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| 1 | IN THE UNITED STATES DISTRICT COURT | |
| 2 | FOR THE DISTRICT OF COLUMBIA | |
| 3 | HAROLD WEISBERG, | |
| 4 | Plaintiff,) CIVIL ACTION NO. 77-1997 | |
| 5 | | |
| 6 | CENTRAL INTELLIGENCE AGENCY, ET AL.) | |
| .2 | Defendant. | |
| 8 | · · · · · · · · · · · · · · · · · · · | |
| S | AFFIDAVIT | |
| -10 | Comes now affiant, and first being duly sworn, states upon | |
| 11 | his oath that the matters contained herein are true and correct | |
| 12 | to the best of his knowledge and belief, as follows to wit: | |
| 13 | 1. I am Special Agent William C. O'Riley, presently | |
| 14 | functioning as the Coordinator, Information and Privacy Division, | |
| 15 | Naval Investigative Service (hereinafter abbreviated "NIS"). | |
| 16 | NIS is a component of the Naval Intelligence Command. My office | |
| 17 | is located on the Tenth Floor, Hoffman Building I, 2461 | |
| 18 | Eisenhower Avenue, Alexandria, Virginia, 22331. I am charged | |
| 19 | with providing staff support and assistance to the Director, | |
| 20 | NIS, through the Associate Director, as it relates to the | |
| 21 | Freedom of Information Act (5 U.S.C. § 552) and the Privacy | |
| 22 | Act of 1974 (5 U.S.C. § 552a). The Information and Privacy | |
| 23 | Division receives all requests directed to worldwide NIS com- | |
| 24 | ponents for information submitted pursuant to either of the | |
| 25 | above laws. The Information and Privacy Division processes such | |
| 26 | requests for records and prepares correspondence to requesters | |
| 27 | to review and release by the Director, NIS. The Information and | |
| 28 | privacy Division is responsible for searching out records in the | |
| 29 | NIS systems of records upon requests of individuals and preparing | |
| 30 | for release those portions for which no exemptions permitted | |
| 31 | under the law are asserted. I am personally familiar with the | |
| 32 | records in this proceeding. | |
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2. On 11 May 1978, the Central Intelligence Agency 1 referred to the Office of the Assistant Secretary of Defense 2 one, two-page (with eight-page attachment) NIS-originated 3 4 document which had surfaced in the Central Intelligence Agency's files during the processing of the Freedom of Infor-5 mation Act request of Mr. James H. Lesar, an attorney acting 6 for Mr. Harold Weisberg who was seeking records pertaining to 7 Dr. Martin Luther King, Jr., and Mr. James Earl Ray. The à. Central Intelligence Agency's letter to the Office of the 9 Assistant Secretary of Defense instructed that a direct response 10 be made to Mr. Lesar. A copy of the Central Intelligence 11 Agency's letter is made attachment (1) to this affidavit. 12 3. On 17 May 1978, the Office of the Assistant Secretary 13 of Defense referred the NIS document for processing action to 14 the Chief, Naval Records Management Division, Department of 15 the Navy, as being within the latter's purview. A copy of the 16 Office of the Assistant Secretary of Defense's letter is made 17 attachment (2) to this affidavit. On 24 May 1978, the Chief, 18 Naval Records Management Division, Office of the Chief of Naval 19 Operations, Department of the Navy, recognized the document as 20 having originated with NIS; accordingly referred it to NIS for 21 appropriate action. A copy of the Office of the Chief of Naval 22 Operation's letter is made attachment (3) to this affidavit. 23 4. The two-page NIS document, dated 15 January 1968, and 24 entitled, "Veterans Stars & Stripes for Peace (VSSP), an Anti-25 Vietnam War Movement Propaganda Newspaper Dedicated to Ending 26 the War in Vietnam Received by Marine At Camp Hansen, Okinawa" 27 was generated as a result of an enlisted member of the United 28 States Marine Corps at Camp Hansen, Okinawa, having turned in 29 to his command an unsolicited mailed copy of a newspaper known 30 as Veterans Stars and Stripes for Peace. Within the eight pages 31 of the newspaper, about one-third of one page is devoted to an 30

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article on Dr. King, and the balance of the newspaper is devoted to other subjects.

