

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

.....  
HAROLD WEISBERG,

Plaintiff,

v.

CLARENCE M. KELLEY, et. al.,

Defendants.

Civil Action No. 78-0249  
.....

AFFIDAVIT

My name is Harold Weisberg. I reside at Route 12, Frederick, Maryland. I am the plaintiff in this case.

1. I received a copy of the Court's February 15 Opinion from my counsel on the afternoon of Friday, February 16, when I met him on my way home from addressing a university audience in Boston. I had only Saturday to prepare this affidavit so that it could be retyped and executed within the time permitted because of a prior commitment to address another audience and conduct seminars in a relatively inaccessible midwestern college for which I must leave on the morning of Tuesday, February 20. I must prepare my remarks and for the seminars. It is not possible for me to delay or cancel the obligation. I do not have many of these college appearances. Today's collegiate audiences have a preference for titillation from those known as conspiracy theorists, which I am not. However, these few appearances and occasional consultancies provide what income I have in addition to Social Security. I therefore will not have time to review this affidavit after I draft it or as full an opportunity to inform the Court as I would prefer. I also will not be able to provide all the exhibits that, with time, I could retrieve from my files. Should the Court desire, I can provide amplification and added exhibits after. I am more than willing to do so.

2. I have read the Opinion, as I have read many other opinions, including recently that of the appeals court in Jordan v. Department of Justice. One does not have to be an eminence of the bench to understand the purposes and philosophy of the Freedom of Information Act (FOIA) with which I have had extensive personal experience. As the appeals court states in the Jordan case, the Act is a disclosure Act, not a nondisclosure Act. This Court's opinion is based on the opposite belief and

philosophy. It misinterprets the purposes of the Act to be for withholding rather than maximum possible disclosure of public information.

3. It is my belief that a Court intending to be fair requires full and accurate information, not merely conclusory and self-serving statements. It is for this reason that I sought to provide as much information as I did ~~in~~ my affidavit of February 14 although as I indicated in that affidavit I was less well and less able than I had been because of illnesses that in themselves are a serious inhibition.

4. I have filed many information requests. In not a single case have I not obtained and made public information that had been denied, in plainer language officially suppressed, until after the case was in court. Whatever the official representations and explanations may be, this is the fact. In a number of other instances, significant information was withheld until the last minute before I would have filed a complaint. In other instances, when the Government prevailed at district court level, it opted to provide the withheld information rather than have the issue go before the court of appeals.

5. My files hold hundreds of pages of records originally classified "Top Secret." These when disclosed revealed no legitimate basis for any degree of classification, not even the lowest. In all cases unjustified claims to "National security" were made in an effort to withhold what was embarrassing to officials. In one such "Top Secret" record a former agency head justified perjury as right and proper.

6. In no case have I made any frivolous requests. This may not be apparent to those who are not subject experts. The courts are not subject experts. My instant request is not frivolous.

7. For the past decade and a half I have been in the position of one who could not practice Wordsworth's wisdom, of not being the first the new to try. The obligations of a writer in the nation of the First Amendment and of good citizenship have made this impossible. I attach an exhibit that does not represent my first such effort but is my first with the FBI and its Director. My purpose was to bring to light suppressed and significant information relating to the assassination of President Kennedy. (Exhibit 2, below) This is the subject of the information sought in the multi-part request at issue in this instant cause.

8. I regard the assassination of a President as the most subversive of

crimes in a land like ours. It nullifies the system and structure of our society, It negates the electoral process. I do not approach this subject as and my work is not the pursuit of a real-life whodunit. Rather do I regard any official failures following a crime of this magnitude as a further jeopardy to the nation. Among the consequences is an invisible but omnipresent threat against any official, particularly a president, who must make what he regards as a decision that can be unpopular in some, particularly in powerful, quarters.

9. My concern is with the integrity and functioning of our institutions. I am not in quest of unseen and unknown assassins.

10. In this sense my work is little understood outside the agencies which have and withhold the public information I seek so that I may be able to make it public and add to it other information and knowledge I have. I regard this as the responsibility and function of an American writer.

11. My first book was the very first book on the Warren Commission. It is not a work of criticism of the FBI, as part of the FBI recognized. (See Exhibit 4 below) The major responsibility, it states at the outset, was that of the Presidential Commission, the Warren Commission. My belief and philosophy are reflected in the dedication about which even a few judges and legislators wrote me favorably:

To my wife, whose ancestors dreamed of man's freedom, fought the Revolution to establish it, and preserved it by fighting both for and against the Union; who is the living embodiment of their spirit and deep beliefs; and whose great labor made this book possible, with the full appreciation of the value of this inheritance which became mine when my parents emigrated to a land in which their son would be born free, this book is lovingly dedicated.

d 12. Real, meaningful freedom and an effort to enable the people to participate in self-government is one of the purposes of the Freedom of Information Act, which requires that the people be able to know what their Government does and is doing. In a significant way the Act enables the rectification of official error by the people as well as the exposure of official wrongdoing. Both are involved in my work and in this instant cause. Exposure can be cleansing and healing where it is not opposed.

