIA provides to this Court, that my request for its drug/behavior modification records was a new request, my request was of July 2, 1976, as the CIA itself recognized in the Gene Wilson letter of March 14, 1977. (Attached as Exhibit 4.)

34. This CIA letter is self-serving in creating a false record to be retrieved from the files and used to mislead and misrepresent. It states that I will be treated equally with another requester, which did not happen. I was discriminated against in being denied equal use of the information requested.

35. In writing me further about this on February 16, 1977, and correcting misleading information it had provided earlier, the CIA also disclosed that it had not informed me truthfully and accurately about the relevant information it possessed. (Exhibit 5)

36. The concluding paragraph of Exhibit 5 refers to information the CIA has yet to provide to me or to explain why the information has not been provided under that request.

37. Under date of February 28 of this year, almost two years after my initial request, the CIA apologized "for the inordinate delay in responding to" my request, which it admits was of 1976. (Exhibit 6) It lies about the reasons, "that this case somehow got misfiled and forgotten." The truth is that when I reminded the CIA, after it had given other requesters what I requested in 1976, it marked my reminder of its noncompliance as a "new" request.

38. It is not possible that both my "original request for mind/behavior control documents dated 2 July 1976" and my reminder were both just "misfiled and forgotten." But were this true, it means that the CIA's representations about its own records cannot be accepted as dependable. I believe this is particularly relevant when the CIA's own records provided to this Court disclose the mechanism for "misfiled and forgotten," the deliberate mislabeling of my reminder of its noncompliance as a "new" request, which put it at the bottom of the backlog.

39. Contrary to the CIA representation to this Court that it had not extorted an excessive charge for search fees in this instant case, when the CIA

wrote me under date of March 23 of this year regarding the 14,357 previously withheld pages relating to its experiments with human beings, it admitted that it had not waived search costs until long after I filed this instant suit. (Exhibit 7) After its initial extortion of the \$500 search fee, which it knew was burdensome for me, the CIA's own representation is that its "letter of 20 March ... advised you that the search fees were being waived in connection with the processing of your request concerning the Rev. Martin Luther King., Jr., and James Earl Ray."

40. Instead of refunding the \$500, it sought to have me apply it to the cost of the 14,357 pages for which, as the CIA knew, I had already requested a waiver of costs under applicable provisions of law. The denial of the waiver request was under appeal when the CIA sought to have me waive this appeal by applying the \$500 to the cost of the 14,357 pages.

41. In response to the CIA's apology for its "inordinate delay" and alleged "misfiling" and "forgetting" (Exhibit 6), I wrote it on March 1, 1978. (Attached as Exhibit 8) Rather than refusing to pay it, I told the CIA that "while I do not have enough money in the bank to cover a \$1,435.70 check" I would arrange to pay and "I do assure you of a check after I hear from you following your receipt of this letter." I stated I would prefer to await "final decision on the request for a waiver."

42. I believe this partial recounting of the written record withheld from this Court by the CIA, a record misrepresented by those in the CIA who have personal knowledge, is a deliberate CIA effort to mislead and prejudice this Court.

43. In my letter of March 1, 1978, I also reminded the CIA of "a large number of requests and a large number of appeals and other reminders and no compliance as a result of them." I asked for some assurance that it would not be necessary to litigate those matters. In more than half a year I have had no response. This makes it apparent to me, from my long personal experience in these matters, that the CIA prefers unnecessary litigation and the delays in any compliance under the Act contrived by unnecessary litigation. Requesters like me, people without means, are unable to litigate easily. Moreover, litigation takes time that for a requester like me prevents my writing about the records, writing that the CIA does not like, writing that brings CIA transgressions to public attention.

44. Moreover, the CIA, like the FBI, deliberately inflates the cost of complying with FOIA requests to build false statistics that in turn are used as a

means of seeking legislative amending of the Act. The more time it expends, the more money it wastes, the higher the statistics and the more persuasive the argument that FOIA is burdensome. At the very least, stalling and unnecessary litigation delay use of the records and any exposures of wrong-doing they may make possible. Thus, for example, the CIA has not yet complied with my 1971 request for its records on me and has delayed final action on my appeal. There is no doubt at all that it has and knows it has relevant records not provided. This is shown by an undated internal memorandum now more than seven years old. (Exhibit 9, see page 2) By stonewalling, the CIA has the cake it has already eaten. It withholds what is embarrassing to it and accomplishes the intent of not complying with the Act, confronting an indigent requester with the waste of time and the considerable cost of the litigation that is made necessary only by the CIA's deliberate violation of the Act.