5. By NIS letter of 1 June 1978, Mr. Lesar was provided an 3 excised copy of the NIS two-page document for Mr. Weisberg, and 4 the eight-page newspaper attachment was included without 5 excisions. The NIS letter stated that a specific exemption 6 under the Freedom of Information Act (5 U.S.C. § 552(b)(7)(C)) 7 was being asserted to withhold information the release of which ...8 would constitute an unwarranted invasion of the personal privacy9. of another person. In particular, 5 U.S.C. § 552(b)(7)(C) was 10 asserted to protect the identity of the person who mailed the 11 newspaper to the Marine enlisted man. A second specific 12 exemption was also asserted under the Freedom of Information 13 Act (5 U.S.C. § 552(b)(7)(D)) to protect the identity of the 14 Marine enlisted man as a confidential source of information. 15 His identity was deleted to insure his confidentiality con-16 cerning his contribution to this investigatory record. This was 17 done to protect him and to encourage others to come forward 18 with information that might assist NIS in fulfilling its mission. 19 The document was compiled to acquire information in fulfillment 20 of the counterintelligence role of NIS at overseas United States 21 military installations. A copy of the NIS letter and excised 22 records released to Mr. Lesar for Mr. Weisberg are made attach-23 ments (4) and (5) to this affidavit. 24 FURTHER, affiant sayeth not. 25 26 LUCCION William C. O'Riley Coordinator 27 Information & Privacy Division Naval Investigative Service 28 Subscribed and sworn to before me 29 this 10 Th day of (30 1978 at Alexandria, Virginia. 31

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Embossed Herecn Is My Alexancria, Va., Notary Public Scal By Commission Expires March 17, 1990 IROY N. GILLISPIE

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CENTRAL INTELLIGENCE AGENCY WASHINGTON, D.C. 20505

1 1 MAY 1978

Mr. Charles W. Hinkle Directorate for Freedom of Information OASD(PA) Department of Defense Room 2C757, The Pentagon Washington, DC 20301

Gentlemen:

An Area of the Artachments to it is responsive.

This information is being forwarded to you for review and direct response to the requester. We will advise the requester of this referral in our response, which we expect to complete in the near future.

This document has been reviewed for any CIA information contained therein. We have been unable to identify any of the information as Agency-originated, and have no objection to the release of this material.

If you have any questions, please contact Karen Wolfe or Allie Falardeau on 351-5616, and refer to our request number F76-382.

cerely

Gene F. Wilson Information and Privacy Coordinator

Enclosures

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OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE WASHINGTON, D. C. 20001 1 7 1674 1978 Ref: 78 DF01-512

PUBLIC AFFAIRS

. . .

MEMORANDUM FOR THE CHIEF, NAVAL RECORDS MANAGEMENT DIVISION Department of the Navy OP-09B1 Room 5E613, Pentagon

SUBJECT: Freedom of Information Request and Document Pertaining to James Earl Ray

The attached Freedom of Information request and document were received in this office from the Central Intelligence Agency (CIA). Upon review, we have determined that this subject matter is within your purvlew; therefore, we are forwarding the request to you for direct reply to the requester.

/ Charles W. Hinkle Director, Freedom of Information and Security Review

Attachments

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FOR OFFICIAL USE ONLY

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attachment (2)

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S. Carl D. CARR By direction

Copy to (less encl): Mr. James H. Lesar

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attackment (3)

Mr. James H. Lesar Attorney at Law 1231 Fourth Street, SW Washington, DC 20024

Dear Mr. Lesar,

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1978 this Service & On-30 May 1978 this Service received, via the Office Naval Operations the Chief of Naval Operations and the Office of the Service DefendAssistant' Secretary of Defense for Public Affairs, a referral secure 12 concefrom the Central Intelligence Agency (CIA) in connection with up the The Therequests, pursuant: to the Freedom of Information Act (5 U.S.C. and your c. 552), made by you and your client, Mr. Harold Weisberg, for a blocker by information on Dr. Martin Luther King, Jr., and James Earl Ray.

> During the processing of your request the CIA surfaced a document originated by this Service which had as an enclosure an anti-Viet Nam War newspaper. That newspaper contained an article discussing Dr. King.