13. My actual information request, rather than the flagrant distortion of it by the Government that was accepted by the Court, is not a frivolous request. Its purposes include obtaining and making public information relating to this most subversive of crimes; information that will establish official intent to continue

to withhold relevant information under the Orwellian pretense of disclosing all possible information, the FBI's representation of 1977 and 1978; and what is also Orwellian, manipulation of information, misinformation and disinformation to continue to control what can be known and believed and to continue to prevent exposure of official failures at the time of and subsequent to the great tragedy.

14. Prior to the over-advertised and falsely-represented complete disclosure of all FBI information relating to the assassination of President Kennedy and its official investigation (see Exhibits 5 and 8), there was advance and exclusive disclosure to others of a significant volume of the records subsequently released although there is no doubt that I am the senior requester and the one who made most information requests. When the still withheld records that are the subject of my actual request are made available, this will become clear. The gulling of the Court in this news management and political mind control operation also will become clear. I provide proofs below because I have some such proofs and because in the course of manipulating what could and would be known and believed it was necessary to make such exclusive advance disclosure.

15. Discrimination against me is not new in the FBI. Systematically over a period of years, stated in formerly secret records, the FBI decided not to comply with any of my requests under the Act. Usually this was to the accompaniment of its litany of fabricated libels. Approval was on the highest level. Records I can provide include the "OK H" initialed approval of the Director. In the words of SA Marion Williams, the FBI had to "stop" me. It plotted with SA Lyndal L. Shaneyfelt and spent public moneys in legal research for its step in pursuance of this effort to "stop" me with a phony libel action. Shaneyfelt was to file it and bog me down in court. The statute of limitations had run when I learned of these anti-American schemings. I then gave Department and FBI counsel a verbal waiver of the statute and followed with a written waiver to the since silent Shaneyfelt.

16. In this instant cause, when I was able to examine the first of the underlying records, it became apparent that the FBI was using massive disclosure as a means of obfuscating and of continuing to cover up its record, I believe its deficiencies in the investigation of the terrible crime. Systematic retrieval is impossible from 100,000 uncollated, unindexed pages. (The withholding of an existing index is addressed below.) In the earliest of the released records there was sufficient scandalous disclosure relating to the safely dead J. Edgar Hoover *to capture and monopolize headlines and direct attention away from FBI*

deficiencies and from those who survived Hoover. In addition, the FBI withheld many significant records which lie buried in its inaccessible field offices. On this subject the records of the Dallas Field Office, known as the Office of Origin, are of great significance. If they hold no "smoking gun," they hide a considerable deposit of the "family jewels."

tu/

17. All field office records copies of which were not in FBI Headquarters (FBIHQ) were automatically excluded from this -so-called complete disclosure. As an example of what FBIHQ did not have I refer to what I included in my February 14 affidavit relating to the withholding of the reports on and copies of motion and still pictures of Charles Bronson, which include the actual assassination. (I included this in my prior affidavit for other purposes.)

B/

18. As I have informed the Court, in September 1976, in C.A. 75-1996, I provided an incomplete list of two dozen ignored information requests I had made of the FBI since January 1, 1968. After Department counsel, the Department and the FBI became aware of this unprecedented noncompliance by this means - the filing of the requests and appeals were, of course, earlier means - no compliance followed. Subsequent to the January 16, 1978, Order in my C.A. 77-2155 (through which I obtained copies of the underlying records), the Department promised full compliance. Virtually total noncompliance with my actual requests continues to this very day. The FBI was so determined not to comply with my information requests that when the Department's appeals office sought to obtain copies of them from the FBI following the hearing in C.A. 77-2155, the FBI could not provide them. At least this is what I was told by the appeals office, to which I then provided a copy of the incomplete list I had been able to prepare for C.A. 75-1996. This list is attached as Exhibit

1. Months have passed. I still await action on the renewed appeals. I recall receiving only a single photograph of all the information sought in these requests. That photograph is only part of that 1968 request. The apparent inspiration for this limited and belated compliance years after that photograph was provided to a much later requester was the the FBI's knowledge that the House Select Committee on Assassinations, having obtained it from the FBI, was about to use it.

with 6/5/81

19. There have been inappropriate and improper sneering references by Department counsel to this Court about my alleged imagining of noncompliance and discrimination against me but this is the actuality, as many illustrations in addition to Exhibit 1 and what follows below leave beyond any doubt. The reason

is that I deal with fact and proofs and do not idly dream and expound easily rebutted conspiracy theories. The FBI much prefers, when it can no longer continue to withhold, to have misuse by these theorists. This defames all critics of the FBI and takes the edge off any disclosed evidence. It makes disclosure safe because it denies meaning to the disclosure, often gives the wrong meaning to it, and persuades those with a major influence on public opinion, ranging from the major media to important officials, that criticism of the FBI is unjustified and all critics are "nuts."