45. Exhibit 9 also reflects the actuality rather than the misleading representations of the CIA in this instant cause with regard to its alleged inability to retrieve information on authors and their books. The CIA has no trouble finding such information except when it does not want to find and provide it. Other CIA records now within the public domain establish that by clandestine means it took action against books on assassinations and their authors.

46. Among the other content of my letter of March 1, 1978 (Exhibit 8) that relates to compliance, meaning noncompliance, and remains without response is my reminder "about another of your 'inordinate' delays, one that again gives an 'exclusive' on what I requested earlier and did not receive. In that case it is Edward J. Epstein, of a sycophantic record." I return to this below.

47. One of my reminders to the CIA is dated July 21, 1977. (Exhibit 10) In it I call to the CIA's attention its release to another of what I had requested relating to its experimentations with humans, without receiving any acknowledgment or the 4,000 records in question. This is when I asked for the waiver: "Under the Act there is authority for the remission of all costs and fees. I believe I meet the requirements for this remission and I make the request formally." In this letter I reminded the CIA that it had assessed a \$1,000 fee for the King records search; that the Attorney General had held the King case to be "historical;" and that I had already bequeathed all my records to a university for a public archive. I also repeated that I preferred to avoid unnecessary litigation. It was not until

the following March 20, eight months later and after I filed suit, that the CIA waived search fees only in the King case. This is contrary to its representations in this instant cause.

48. The CIA's letter of March 23, 1978, Exhibit 7 above, was written, I believe, to be used self-servingly in this instant cause. My response of March 26 (attached as Exhibit 11) begins by stating, "I see no need for you to have written" it. My response still was not a refusal to pay, the current CIA misrepresentation. I stated that I regarded it as "inappropriate" for me to do anything because this "matter is currently before a court" and told the CIA that if it wanted to communicate with my lawyer to do so. I provided his name and address. I also corrected the self-serving CIA misrepresentations since repeated to this Court by the CIA, and I reminded it of my appeal for remission of fees and costs.

49. Three days earlier, in response to the CIA's rejection of my request, I had filed the appeal. (Exhibit 12) This March 23 letter was in response to the CIA's of March 20 above, in which, for the first time, with this instant cause filed in court, the CIA agreed to waive the \$1,000 search charge in an historical case in which search fees are not charged.

50. While under my time and other limitations I have not retrieved all the letters relating to the CIA's representations of the information requests mentioned in the attached correspondence, I believe these exhibits are adequate to show that the CIA's representations of them to this Court are not faithful to fact and that the CIA was well aware of its infidelity to fact. This part of the correspondence the CIA saw fit not to cite or retrieve from its files for the Court reflects stonewalling the requests and nonresponsiveness and noncompliance under the Act.

51. The Epstein book was made possible by CIA violation of my rights under FOIA and by special treatment and services provided to Epstein by the CIA. Epstein writes that the CIA even ran name checks for him and that its technical personnel also helped him.

52. The information provided to Epstein by the CIA is included in my prior request, CIA No. 75-6669. Epstein states it was not until a year later that Readers Digest proposed the book to him and later still that he made FOIA request of the CIA.

53. When Epstein's book was being published in condensation by Readers Digest, I wrote the CIA about this again, on February 20, 1978. (Exhibit 13) The last two paragraphs are relevant and connected to the Epstein matters. They bear

heavily on the infidelity of CIA representations having to do with "national security" and its "protection" of "sources and methods."

54. I knew much earlier that the CIA had again made Nosenko available, in the flesh, to a writer. On several occasions I reminded the CIA that it was not in compliance with my FOIA requests for all records relating to the assassination of President Kennedy. This request also includes all relevant Nosenko records, for which I made a separate request when this one was not complied with. I select my letter of February 12, 1977 (Exhibit 14) as an illustration because it documents that the CIA discriminated, making records available to others before making them available to me. Paragraph 8 reminded the CIA of my JFK request, 75-6669.

55. A year later and eight days after filing a new request for the information made available to Epstein, I wrote Gene Wilson of the CIA again about this. (Exhibit 15, dated February 28, 1978)

56. Because Epstein exposed a Russian defector in place as an FBI informant high in the United Nations, on March 9, 1978, I also filed an FOIA request with the FBI. (Exhibit 16)

57. Under date of March 10, 1978, Gene Wilson and the CIA refused my request for copies of the records given to Epstein (Exhibit 17). He claimed it "is too broadly phrased to be accepted as a reasonable description of records you are seeking. It is in effect a request for research rather than for records." While Epstein in fact credits the CIA with research and more, like making Nosenko and others available to him in person, this third Nosenko request is for copies of identified records: namely, those given to Epstein. In practice, there is a duplicate FOIA set in the CIA. My request is for identified and immediately retrievable records.