HIS-02E/jas 5400 F8-148 Ser U5223 1 JUN 1978

The 1974 Amendments to the Freedom of Information Act provide for a liberal release of federal records, unless they fall within specified exemptions. Among those exemptions are information, the release of which would constitute an unwarranted invasion of personal privacy (5 U.S.C. 552(b) (7)(C)); and information, the release of which would identify confidential sources of information (5 U.S.C. 552(b)(7)(D)). Therefore I approve the release of, and forward herewith the documentation referred by the CIA, with the exception of information which has been excised under the provisions of che' above-cited exemptions.

The 1974 Amendments to the Freedom of Information Act also provide for reasonable reporduction fees. As they are minimal, I am waiving the fees in connection with this referral by the CIA.

N1: -02F/jan 5400 FH-148

The excisions represent a denial under the provisions of the Freedom of Information Act. I am the official responsible for this denial determination. You and Mr. Weisberg may appeal this denial within 120 days to the Secretary of the Navy. Such appeal must be in writing and clearly indicate itils made under the provisions of the Freedom of Information the Freedom of Information Act. The appeal must fully describe the circumstances of the request and the initial denial. . This may be done by attaching a copy of this letter to the appeal. The appeal to the Secretary of the Navy should be addressed to the Judge Advocate General (Code 14L) Department of the Navy, Washington, DC, 20370.

Sincerely,

(1) Releasable document

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Blind copy to: NIC-OOX Op-09B16

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Encl:

