HAROLD WEISBERG,
FOR THE DISTRICT OF COLUMBIA
Plaintiff,
v.
CENTRAL INTELLIGENCE AGENCY, ET AL.)
Defendant.
… ......:

AFFIDAVIT
Comes, now affiant, and first being duly sworn, states upon his oath that the matters contained herein are true and correct to the best of his knowledge and belief, as follows to wit:

1. I am Special Agent William C. O'Riley, presently functioning as the Coordinator, Information and Privacy Division, Naval Investigative Service (hereinafter abbreviated "NIS"). NIS is a component of the Naval Intelligence Command. My office is located on the Tenth Floor, Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, Virginia, 22331. I am charged
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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
 with providing staff support and assistance to the Director, NIS, through the Associate Director, as it relates to the Freedom of Information Act (5 U.S.C. § 552) and the Privacy Act of 1974 (5 U.S.C. § 552a). The Information and Privacy pivision receives all requests directed to worldwide NIS components for information submitted pursuant to either of the above laws. The Information and Privacy Division processes such equests for records and prepares correspondence to requesters review and release by the Director, NIS. The Information and privacy Division is responsible for searching out records in the NIS systems of records upon requests of individuals and preparins for release those portions for which no exemptions permitted under the law are asserted. I am personally familiar with the records in this proceeding.
2. On 11 May 1978, the Central Intelligence Apency referred to the Office of the Assistant Sceretary uf Defense one, two-page (with eight-page attachment) NIS-oricjinated document which had surfaced in the Central Intelligunce Agency's files during the processing of the Freedom of Information Act request of Mr. James $H$. Lesar, an attorney acting for Mr. Harold weisberg who was seeking records pertaining to Dro. Martir Luther King, Jr., and Mr. James Earl Ray. The Cantral -Intelligence Agency's letter to the Office of the Assistant Secretary of Defense instructed that a direct response be made to. Mr. Lesar.: A copy of the Central Intelligence Agency's letter is made attachment (1) to this affidavit.
3.. On 17 May 1978, the Office of the Assistant Secretary of Defense referred the NIS document for processing action to the Chief, Naval Records Management Division, Department of the Navy, as being within the latter's purview. A copy of the Office of the Assistant Secretary of Defense's letter is made attachment (2) to this affidavit. On 24 May 1978 , the Chief, Naval Records Management Division, Office of the Chief of Naval Operations, Department of the Navy, recognized the document as having originated with NIS; accordingly referred it to NIS for appropriate action. A copy of the Office of the Chief of Naval Operation's letter is made attachment (3) to this affidavit.
4. The two-page NIS document, dated 15 January 1968 , and entitled, "Veterans Stars \& Stripes for Peace (VSSP), an AntiVietnam War Movement Propaganda Newspaper Dedicated to Ending the War in Vietnam Received by Marine At Camp Hansen, Okinawa" was generated as a result of an enlisted member of the United States Marine Corps at Camp Hansen, Okinawa, having turned in to his command an unsolicited mailed copy of a newspaper known as Veterans Stars and Stripes for peace. Within the eight pages of the newspaper, about one-third of one page is devoted to an

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article on Dr. King, and the balance of the newspapor is dcyoted
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5. By NIS letter of 1 June 1978, Mr. Lesar was provided an excised copy of the NIS two-page document for Mr. Weisberg, and the eight-page newspaper attachment was included without excisions. The NIS letter stated that a specific exemption under the Freedom of: Information Act (5 U.S.C. § 552 (b) (7) (C)) was: being: asserted to withhold information the release of which would constitute an unwarranted invasion of the personal privacy of: another person.. In particular, 5 U.S.C. S 552 (b) (7) (C) was asserted to protect the identity of the person who mailed the newspaper to the Marine enlisted man. A second specific exemption was also asserted under the Freedom of Information Act (5 U.S.C. § 552 (b) (7) (D)) to protect the identity of the Marine enlisted man as a confidential source of information. His identity was deleted to insure his confidentiality concerning his contribution to this investigatory record. This was done to protect him and to encourage others to come forward with information that might assist NIS in fulfilling its mission The document was compiled to acquire information in fulfillment of the counterintelligence role of NIS at overseas United States military installations. A copy of the NIS letter and excised records released to Mr. Lesar for Mr. Weisberg are made attachments (4) and (5) to this affidavit.

FURTHER, affiant sayeth not.


Subscribed and sworn to before me

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

Gentlemen:
\(\because\) In responding to an FOIA appeal and litigation from \(\therefore\) and James Earl Ray (enclosure '1), we have surfaced one
\(\because\) : document which originated with your agency. This document, with attachments, formed an attachment to one of our documents which is being released. While this document itself - may not be considered responsive to the subject appeal, one of the attachments 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.


Enclosures
"815\%


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

\author{
SUBJECF: : Freedom of Information Request and Document Pertaining to James Earl Ray
}

The attached Freedom of -Information request and document were received
\(\therefore\) In this office fromitheiCentral. Intelligence Agency (CIA). Upon review, we have determined that" this subject matter is within your purview;
\(\because\) therefore, we are forwarding the request to you for direct reply to the requester.


Attachments

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FOROFFICALUSE ONLY


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attachment (2)
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The excisions represent a denial under the provisions of the Freedom of Information Act. I am the official responsible for thif denial determination. You and Mr. Weisberg may appesi this denial within 120 days to the Secretary of the Navy. Such appeal must be in writing and clearly indicace iteij made under the provisions of the Freedom of Infomation Act. The appeal must fully describe the circumstances of the request and the inftial dental. .. This may be done by attaching a copy of this lecter to the sppeal. The appeal to the Secretary of the Navy ahould be addressed to the Judge Advocate General (Code 14L), Department of the Navy, Washington, DC, 20370.
\(\therefore\) : : \(\because\)
Sincerely,
A. B. CARUSO

Captain, U. S. Navy

\section*{Director,}

Naval Investigative Service Acting

Blind copy to:
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Op-09B16
ORIG: Elquise-02F2/59248
J. Shenk 5-31-78
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