58. I appealed under date of March 13, 1978. (Exhibit 18) There has been no action on this appeal after a half-year. FOIA provides for response to appeal within 20 days. My original request was in 1975. As of today I have not received a single page of Nosenko-related records from the CIA despite its having made such information available to two writers, both working for Readers Digest. Both writers and Readers Digest have prior histories of publishing what the CIA wanted published. One of these writers and Readers Digest have publicly reported prior intelligence connections.

59. I attach the CIA's letter of August 5, 1976, in part to establish the

prior date of my Nosenko request and to show how the CIA even plays games with numbers to delay compliance. (Exhibit 19) The CIA represents untruthfully that it processes requests in the order of receipt. The numbers it assigns to requests it calls sequential numbers.

60. In the foregoing paragraphs relating to Epstein and Nosenko, I am addressing the infidelity of the CIA representations, the untruthfulness of what it writes in FOIA matters and its purposeful misuse of FOIA to favor those it likes and to discriminate against me because it does not like my writing and beliefs.

61. Appended to Exhibit 18 is a list of 13 requests the CIA acknowledged and to which it had assigned sequential numbers. These are not accurate in that the time of request is not represented accurately.

62. While the letter gives the date of my Nosenko request as 1976 in the number 76-143, it actually is a separate request of 1975, 75-4765.

63. The "personal" request, 75-004, subsumed in 75-4927, is actually the 1971 request with which the CIA has neither complied nor yet acted on my appeals.

64. With only three of these requests can I say that the CIA has provided reasonable compliance. I can believe most of its explanations for not providing copies of information I provided to President Franklin D. Roosevelt and he used in a "fireside chat," 75-6838. I have obtained the Heine affidavits, 76-105, and presume those provided are all. Although there are extensive and I believe/^{not}entirely justified excisions in the Olson papers and believe there are others not provided, I also believe the CIA has provided me with those it has provided to others, including the Olson survivors.

65. This Gene Wilson letter of August 5, 1976, also illustrates CIA means of evading FOIA requests and of not complying with them. In the last paragraph of the first page, it acknowledges a separate request I made for Kennedy assassination records and holds that it is covered by my unmet request of the year before, No. 75-6669, ~~and~~ ^{yet} as stated earlier, ^{it} has not complied with the 1975 request.

66. This is to say that while continuing to stonewall the inclusive 1975 request the CIA also refuses to process requests for fewer records, on a subject basis, on the spurious ground that they are "already covered by the broad and comprehensive" request with which it simply does not comply after three years.

67. Exhibit 19, the CIA letter of August 5, 1976, refers to the request enlarging upon that of Mark Allen made in my letter of July 21, 1976, page 2,

penultimate paragraph. (Exhibit 20) It is for records on all surveillances of Lee Harvey Oswald, specifically including electronic interceptions in Mexico City. Some mail interception records have been made available to others and not provided to me. Mail intercepts were testified to at considerable length before the Senate Church committee, but all these records remain denied to me, even those put in the public domain. That the CIA understood this request as made by still another requester who made the request of the General Services Administration (National Archives) is disclosed in the CIA's letter to him of October 13, 1977. (Exhibit 21) (I also made this request of the Archives in 1976, without any compliance.)

68. The purposes served by this withholding from subject experts is disclosed by the extraordinary international attention given to a false and misleading story following a "leak" to the Washington Post, whose reporter is not a subject expert. Attached as Exhibit 22A-C are accounts reflecting the front-page attention in the Post, the Los Angeles Times and the New York Times. (I do not attach the front page of a Chicago paper because there was nothing else on the entire front page except an enormous headline.)

69. This illustrates misuse of FOIA for news management and to create confusion on an issue and on fact about which the CIA is sensitive. In this instance it and the investigative agencies had withheld information from the Warren Commission. All the agencies were faced with a competitive situation in which none wanted to assume responsibility with a Congressional investigation in the offing. This situation is repeated with regard to CIA information relating to Dr. King and other items of the request in this instant cause.

70. From one who had been associated with the CIA I had prior knowledge of the CIA's interceptions said to be of the voice of the man alleged to have assassinated the President and of his mail. The fact of the CIA's electronic surveillances in Mexico against more than the embassies involved in the Kennedy assassination investigation was known and had been published, including by such former CIA employees as E. Howard Hunt. There was nothing to "protect" by the withholdings, which began with the Presidential Commission, except information that is embarrassing to the CIA, the FBI and the Secret Service.