ORIG: Elquist-02F2/59248 J. Shenk 5-31-78

A. B. CARUSO Captain, U. S. Navy Director, Naval Investigative Service Acting

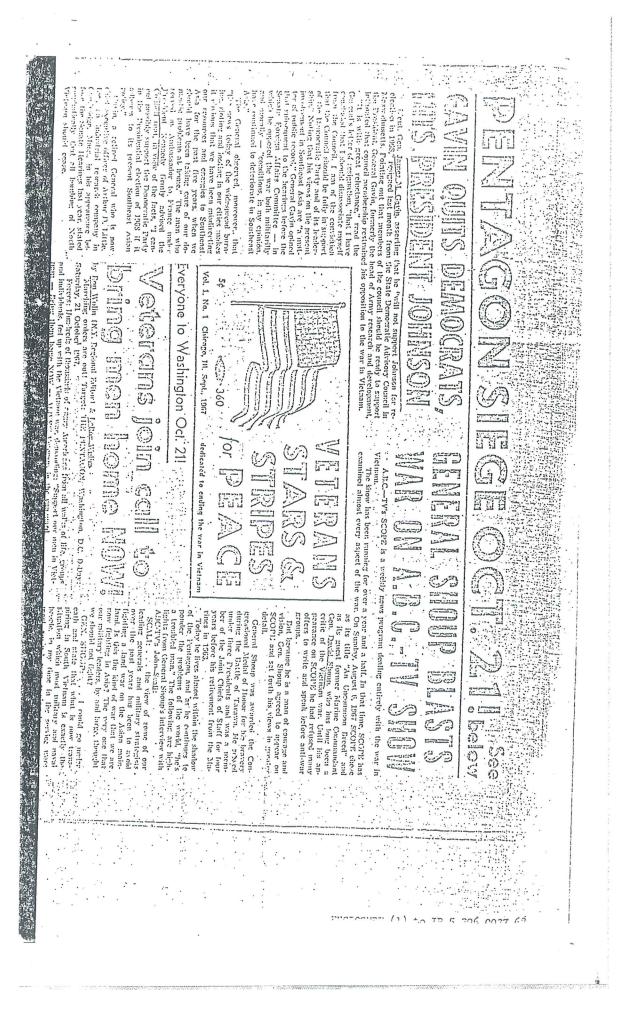
its contents in only memory to בוועידטעוטר מנגבנשאייייי scontoer or modifier sudely in the he in unaution and person is prohibited by of this report. (Classification and Control Markings) I. COUNTRY UCTIENA UNTEND STATES 2. SUBJECT TITANS STARS & STATERS FON ! PMACE (TUSP), AN ANTI-TIETNAM MAR POVENER 9. DATE OF REPORT: 155 JAN 1968 PMORAULTA NEWSPAPER DEDICATED TO ENDING THE WAR IN TIETNAM RECEIVED BY MARINS AT 10. NO. OF PAGES: 2 THE WAR IN TIETNAM RECEIVED BY MARINS AT 10. NO. OF PAGES: 2 11. REFERENCES: None 4. DATE OF INFORMATION: SECTOR 1967 19. PREPARED BY: 12. URIGINATOR: USZAVILIVSERVO JARA האבתולוס המוצון 5. PLACE AND DATE OF ACO ID DECERDER 1957 6. EVALUATION: SOURCE INFORMATION 2 Esbert Co HEAT', LEGAL (20. 14. APPROVING AUTHORITY: Do Co GORENS By Eleveritors 7. SOURCE ---- 5. SUMMARY: . . 12 court · · · · · · This report formerus a capy of the Veterans Stars & Stripes For Pasces (VSSP) and information concerning this Arti-Victoria Mar Movements Propagania Newspaper dedicated to ending the mar in Vietnen received by . Support Company, Mondouerters and Service Company, Noziquerters and Service Buttelion, 3rd Ferro Service Regiment, c/o Fro 96602 and attacked to the والمريحة فالمراجع والمتعين والم 1. On 18 December 1967, . . . tarned over through his command channels exclosure (IT, Teverice Stars and Stripes For Pusos (VES?) an Anti-Tietnem Way Yoresent Propaganda Herspaper dedicated to ending the war in Vietuess The VISP, distributed by the Vaterans & Reservizts for Pasco in Victoria, P.C. Dar. 7553, Thiladolphia, Pa. 19101, was received by ON Li December 1967 through the U.S. Mail in enclosure (2), post marked PI 12 Dec 1967 Fulladolphia, FR. 14 with a return address of 2. Source could not give any explanation of shy he had received this publication but advised that during pres couple of weaks he has received 200 or so letters S. DISTANGUTION WY OBJECHATOR: IIIIAUTING WY (3) (M/1 cy encla) WINATING WY (3) (M/1 cy encla) WINATING WY (3) (M/1 cy encla) 10/3 C2/03 WARJ (2/0 cycla) 10/3 C2/03 WARJ (2/0 cycla) 10/4 C51 (13) PACAF (2/0 cycla) 10/5 WINJ (M/1 cy encla) 10/5 WINJ (M/1 cy encla) 2 LOLIDOUTEDS 1. Copy of TSSP Merspanes Volo Lo Moo Lo Chicagoo Illo Sare 1867, ley, h p. 2. Envelope mich each (1) TELEIT FIFTHE (Fred) (u/2 cy engls) was received, contrarked FM 11 Dec 1967, Phila, F SEAVINVSERVORSP Rehe (x/o enels) WINYERVO BOSTOR (W/O molu) 11, 1 07, 1 250 AVINVSERTO PHILA (W/o enels) FOR off HEIME OUSE ONLY T. FOOL ----attachment (5