20. A common means of avoiding compliance is to misrepresent and rewrite my information requests. This instant cause is no exception. Any <sup>reading</sup> reading of my actual request and Complaint leaves no doubt that my request is not limited to the worksheets. I have repeatedly informed the Court of this. That the Court is not without recognition and understanding of this is displayed in the first sentence of the Opinion, "... seeks disclosure of worksheets and records relating to the processing, review and release of the material ... made public..." (emphasis added) No single sheet of these "records relating to the processing, review and release" had been provided to me. However, the Order makes <sup>no</sup> ~~no~~ reference to that flagrant noncompliance with my actual request. (As I state below, the Opinion is in other factual error.)

3 | 21. Exhibit 2, one of the underlying records, is the earliest FBI record I have of what became FBI boilerplate <sup>in</sup> ~~is~~ misrepresenting my actual requests. It reflects the FBI's deliberate distorting of my request to suit FBI ulterior purposes and as a figleaf for the nakedness of its ordained noncompliance. This <sup>cutler</sup> ~~particular~~ copy is one of those to which I refer in my February 14 affidavit as provided by Paul Hoch, whose initials appear on it. The initials "DSL" are those of David S. Lifton, who provided the copy to Hoch. In turn, Lifton obtained the copy from others. This alone reflects wide distribution of the FBI's defamations. My purpose in setting forth this history is to underscore the FBI's misuse of FOIA and deliberate violation of the Privacy Act (PA) in its long-standing and entirely improper police-state efforts against me personally, not only my information requests. Exhibit 2 includes my May 23, 1966, letter to the Director of the FBI in which I asked that certain withheld information be made public and the FBI's immediate contortions, distortions and libels. I emphasize libels because prior to this disclosure to the press and general public and wide distribution among those

with whom I do not agree, some of whom do not love me, I had corrected the factual errors of the FBI's fabrications and had asked the FBI to enable me to make correction under PA. When I received no response at all, my counsel wrote the Director of the FBI. When he received no answer, my counsel wrote the Attorney General in an effort to prevent the misuse of these disclosures to defame me and my work. There was no response from the Attorney General. Exhibit 2 includes the libel that I have an unspecified "subversive background."

22. Although I was denied my rights under PA by the FBI, its Director and the Attorney General, I had nonetheless invoked these rights and provided a documented correction. I believe that because these and the relevant internal records are among the "records relating" to the processing and releases, they should not continue to be withheld. I provide a partial explanation.

23. One baseless fabrication I corrected in writing is that my wife and I annually celebrated the "Russian Revolution." This was convoluted from an unselfish religious event. Years ago the rabbi of the Jewish Welfare Board who ministered to Washington area military personnel brought them and their families to the farm my wife and I then had where they relaxed after observance of the Jewish high holidays. We arranged what were delights to the children, for them to observe the incubation and hatching of eggs, for them to gather eggs as laid by the hens and for them to fondle and play with other tame animals. I can provide photographs taken by this rabbi. If a Himmler might be proud of this FBI venture into Himmlerism, I am not proud of a Government that, knowing better, practiced such Nazi and KGB abuses.

24. Another such libel is that I conspired with a notorious anti-Semite, J. B. Stoner, to besmirch the saintly reputation of the FBI and to do this demanded to be interviewed by a Department lawyer. The actuality is that in 1969, at the request of the Criminal Division, I went to the Department's then Internal Security Division to provide other information requested of me. I then also gave the Department leads on what only much later became known as the FBI's less than saintly Cointelpro operations. In this particular case I provided accurate information about efforts by FBI Cointelpro operatives to provoke extreme racial violence.

25. Still another widely distributed FBI distortion based on which it claims I am subversive is a rectified error by the State Department. Yielding to

pre-McCarthy ultra-extremist and racist political pressures, it engaged in a pogrom. It fired a number of Jewish employees under the "McCarran Rider," since held to be unconstitutional. I was given no charges. No charges were made or made public. There was no hearing. When I fought back, I was vindicated. The action was rescinded and the Department issued a public apology. I attach as Exhibit 3 the unsolicited letter of commendation from my eminent counsel. (One was later a Supreme Court Justice. Another was a federal judge who had known me earlier. I assisted him when he was head of the Department's Anti-Trust Division and provided him with information he did not receive from the FBI, about Nazi cartels. A third had been head of a federal agency.) There is no basis for any FBI attribution of "subversive" to me. I believe these and other similar acts by the FBI are subversive of every American concept.

26. My informing the Department of the FBI's Cointelproing when that evil was entirely unknown did not endear me to the FBI. Before then, to my knowledge and from copies I have, it had made extremely widespread distribution of these and other libelous distortions and fabrications throughout the Government. No Attorney General or Deputy was overlooked when I made any information request. The President himself was provided with these libels when my earliest published work attracted much attention, thanks in part to the FBI's efforts to Cointelpro me. This will become apparent in connection with Exhibit 4, another underlying record that follows.

27. This partial explanation is provided because it is part of the proof of the existence and withholding of the records relating to the processing and release of the underlying records. There can be no doubt because at the least there are copies of my letters and those of my counsel as well as his telegram referred to in my February 14 affidavit. Disclosure and/or nondisclosure and processing followed.