71. When the CIA was asked about this tape recording supposedly of Oswald's voice, its response was that it had listened to the tape and routinely destroyed it. This is a lie. It remains an unrecanted official lie. This lie contributes to the

lingering doubts about whether the intercepted voice was that of the real Lee Harvey Oswald and about whether he had been connected with the CIA, the FBI or both.

72. Following publication of Exhibits 22A-C, I renewed my request of the CIA. Its position remains that "the existence or nonexistence of the records ... is currently and properly classified" under Exemption (b)(1).

73. That the CIA immediately destroyed this tape is false. That the information, even a transcript of it, was not classified is the reality. The tape and certain clandestine photographs also alleged to have been of Oswald were flown to Dallas from Mexico City the night the President was assassinated. They were in the possession of then Special Agent, now Congressman, Eldon Rudd. He flew in a Navy plane. He was met at the Dallas airport shortly after midnight by an FBI agent, who drove him to the Dallas Field Office of the FBI. Later that same day then FBI Director J. Edgar Hoover wrote then Secret Service Director James J. Rowley. (Exhibit 23) This was only a few hours after the assassination. After the time the CIA claims this tape was destroyed it existed, as is disclosed by the Hoover letter and pages four and five of the attached memo. Hoover wrote that after examining the photographs and listening "to a recording of his voice," the FBI agents familiar with Oswald "were of the opinion that the above-referred-to individual was not Lee Harvey Oswald."

74. This entire affair and the continuing stonewalling and withholding also address the lack of CIA honesty in FOIA matters, especially when it has disinformational objectives that constitute Orwellian news management, what to me is a shocking thing when the information - and the disinformation - relate to the assassination of an American President, a crime I regard as deeply subversive.

75. Because of the CIA's improprieties and violations of the limitations of its charter in its acts against Dr. King, this situation also is repeated in this instant cause in which there is similar motive for withholdings, for which new contrivances have been fabricated.

76. Throughout the correspondence attached as exhibits there are references to my 1971 request for the CIA's records relating to me. In December 1975 I asked Jim Lesar, who represents me in this instant matter, to assist me. He spoke to the CIA's then General Counsel, John Warner, who made an appointment to see us the first of January 1975. (This in itself is earlier than the CIA's 1975 dating by the number 4927 with which this unmet 1971 request wound up in CIA records.)

77. Mr. Warner assured Jim Lesar and me that the CIA had absolutely no records on me except a few relating to my employment as an intelligence analyst by its predecessor, the Office of Strategic Services. (The CIA withheld even my request from its own general counsel.)

78. How such a gross lie was made possible is illustrated by Exhibit 9, the undated memo to the general counsel marked as not sent to him. It is by Charles W. Kane of the Office of Security. Ultimately I obtained it in this expurgated form.

79. The records referred to in this memo were segregated. That the CIA also lies about segregating such records is disclosed by Exhibit 24, the Associated Press reporting of the CIA's denial of this practice as it appeared in the New York Times of September 18, 1977.

80. The CIA deputy director quoted is the same one who was the first in the CIA to refuse me published copies of its organizational charts, claiming that law prevented his letting me have what the CIA itself published. Although in this instant cause the CIA makes identical false claim of a statutory obligation to withhold public and published information about its nonsecret organization and structure, it has in fact provided a long listing of its components. This is in the form of letters to the Speaker of the House in which these components are identified. In my affidavit of June 11, 1978 (page 4, paragraph 17, exhibit 4) I show other proof that the claim in this instant cause is false and baseless. Examination of the records provided discloses a purpose in these false representations, a purpose coinciding with those illustrated in preceding paragraphs - to continue to withhold what is improperly withheld and to avoid probable embarrassment to the CIA from its wrongful acts.

81. Examination of the unsent memo to the general counsel, Exhibit 9, shows relevance in this instant cause. In part, this is because the identical CIA records located and described in January 1975 remain withheld in September 1978. This memo discloses newspaper clippings relating to me and my books, which remain withheld; "several other files maintained by the Office of Security," all withheld along with knowledge of them withheld from the CIA's own general counsel so he would lie to my counsel and me; and what would appear to be incredible and illegal, that the CIA maintains a "security file" on me when by law it is foreclosed from any domestic operations, including domestic intelligence operations. (I am not an

employee, a former employee or a prospective employee.)

82. This memo contains no explanation of why there should be any CIA "security" file on me anywhere in the CIA, including in its Office of Security. Moreover, the earlier and only record of the only "security" investigation of me reflected or of which I know "was completely favorable as to Mr. Weisberg's loyalty and reputation."