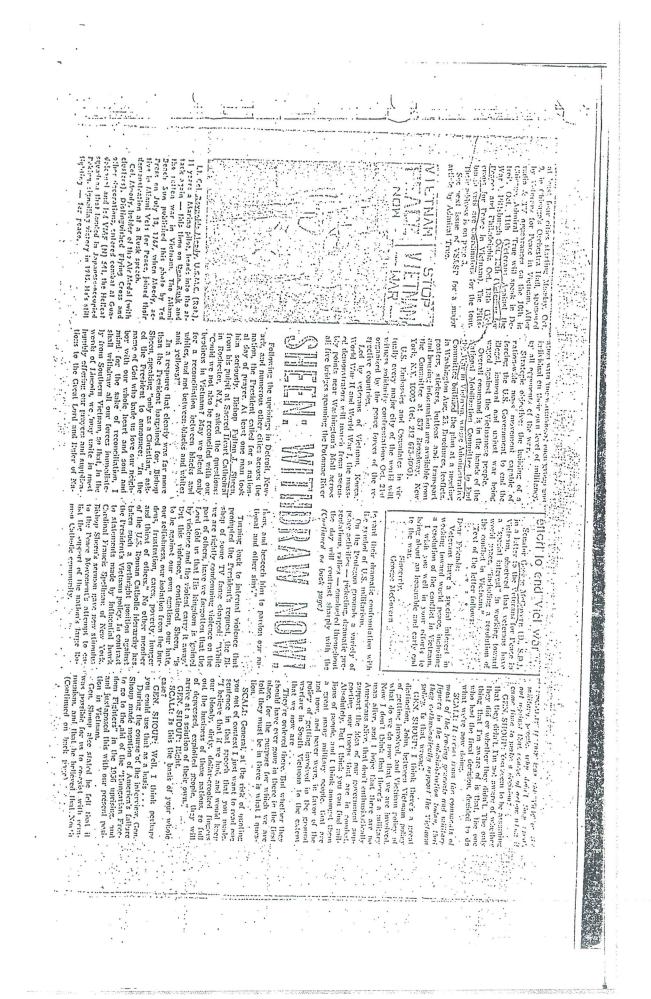
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licara Liane ad eards wootly from Cirl and Boy Seaut Groups and School children, all wishing in well and a Merry Carlstone. All the cards and Letters were addressed in the and unoner as enclasure (2), except they were hand written and not labind. Spelouno (2) with semiceruno (1) was received along with this other well. Nous of the they wail issuitaned Vistance This was the first Asti-Victors Material Source has received and it way prophcited. To Secrepts knowledge this is the first newspaper of this type received by שבאהבטו בנה בו כבשינה success This is the first superiod instants of the receipt of 755? by Wavel or crino Carpo Purpersal on Olisean. Due to the Fact Source received 200 other cards ad laters ad beacod to the sens manual as enclosure (2) it is probable that a lative or friend of Source related his name, and address in some way to the pibli ici in the way sufficer type groups and perspaper publications in the part have הקינביום עם אינויים שם אלמיניאים עם אברילגפארטים • . no VSSP and prevent of the set of ••• a advance offeet on the worste of active daty personal. The TESP is the second the viction surgraphy to be sent thes and unselected to active daty periordels llen of UNINTERDISTO FLEAS contain no information reporting subject publication. ed no indication that it, has been previously received by other members of the S. Kavy or Karlas Corpe. FOR=OFFIGALESE ONLY

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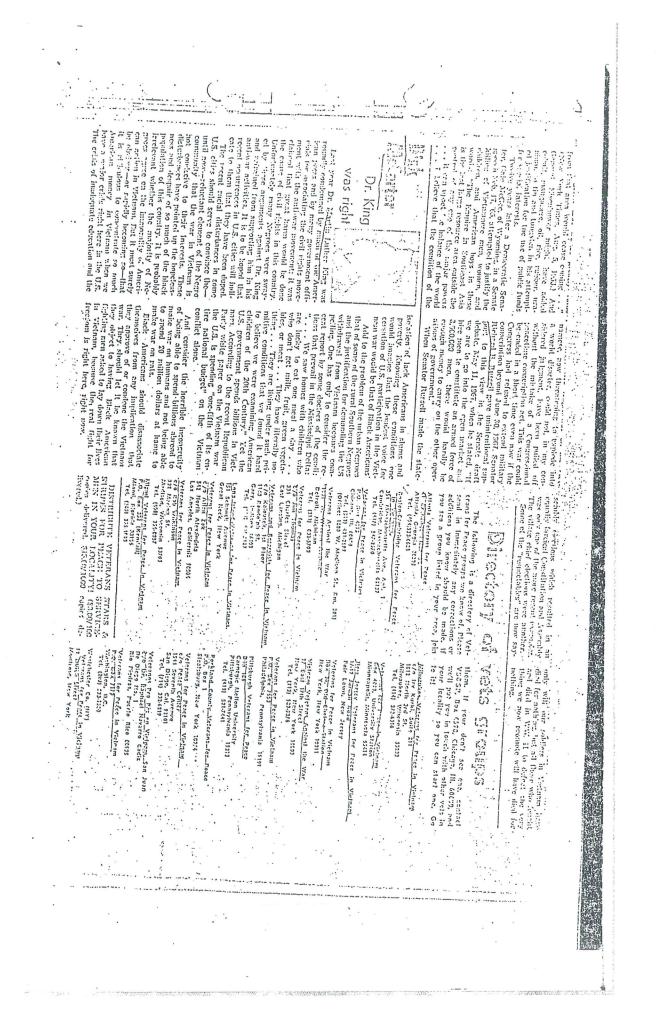