28. The wasting of a small fortune in time and money and the 1974 amending of the investigatory files exemption of the Act are a direct consequence of what began with the FBI's deliberate misrepresentation of the information request in my May 23, 1966, letter, Exhibit 2. I illustrate this with the request that the "spectrographic analysis" rather than the meaningless paraphrase of FBI testimony before the Warren Commission be made public. I refer to this testimony and I state that the agent "did not offer into evidence the spectrographic analysis ..." Rather than stating that he did not testify, I cite his testimony.



29. As what became a direct challenge to the FBI worked its way upward through the FBI's higher echelons, this was <sup>by</sup> deliberately distorted. The first of many examples is on the first page of the Rosen to DeLoach memo that is part of Exhibit 2. Rosen represents falsely that I stated "that ... in testimony evidence was not introduced as to the spectrographic analysis ..." (emphasis added) I was well aware of the meaningless "evidence" of this FBI testimony. It is no more than that lead is "similar" to lead. I asked for and to this day, despite the long subsequent history of that request and litigation, have not received the stated results of the spectrographic examination.

30. I do not believe it is a digression to inform the Court further on this because it bears on motive for withholding and misrepresenting. Among the underlying records I have found several that relate to similar spectrographic examination of bullets from the killing of the Dallas policeman, J. D. Tippit. In the JFK case the FBI never departs from the meaningless description of the lead-compound bullet core material as "similar." This means absolutely nothing. Lead compounds are quite common. Examples range from printer's type metal to automobile wheel weights. These are "similar" to each other and to lead in bullets and many other objects. However, in the Tippit case the FBI's records include specifically stated evaluations, significant information never provided in the JFK case. The FBI ~~abandons~~ <sup>refers</sup> the meaninglessness of "similar" with regard to samples tested. It ~~refers~~ to both "quantitative" and "qualitative" comparisons and results.

31. There is no faithful representation of my actual request in this June 6, 1966, record from Exhibit 2. The FBI's highest echelons refused to respond, for which they obtained the "I concur, H" of the then Director.

32. On page 3 under "details" there is what is relevant to Paragraph 30 above, the knowing evasion of "similar in composition." This amounts to a confession of dissimilarity in the samples because of the capability of the scientific tests and because of the conclusions that can be reached and are stated in the Tippit spectrographic examinations.

33. In ascribing motive to the FBI's withholding from me I have referred to its "operations" against me. My most recent appeal of withholdings relating to "operations" is based on records I believe I would not have obtained if those processing the records understood their meaning. In my February 14 affidavit I refer to the FBI practice of assigning personnel without subject-matter expertise

to FOIA processing to assure automatic withholding. In this instance FBI ignorance had the opposite effect.

34. This recent appeal stems from records of the San Francisco Field Office. Although a few pages only were provided, disclosure was delayed for a year after they were located. These records leave it without possibility of doubt that an FBI informant attempted to do me harm when I was making public appearances with my first two books, at the end of 1966. Using some of the misinformation referred to above, he tried to "redbait" me on the "talk show" with the largest audience on the west coast. I refused to abide by the moderator's principled position that all of this was irrelevant and insisted on addressing it. The result was a dramatic confrontation in which it evolved that this caller-in was too young to have personal knowledge of the matters in question. His unsuccessful baiting effort led to much attention to my books, influenced their sale favorably and resulted in a standing-room-only audience at my only platform appearance on that trip. This was not the FBI's intent but I am not ungrateful for the results.

35. A similar FBI exploit on the east coast is reported in another of the underlying records in this instant cause that was included in the mailing from Hock. It is attached as Exhibit 4. This second backfiring of FBI efforts to "Cointelpro" me is first in time, of July 1966. This record also provides an insight into FBI indirection and into how "impartial" some of the talk shows were and are.

36. Metromedia's WNEW-TV in New York City, then the largest independent TV station in the country, invited me to appear for a 20-minute segment on what was represented as a book-and-author interview. I did not know of the trap reflected in Exhibit 4, of asking the FBI to appear and do me harm. However, I have a very clear recollection of the entire affair, particularly of what was conspicuous in that kind of audience, four seemingly well informed New York City lawyers who gave every appearance of having ~~made~~<sup>made a</sup> careful study of the entire 900-page Warren Report. All four had pages marked for instant citation and quotation. They took over the entire audience participation.

37. As Exhibit 4 does not boast to FBIHQ, that dramatic confrontation actually ran two hours longer and reportedly got the station the highest ratings when it was aired. How these lawyers could have been so well informed is apparent in the second paragraph of Exhibit 4: the FBI did the work for them and for the station. It is phrased with FBI stereotyped language denoting leaking, the

pretense of providing "public source" information. However, in this instance the New York Field Office confessed to a bit more, never expecting the record to be seen outside the FBI: "all public source data and material which refuted criticism placed on the FBI." (emphasis added) This states specifically enough that the FBI undertook to provide information for others to use against me with the intent of injuring me.