83. As of the time of this 1975 memo, the CIA had examined all of my books because it names all I had published to then. (It is accurate in reflecting that my books "called for ... a Congressional investigation.") None of these relevant records has been provided in this instant cause.

84. If this memo is an accurate reflection of the several Office of Security files on me and my writing, including my writing on the King assassination, there appears to be no reason for not sending the memo to the CIA's own general counsel or for violating the Act to deny them to me. ~~That~~ the CIA's security forces rather than its more intellectual components surveilled literature and authors of controversial works by then was not a secret. What the memo does not disclose is any proper purpose in examining my writings and studying and recording my opinions. My writing does not deal with any area of the CIA's obligations or charter. From the records provided, the CIA went to all the trouble of having its cops study all of my writings and then did nothing with the results of this study. All of this was done with a ridiculous, paranoid supersecrecy that extended even to the purpose of reporting on the books.

85. In this instant cause there is the identical situation with regard to the CIA's investigation of Dr. King. From the records provided, only the cops were involved. There is no record of any use by any of the other components which have clear responsibilities requiring them to possess the information acquired, whether or not this acquisition was proper or legal.

86. The denial to me of what is referred to in Exhibit 9 and the actuality of withholding from the CIA's own general counsel so he would not comply with the Act and so that he would lie bears heavily against crediting any CIA representations in this instant cause. This record alone is proof of CIA dishonesty in regard to the Act and the Privacy Act under which I repeated the request when it was not complied with under FOIA.

87. No explanation of the two areas of withholding from this memo, Exhibit

9, appears on the two pages on each of which withholding is visible.

88. Paragraph 6 states that I have never been subjected to any kind of surveillance, according to the "security" file. However, while the CIA has not provided it, I have proof that the CIA did have surveillance on my public appearances. I have copies of the CIA's transcripts which were not provided by the CIA. Mr. Kane was prepared to lie about them to the CIA's general counsel or these records are in other than the "security" file. While I am left to conjecture over the reasons for the fact of this CIA surveillance on me within the continental limits of the United States and for its being hidden in this internal memo I was never expected to see, it is possible to conjecture that the spook mind, which violated the law to surveil me in any form, was not anxious to disclose this illegality to its own general counsel. To keep him "unwitting" it engaged in another illegal act, not complying with FOIA by deliberately withholding and by leading its own general counsel to lie about it.

89. There is a further measure of the CIA's open contempt for the Acts and its willingness to disclose its dishonesty under the Acts in paragraphs 4 and 5 of this memo. Both list records that have never been provided. Those relevant in this instant cause remain withheld. This means that the same Office of Security that withholds in this instant cause continues to withhold records it knows it should provide in response to my request in this instant cause as well as my request now more than seven years old, surely the oldest in terms of any claimed backlog. No exemption was claimed for any of these withheld records. They are not referred to in any CIA communications to me.

90. Another illustration of improper CIA withholding related to the King assassination is a record of a CIA domestic intelligence investigation of Bernard Fensterwald and his "Committee To Investigate Assassinations." Although I have never been a member of or associated with that organization, the CIA investigator listed me as its investigator. The record of this that the CIA provided to me had everything obliterated except for my name. The copy it provided to Mr. Fensterwald was without any obliteration. This is how I know what was withheld from me under spurious "privacy" claims.

91. That the CIA withholds from me what it does not withhold from others also bears on the credibility of its claimed need to withhold parts of records in this instant cause, particularly where there is claim to privacy and there is no

affirmation that what is withheld has not been disclosed and is not already within the public domain. The withholding of what is within the public domain is commonplace within my experience.

92. Paragraph 3 of Exhibit 9 is withheld in its entirety. This paragraph follows reference to my wartime intelligence service. I do know that I received a decoration for this and that the CIA provided me with no record of the award to me. Why it should withhold proof of the honor bestowed upon me, as my personnel records certainly reflect, is not clear but it is a fact. Because my own copy was mislaid many years ago, I particularly wanted this to leave with all of my other records in the archive that has been established for them.

93. If because of the time and other limitations of my present life the foregoing illustrations are not complete in addressing the CIA's dishonesty in FOIA matters, I believe they are adequate in establishing that the CIA has a record of untruthfulness in my FOIA cases and that the components mislead and deceive each other, resulting in noncompliance and in the creation of false, misleading and self-serving records. In this connection I note that the affidavits provided in this instant matter are deceptive and that some, especially those of the FOIA office, are not stated on first-person knowledge.