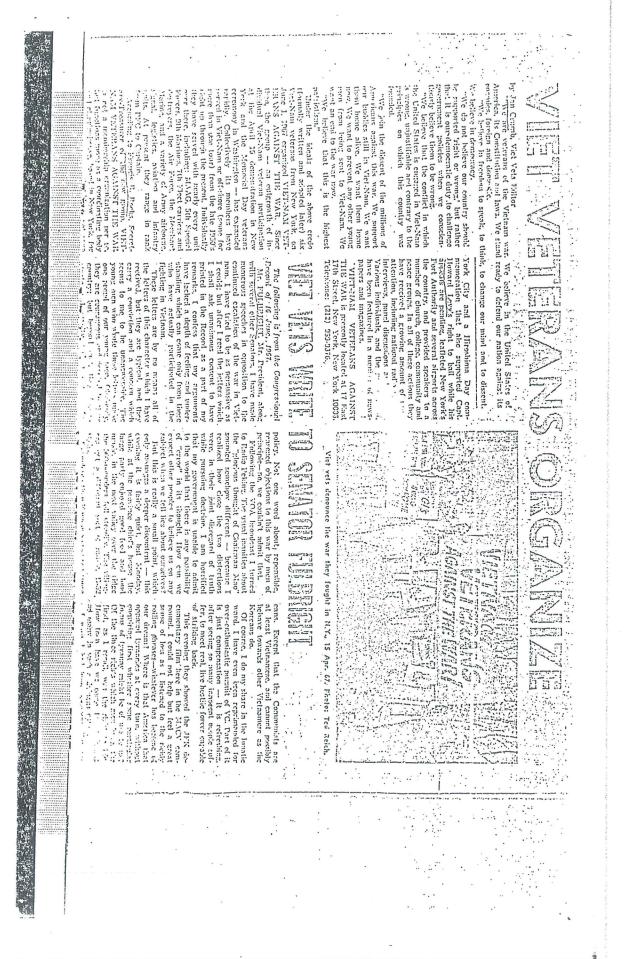


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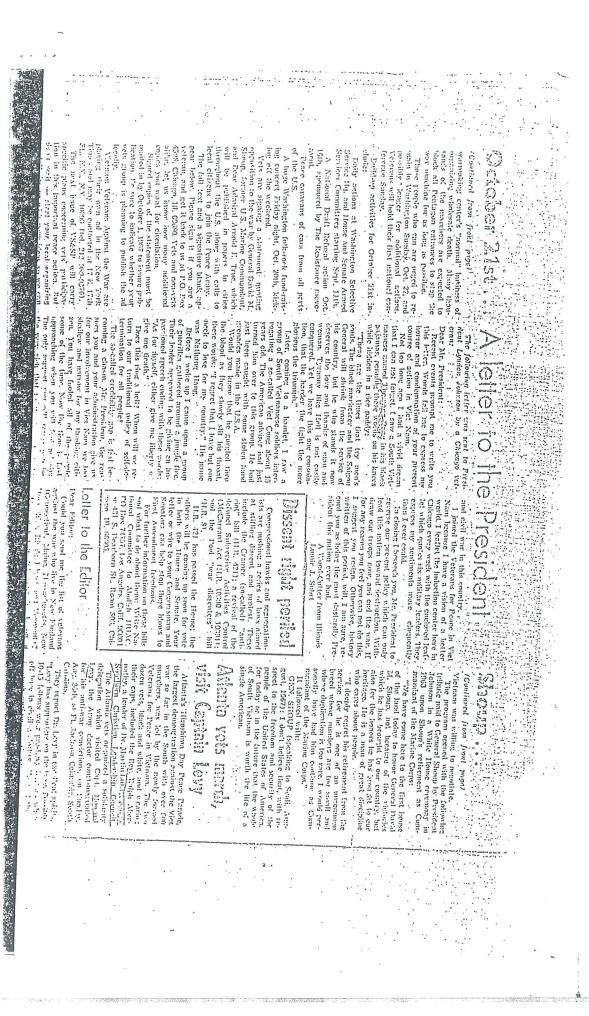
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