38. In the same long report, which is carefully written not to disclose that the exploit kicked back, the FBIHQ canard of my being anti-FBI and anti-Warren Commission members is refuted on page 2. There it is stated that "he did not hold the FBI responsible for the Commission's report" and "explain(ed) that each member of the Commission was a dedicated man, fair, and put out his best work."

39. Exhibit 4 also states the show ran unexpectedly long. As it does not state, this dramatic confrontation with those FBI-prepared lawyers lasted an hour and a half. It required that much time, even in a gang-up, for these four lawyers to learn that FBI preparation is not necessarily factual or adequate preparation. There was an unforeseen result ~~for~~ which I also am not unappreciative. No copies of my first book were on sale the Monday after that Saturday night telecast. By the end of the first week, this unknown book was the best-selling work of nonfiction in New York, ~~Although~~ I had no organized distribution or means of distribution. Wholesalers and book stores clamored for it by phone, beginning about 3 a.m. that Sunday morning, thanks to the FBI's effort to ruin my book and me with my first television appearance. However, I regard what the FBI did as improper for government and more improper for a police agency.

40. These are neither my only such experiences nor the only proofs of the monitoring by government of the expression of opinions and beliefs by me and other writers. As in another cause I informed this Court, I have a whole box of CIA transcripts of my appearances. I note the absence of any CIA denial in that cause as well as its failure to provide its copies in response to my request now of more than eight years ago.

41. If the Court desires, given more time I will provide many other illustrations of prejudice and discrimination against me and their resultant as well as causative inspiration of seemingly perpetual noncompliance and as a consequence the unnecessary burdening of the courts. This would include other records relevant to my instant request relating to the processing and release of

the files in question.

42. Among the withheld records relevant in this instant cause are existing records relating to prior disclosure to others of what I requested earlier (see Exhibit 1) and what was included in the general releases the first of which was on December 7, 1977. This is another manifestation of prejudice, discrimination and arbitrariness and capriciousness. With more time to search my records, I would provide additional proofs of this, including news accounts of the content of these records that I had asked for and had not been provided.

43. There was what amounts to an exclusive release to Paul Hoch. As I recall it was of three entire Sections or about 600 pages. This was long before the December 7, 1977, release. All records of that arrangement relate to the processing and release of the general releases and are within my request. The obvious FBI motive for withholding these records is to cover its discrimination and its overt dishonesty in its public pronouncements of equal access for all.

44. My first official notification of these releases was several months after the initial exclusive disclosures to Hoch. While the FBI's letter to me, attached as Exhibit 5, is dated December 2, 1977, it did not reach me until December 6, the day before the first release. Under my circumstances it would have been impossible for me to arrange to make any real examination of any records the next day. But I note the false representation of first release in paragraph 2: "The first segment of these materials will be made available beginning 9:30 a.m., December 7, 1977 ..."

45. I have previously informed the Court of the difficulty of access to some of my files coming from my medical limitations. Now there also are pressing time considerations. I have and with time can provide other proofs of my immediately preceding statements relating to discrimination, prejudice and prior release to Hoch (and others) of what I had requested earlier and had not been provided. In the course of the immediate and limited search I was able to make I came upon a proof indicating that my February 14 affidavit relating to dishonesty in the worksheets is considerably understated. In the portion of that affidavit relating to the FBI's worksheets I stated and proved that rather than a single set of worksheets, the set provided to me, there was a second FBI set on which there is relevant information not provided to me. I now find there is at least a third worksheet version.

46. Under date of November 26, 1977, which is prior to the date of first release represented in the FBI's letter to me, Exhibit 5, Hoch sent me a copy of one of the pages of worksheets that had been released to him along with some other papers and personal comments. I attach this Hoch worksheet as Exhibit 6. (Hoch added the typed notations.)

47. This Exhibit 6 worksheet is not the same as the one provided to me in this instant cause, which I attach as Exhibit 7. These are entirely different versions. They do not itemize the identical underlying records. Another obvious difference is improper obliterations on the Hoch set. The withholdings from Hoch, who does not have my record of taking the FBI to court, includes information the FBI is required to disclose, the exemptions claimed. Comparison of the inconsistent versions of allegedly identical records reveals different entries, different handwriting, different information and other differences, even though both sets are dated July 1977.

48. I cite as significant and indicative of withholding from me the fact that, while only two entries appear for Serial 91, the first item on each set, three such records are listed on the worksheet provided to Hoch. I regard this alone as relevant in this instant cause as proof of deliberate misrepresentation and of withholding to cover which false affidavits were provided. Withholdings from Hoch, on the other hand, in four instances extend to even the numbers of pages released, hardly secret or information within any exemption. In one case, Serial 96, the fact of referral to the CIA is withheld from Hoch. None of what was stricken through relating to the next entry on my worksheet was even posted on his set. What is incredible regarding my set is that while two pages are indicated as withheld, each and every one of the exemption claims noted is stricken through. As a result, the withholding from me is without claim to any exemption.