94. The filing of nonfirst-person affidavits has become commonplace in my FOIA cases. This provides a means of providing sworn falsehood with a degree of added immunity for those who represent the government, which is also the prosecutor. I do not recall a single exception to the rule that all these other than first-person affidavits hold untruths. I recall no single denial, not even a pro forma denial, of my proving that these affidavits hold sworn-to untruths. I do include the CIA in this.

95. Belatedly in this instant cause I was provided with records that refer to other records not provided. It is the thrust of the CIA's affidavit that such records cannot be located without a search of all the CIA's records. If this were true, the CIA would not be able to function. If by any remote chance someone had undertaken to destroy these withheld records, even that would be impossible. That this is impossible and that the CIA knows it is impossible and that it can retrieve its own records is indicated in a recent public statement by the Director of Central Intelligence, Admiral Stansfield Turner. He stated that files of this nature are repeated in so many copies it is virtually impossible to destroy all of them.

96. The Director was asked about this in connection with a recurrent reminder of other CIA illegal acts and a man who came to symbolize them, E. Howard Hunt. News and earlier book accounts had E. Howard Hunt present in Dallas at the time President Kennedy was killed. These accounts claim that the CIA contrived a cover story for Hunt. One news account (Exhibit 25A) attributed the information to a CIA memorandum said to be in the possession of the House Select Committee on Assassinations. When Admiral Turner was asked about this at a Dallas appearance on August 21, 1978, in the words of the Dallas Morning News of the next day (Exhibit 25B), "He said his agents have 'turned ourselves upside down'" without finding the memo. In the words of the Gannett chain paper that broke the original story (Exhibit 25C), written by the reporter who earlier broke the story about reporters for a newspaper chain working for the CIA, Admiral Turner said the total disappearance of such a memo "was 'highly unlikely' because of the numerous copies made of such memos."

97. The CIA has not produced any of the "numerous copies" of its memos relating to Dr. King. From its limited compliance in this instant cause, it would appear that its Security Office made and filed reports alleging "Chicom" or Chinese Communist domination and support of Dr. King and did nothing else with such dramatic and significant reports. When the Security Office received sensational reports and analyses, even those relating to possible danger to its installations and employees during the Poor Peoples' Campaign and its March on Washington, from the records provided, there was virtually no distribution of these reports within CIA or with rare exception outside it. This, of course, cannot be believed. The records provided refer to records not provided, including to attachments not provided. Some refer to files not searched, one to three such files from which no copies are provided. Contrary to the CIA's affidavits in this instant cause, there is specific identification of the places in which other records are stored and from which there has been no compliance.

98. Attached to the May 26, 1978, affidavit of CIA Director of the Office of Security Robert W. Gambino are 28 documents numbered S-1 through S-28. Eighteen of these are heavily deleted. The Gambino affidavit fails to state that these are all such records. The internal evidence of the records themselves is that they are not all such records. Sixteen of these records appear to relate to a confidential source. Only two refer to Congressional investigations which went into such CIA improprieties.

99. Withholding in this instance is more reasonably attributed to CIA desire to avoid exposure and embarrassment than to its inability to find its own records. The "S" series of records belatedly provided discloses a long-lasting and illicit domestic intelligence operation against Dr. King and the black civil rights movement, a field of activity denied to the CIA by statute. At one point in this series, in a single record that stands alone, in a vacuum from this limited compliance, the CIA was concerned over this illegal activity. However, it did not end its illicit domestic intelligence activities with this source. This single such source in the records provided - hardly the only such source the entire CIA had - was so well positioned and connected he knew immediately what the President of the United States was doing and saying, which black leaders he was in touch with, and promptly informed the CIA. Along with this he gave the CIA advice. The records provided reflect no distribution of this information and nothing about whether or not the advice was taken.

100. While S-11, dated November 29, 1975, clearly relates to what the CIA would provide to the Senate Intelligence Committee (Church committee) it does not state this. S-25 is explicit in referring to such an "inquiry." As provided to me, there is no reason for S-11 to exist because everything relevant to it is withheld. S-28, of December 12, 1975, refers to an "inquiry" from "the Review Committee" of the CIA, from which no relevant records have been provided. These references alone informed the CIA's searchers of the existence of relevant records and where they are located, yet no search was made for them and none are provided.