49. I believe that Exhibits 6 and 7 raise new and substantial questions about the integrity of the FBI's representations to this Court, particularly questions about the integrity of the Benson affidavit. Benson is an FBI "national security" expert with an established proclivity for finding "national security" secrets in the public domain. I note (b)(1) claims on the copy of the worksheet provided to me and no single (b)(1) claim on the Hoch copy relating, supposedly, to the same records. I cannot see how the FBI can justify making a (b)(1) claim with regard to records withheld from me when it did not make the (b)(1) claim for

the identical records earlier provided to Hoch.

50. If the worksheets were a single and honest set of itemizations, as they are supposed to be, providing them to me required little more than the mechanical act of taking them to self-feeding and collating Xerox machines with which the FBI is equipped.

51. The worksheets date to the middle of 1977. None were sent to me until April 12, 1978. Hoch sent me Exhibit 6 in November 1977. He may have written me about the underlying records prior to a letter about them of a month earlier, October 8, 1977. This is to say long before the general release of December 7, 1977, and a half year before any copies were provided to me. Hoch had worksheets withheld from me.

52. The covering letter sent to me with the worksheets is attached as Exhibit 8. My prompt appeal, dated April 19, is Exhibit 9. It is obvious that xeroxing existing and disclosed worksheets did not require all the time taken by the FBI, not until after my complaint was filed.

53. While the foregoing Paragraphs detail added proofs of what I have characterized as discrimination to withhold from me and not to comply with my requests, I believe they hold proof of much more serious offenses. There clearly is less than full and truthful representation under oath by two FBI agents, both qualified as experts. I believe there are substantial questions of fraudulent misrepresentation and of false swearing to the material. Compliance was a material question at the time of the filing of the affidavits. With the Court's Opinion based entirely on these affidavits, their materiality now appears to be more than greatly enhanced. The entire case has turned on them and on them alone. The Court paid no attention to any of the information I provided and made no reference to any of it. While the Court did foreclose the possibility of my making response to the Benson affidavit, it is clear that the Opinion is based on these two affidavits and says it explicitly.

54. As the Court will be aware on reading my February 14 affidavit, I was greatly concerned over the Court's integrity and the FBI's unhidden attitude toward the Court. In the affidavit I was denied permission to file prior to the issuance of the Opinion, I drew upon much and in some ways unique knowledge and experience in an effort to inform the Court that, based on this experience and knowledge, I believed that the FBI was treating the Court as a sure thing, as virtually a

rubber stamp.

55. I have extensive experience with the most dubious of official affidavits, much experience with undenied false swearing in official affidavits, so I am aware that with the prosecutor not prosecuting himself taking liberties with truth and with the courts is not exceptional in FOIA cases. However, I have no prior experience with two FBI agents both swearing falsely to compliance based on three contradictory sets of worksheets. I recall only one prior experience with a phony worksheet. That was provided by the same SA Horace P. Beckwith who combined with Benson in this instant cause to swear to full compliance although copies of all three mutually contradictory worksheets are by the FBI unit with which he worked. I provide further information relating to Beckwith below.

56. In all my extensive prior ~~experience~~ experience I recall no such daring and combined flaunting of unconcern for any retribution. I regret that from this long experience and the expertise the Department states I possess I see no interpretation for these and other flagrant abuses other than coming from an FBI certainty that under any and all conditions this Court would find for it and ignore any offenses by it. I am truly sorry that the Court prevented my alerting it to this possibility. ~~As~~ the affidavit executed before the Opinion was issued makes clear, I did make the effort.

57. For the information and understanding of the Court, I believe that, beginning with my C.A. 75-1997, this instant cause is the only case in which worksheets did not accompany the underlying records.

58. To convey the significance of this I state that outside of this case before this Court I have no prior experience with FBI worksheets not accompanying the underlying historical-case records where the records inventoried total I would estimate at least a quarter of a million pages. These records outside of this case relate to the Presidential and the King assassinations. These may be the two most extensive investigations in FBI history.

59. The FBI's April 12 letter, Exhibit 8, appears to be unique in another respect. I can recall no other instance, before or after this date, in which the FBI did not represent that compliance was claimed to be complete or that other records would be provided to complete compliance. Exhibit 8 does neither. It merely implies that providing the worksheets constitutes compliance, the fiction with which this Court and through the Court I have been victimized. The formula

appears to be that of Beckwith, a special variety of FBI expert, as is set forth in later Paragraphs.

60. My prompt appeal, Exhibit 9, spells this out. There has never been any FBI denial and there has been no response to or action on my appeal. The appeal is now 10 months old - under a 20-day Act and with a case in court.

61. With my appeal I enclosed a copy of the FBI's April 12 letter. My third paragraph states without any subsequent denial that the FBI's letter makes no reference to the fact that the request is for more than just the worksheets ... I also refer to the fact that the Department was supposed to be "monitoring compliance ..."