101. The Review Committee was looking for records related to the King assassination. The Committee's interest is described as "including the King assassination." This alone means that the CIA, not just its Office of Security and its Review Committee, was called upon to provide all relevant records to this committee. In turn, this means that the CIA has to have a list of all relevant records that include those records called for by my information request. There is no reference to any such searches or any such lists in the records provided by the CIA or in its affidavits in this instant cause. Such records, including lists of them, also should exist within the CIA in relation to the House intelligence committee of the same period in time as that of the Church Committee, as well as with regard to the present House Select Committee on Assassinations. Each of these and other similar sources of records relevant in this instant cause, as well as

others in relation to the Congress, should exist within the CIA and should provide a basis for compliance with my information request. Based on my experience, my knowledge of the work and published materials of these committees, their contact with me and my general subject matter knowledge, I state that relevant records not provided and readily retrievable exist within the CIA and are deliberately withheld by it under a variety of subterfuges and evasions and trick formulations in its affidavits.

102. There is no other reference to any Congressional committees in any of the records provided in this instant cause.

103. Beginning with S-11 there is a series of reports of contact with what appears to be a single confidential source in New York City. Because of the obliterations, it is not possible for me to state positively that there is but this single source in this and the following records numbered through S-27. All, however, contain information of a domestic intelligence nature only, all require further distribution, within the CIA and elsewhere, and with rare exception, of a referral to the FBI, there are no such records provided. The nature of this information required distribution of it to and the evaluation of it by other CIA components, such as a Chinese desk or authority and the counterintelligence component. No such record has been provided. No relevant records have been provided from any other component.

104. That these components were required to have been consulted is confirmed by a handwritten attachment to S-11. A person whose name is obliterated on "IG Staff" addressed a brief memo to "CI Staff - Office of Security." Both were asked whether King had been "surveilled or reported on while outside the U.S. - under the CHAOS program. Also, whether there is any record of any mail interception." While the "CHAOS program" was not the only cover for surveillance on King and this is a self-limiting inquiry, no CHAOS records are provided in this instant cause. No records are provided by "IG" (Inspector General) or "CI" (Counterintelligence).

105. Dr. King is included in S-12, a memo from the Director of Security to the Deputy Director for Support. (No records from the files of the Deputy Director for Support or from its files have been provided in this instant cause.) This December 11, 1967, memo is titled "Threats to CIA by Some 'Black Power' Elements." Most of the record is not provided. Page A23, which deals with King and his Southern Christian Leadership Conference (SCLC), refers to information not provided, information used as the basis for this part of the memo. Certainly those who

processed the records provided in this instant cause read this and other records which refer to records not provided. They thus knew of the existence of withheld information and have not provided it while claiming compliance with the information request.

106. In S-12 the potential for disturbances and the basis for CIA concern for its installations and personnel is indicated clearly in such language as "Dr. King has indicated he will lead waves of the nation's poor and disinherited into the city for prolonged and disruptive 'non-violent' demonstrations ... initial cadre of up to 3,000 ... plans ... a shut-down of all government buildings, transportation tie-ups ..." with a "potential for disturbance" because "the Maoist sponsors have almost a month..."

107. S-13 is an updating of S-12. It refers to content of S-12 that is withheld in the expurgated copy provided to me. It also refers, on each of its four pages, to information not provided, information that sometimes is quoted directly. It refers to "the results of inquiries with the FBI," of which neither copies of the inquiry nor copies of the FBI's response is identifiable among the few records provided in this instant cause. This memo refers to plans that include a "shut-down of all government buildings," which is a threat against CIA installations and employees. It refers to Dr. King in the leadership of this movement. It "interlinked" him with antiwar protests, "Maoists" and "Peking-line Progressive Labor Party" elements in a "potential for disturbance" which is also a threat against the CIA, as the title of the original memo states. It concludes that "FBI liaison has been most cooperative and effective in providing this office with timely information."

108. S-13 refers to other records not provided: "Since that time (the time of S-12) additional significant information has been received ..."

109. Obliteration was so complete on S-14 that the date had to be written back in in longhand. It is given as March 27, 1968. It is stated to be further information relating to S-12 under the heading "Potential for Civil Disturbances. Washington, D.C., Summer 1968." Here again there is reference to the withheld inquiries of the FBI and what was provided in response.

110. In S-14 there also is reference to new material from the FBI, "two excellent studies," not provided in all or in relevant part, despite Dr. King's leadership role in what is described as "extremist elements and the potential for

civil disturbance" in Washington. Although this concludes, "I will keep you informed," no other such memos are provided. The attachments mentioned are not provided either. Textual reference to the attachments is obliterated.

111. S-16 has so much obliterated the author, his component and the subject are unknown. It is a March 6, 1970, statement that the Communist Party "exercised considerable control over King." What is obliterated includes the name of the person(s) through whom this alleged control was allegedly "exercised." Unless what is obliterated is fictional, it is and for years has been within the public domain and is not properly subject to a privacy claim. This is true of other such withholdings.

112. There is no CIA statement that any part of what it withholds from this or any other record is known not to be within the public domain. The Department of Justice has disclosed much, including directly to the alleged "reds" in Dr. King's life.

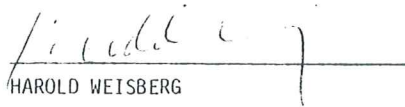
113. Of the many persons publicly known to have been cast in this role by paranoid officials, the best known is Stanley Levison. He and others were the heroic subjects in the multi-part TV special titled "King." It was telecast from coast to coast. Aside from countless news and similar accounts, all these allegations are treated extensively in most of the King biographies.

114. When it desires to withhold and lacks other convenient cover for withholding, the CIA has been wont to cite "the National Security Act of 1947." The "S" series of documents quoted in the foregoing paragraphs include the most specific references to potential dangers to CIA buildings and employees. Here the CIA is generally conceded to have statutory obligations. The records provided include none relating to any meeting of these statutory responsibilities. There are no references to any such records and no interest in the exercise of any such proper responsibilities by the CIA. Given the CIA's self-protection needs, it cannot be believed that there are no such relevant records or that the CIA cannot retrieve them without difficulty.

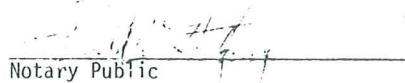
115. As I have stated, I have extensive experience with various kinds of less than honest or forthright official statements in FOIA matters and officials have wasted much of my recent life by these means. One of the results has been to impair my work, particularly my writing, which involves, I believe, First Amendment rights, particularly when there has been official intrusion into my writing life and records of it remain withheld under one subterfuge or another. As I have

stated and a federal court and the Department of Justice have agreed, I am in essentially a public role in the work I do. This is consistent with the old and respected American tradition of and the function and obligation of writers. No examination of the conditions of my life during the almost 15 years of this work permits the interpretation that it is selfishly motivated and it is not selfishly motivated. I draw upon not only the intense experience of this long time but also on prior professional experience that is unique in the field of my work. The Department of Justice has attested to my expertise and its uniqueness. Based on the role I seek to fill and my experience and expertise, I believe that at the very least standards that meet the minimum required in all FOIA cases are the standards to which the defendants should be held in this instant cause. Simple, everyday truthfulness ought be such a minimum standard, but it is not the official record in this instant cause. This Court has been toyed with by the government and with it I am denied my rights and I am having more of my life and work wasted. This means that by it I am also being denied full opportunity of serving the public role I have undertaken without subsidy, without thought or possibility of personal gain and at a time in my life when others have retired to an easier life and when I am not in the best of health. It is well known to the government that my medical problems do not contribute to longevity.

116. I believe and I state that as long as I am denied my rights by these and other means and others thereby are denied their rights; and as long as there is immunity for those officials whose conduct is indistinguishable from that which when by private citizens is considered for possible prosecution, there will be endless FOIA cases before courts that will be overloaded and overburded by them and the Act and its purposes will be negated.


HAROLD WEISBERG

subscribed and sworn to before me this 11th day of September 1978.


Notary Public

My commission expires 7

Exhibit	Paragraph	Page	
1	1	1	<u>Washington Post</u> article
2.	19	7	Warren Commission memorandum
3	19	7	Warren Commission memorandum
4	33	12	3/14/77 - Wilson letter
5	35	12	2/16/77 - Wilson letter
6	37	12	2/28/78 - Wilson letter
7	39	13	3/23/78 - Wilson letter
8	41	13	3/ 1/78 - my letter
9	44	14	CIA undated memo on me
10	47	14	7/21/77 - my letter
11	48	15	3/26/78 - my letter
12	49	15	3/23/78 - my letter
13	53	15	2/20/78 - my letter
14	54	16	2/12/77 - my letter
15	55	16	2/28/77 - my letter
16	56	16	3/ 9/78 - my letter to FBI
17	57	16	3/10/78 - Wilson letter
18	58	16	3/13/78 - my letter
19	59	17	8/ 5/76 - CIA letter
20	67	18	7/21/76 - my letter
21	67	18	10/13/77 - letter to Roffman
22A			<u>Washington Post</u>
22B	68	18	<u>Los Angeles Times</u>
22C			<u>New York Times</u>
23	73	19	11/23/6 - Hoover to Rowley
24	79	20	9/18/77 - <u>New York Times</u>
25A			<u>News-Journal</u> - 8/20/78
25B	96	24	<u>Dallas Morning News</u> - 8/22/78
25C			<u>Wilmington News</u> - 8/22/78