62. In my July 14 letter to the Department's appeals officer I refer to another letter relating to the worksheets involved in this instant cause. Primarily that letter addressed other worksheets copies of which I attached to show that they "are backward and upside down. They are also numbered in reverse..." With regard to the worksheets involved in this instant cause I reminded the Department "I've already informed you that the FBI is making (b)(1) claim to the public domain." In this I am stating that the Department was made aware of this long before the filing of the Benson affidavit I addressed in my February 14 affidavit.

63. In later Paragraphs of this affidavit I provide other proofs of this located by accident on February 17.

64. On a more informal basis, seeking to eliminate problems with compliance and to alert the Department to the actualities of noncompliance in this instant cause, I wrote the appeals authority on July 12. This letter, attached as Exhibit 10 states that the FBI has misrepresented and had sworn falsely in representing that there were no other relevant records. I cite this with reference to Exhibit 5 and the many other such notifications, which are within my request. I also informed the Department that the FBI had "already released some of the records on a grossly discriminatory basis to others," as I specify above with respect to Hoch. All such records are within my request which, as this letter states, is for scholarly purposes. In this letter I also spelled out what I go into in my February 14 affidavit about the withholding of public domain information relating to Oswald in Mexico. I believe it is apparent that I was informing the Department fully and from the lack of any denial quite accurately about the perpetuated and deliberate noncompliance in this instant cause.



31  
65. (In this connection and with regard to the Benson affidavit's claim to secrecy about the known cooperation with the Mexican police, a college student who was using my CIA files on Saturday, February 17, selected some of these reporting what had already been disclosed about this allegedly secret cooperation. These excerpts and an explanation follow below.)

66. Most agencies and employees do not regard lightly allegations of deliberate false swearing to the material, the record that exists in this instant cause that I drew to the Department's attention in Exhibit 10 without even pro forma denial. In this connection and context I amplify my prior references to SA Horace P. Beckwith. He was assigned to the FBI FOIA unit in a supervisory role. He therefore had access to and certainly should have had personal knowledge of the existence of the other and still withheld records relating to processing and release that are within my request. In fact, it appears to be Beckwith who wrote Exhibit 8 to me in the name of the FBI's FOIA chief, Allen McCreight, because the initials "HPB" are written after McCreight's name. Unless there was another FBI FOIA SA whose initials are identical with Beckwith's, he had personal involvement in and knowledge of the instant matters yet did swear unfaithfully to this Court.

67. Beckwith, whose prior FBI experiences include clandestinity and illegal violation of the rights of Americans, appears to have evolved the formula in which the FBI would merely imply full compliance in this instant matter without provoking me by stating that falsehood in the letter. Inside the FBI and Department his craftiness would be regarded as representing full compliance while he avoided overt false representation of it in the letter. He did not lie but he did make a clever and successful effort to deceive.

68. At the time, although it was not general knowledge, Beckwith was an unindicted co-conspirator in the criminal case in which former Acting FBI Director L. Patrick Gray and others once high in the FBI are charged with serious offenses. This means that Beckwith's future was at stake, that his retirement, for example, could be denied to him at the whim of the Director or through other high officials if he incurred their displeasure. Under any circumstances, however sympathetic I am to his plight, I believe that the use of an unindicted co-conspirator to provide an affidavit and keeping this unusual qualification secret from a court are neither normal nor proper. In Beckwith's case prior to the Court's Opinion there was major news attention in Washington. His firing was front-page news.

His successful appeal, which resulted in punishment and reinstatement at a reduced level of rank and pay, attracted a little less attention. Both were reported prominently.

69. Whether or not it was his idea, it appears that Beckwith drafted Exhibit 5 and the formula of the prevailing false representation of pretending that my actual request was not made and that I asked for the worksheets only. However this may be, it simply is not possible that anyone connected in any manner with either the processing or the release of the underlying records was not aware of the existence of many more records relevant to my actual request.

70. My request includes more than the written notifications, press statements, plans for the actual release and arrangement for providing copies to the press and others. Among the other records that must exist and are relevant are those reflecting the reasons for ignoring the major repositories of records relating to the assassination and its investigation, the field offices, especially Dallas, the "Office of Origin."

71. Records relating to inventories of the Dallas files have not been provided in this instant cause. Those I provide herewith also were withheld in C.A. 75-1996 where they are quite relevant. These attached records are well known within the FBI's FOIA unit. Through their involvement in C.A. 75-1996 the existence of these and a hundred or more similar inventories should have been known to Beckwith and the Civil Division, which is Department counsel in this instant cause and in C.A. 75-1996. I obtained the copies of Exhibits 11 and 12 from the Dallas files in C.A. 78--322. I believe I obtained these copies only because those processing the Dallas records were not aware of the earlier withholding from other files in the other cases in which they are relevant.

72. Exhibit 11 is an FBIHQ directive to all 59 field offices to provide inventories of all records relating to the assassinations of the President and Dr. King. The date is a half-year prior to the processing of the underlying records involved in this instant cause. Exhibit 12 is the response of the Dallas Field Office.

73. Exhibit 11 means that each of the 59 field offices was required to provide an inventory to FBIHQ. Exhibit 12 represents the vastness and uniqueness of the Dallas files.

74. On other recent occasions FBIHQ had similar needs and made similar

requests of all field offices. I do not have copies of them.

75. The Dallas collection, which later was enlarged, is of much more than the approximately 9,500 serials indicated. This volume alone, however, represents an enormous and significant storehouse of important historical information. A large number of records is not included in this inventory, which is limited to the carefully drawn FBIHQ directive. Many relevant and significant records not in FBIHQ files are in Dallas files. Illustrative are those attached to my February 14 affidavit relating to photographs of the crime and the crime scene. There is the unique record existence of which was kept entirely secret until inadvertent disclosure to me in C.A. 78-0322, "A special John F. Kennedy assassination files indices (sic) consisting of approximately 40 linear feet of 3x5 index cards ... maintained separate from the general indices ... also a special communications index" of about 30 inches, also maintained "separate from the general indices." (Exhibit 12, page 5)

26. These indices are within my other information requests. They have been withheld and I have appealed the withholding. There has been no decision on the appeal although months have elapsed. However, there is, as I indicated in my February 14 affidavit, a vital need for these indices in processing if the records released are to be processed properly. An illustration I cite is for the FOIA processors to have a means of knowing what is within the public domain. I therefore asked for the indices to be available to the FOIA processors. This is separate from providing me with copies pursuant to my requests because of the enormous and essential historical value these indices have. Without these existing indices there is no reasonable access to the hundreds of thousands of pages of information that are indexed.

77. If these indices had been consulted, there might have been less likelihood of misleading this Court into believing that what is within the public domain is an authentic national security secret. This Court might have avoided the embarrassing situation coming from its Opinion holding that what is within the public domain - including in the underlying records - is authentic national security information and is properly withheld.

78. As Exhibit 12 states, Dallas is the location of major and unique records. But FBIHQ represents otherwise, which provides added motive for withholding relevant records in this instant cause. The intent to mislead and deceive the

country and requesters as well as other officials of Government is apparent in Exhibit 5 where on page 2 it is represented that the second release, of January 18, 1978, "will cover the balance of our substantive investigation concerning this historical event."

79. The large number of relevant records originally withheld and since provided is among the proofs of the FBI's knowingly false representation quoted in the immediately preceding Paragraph. I received thousands of pages after the filing of the Beckwith affidavit.

80. The immediately preceding Paragraphs include substantial reasons to believe that among the records still withheld and relevant to my request are records relating to the nondisclosure of such relevant records as are indicated in these Paragraphs. Records relating to nondisclosure are within my request.

81. With time I now do not have I could provide many other illustrations of records relevant in this instant cause and not provided. Knowledge of their existence was withheld from the Court by the FBI. I could also provide other illustrations of motive for withholding and of embarrassing withheld information in addition to what is in this affidavit and that of February 14.

82. By foreclosing me from providing information that addressed the infidelity of the Benson affidavit and then almost immediately issuing its Opinion, the Court actually held (on pages 1 and 2) that it is right and proper to withhold as a matter of national security what is within the public domain, including what was already disclosed by the FBI and its FOIA unit without national security claim. My February 14 affidavit was executed prior to ~~the~~ date of the Opinion.

83. The Opinion reflects the Benson affidavit other than as I recall, perhaps the consequence of haste. The Opinion states that what is withheld in this instant cause "was supplied by foreign police agencies ... under a promise of confidentiality." No such record is or can be involved in this request and litigation. This language is from Benson's boilerplated generalities. Benson's actual allegation, clearly false, is that for reasons of "national security" the worksheets could not "reveal" the abbreviations of the identifications of these cooperating foreign police agencies. His false representations are that their identifications are not known and that the FBI had not already made the disclosure in the underlying records.

84. The Court appears to have been so impressed by the FBI affidavits that

the Opinion covers much more and goes much further than the very narrow question of the ludicrous alleged need for secrecy of initials like RCMP, which as I show in my February 14 affidavit had never been withheld before and were actually disclosed with the underlying records. The question before this Court was anything but "unauthorized disclosure," there being nothing to "disclose." (top of page 2) The honesty of the FBI's representation of "disclosure" is an ignored issue in this instant cause because of authorized earlier disclosure prior to and in the underlying records.

85. The Opinion also states that "substantial weight is to be accorded to agency affidavits." In context this means that a court must accept false swearing as gospel. The Opinion makes no reference to the absence of any affidavit disputing mine or of proof that material facts are not in dispute. If there is compliance with the Item of my request related to worksheets, as there is not, there is no representation to any compliance with the rest of my request. In fact, I have not received any compliance with the rest of my request, not a single piece of paper. Nor is there any affidavit attesting that the information sought in the rest of the request does not exist. Obviously there can be no such affidavit when I attach as exhibits copies of records of the nature of some of what remains withheld. I believe my affidavit is not contested. It is merely ignored by the Court.

86. Not being a lawyer I have trouble comprehending the language of the Opinion that "There has been no showing of lack of good faith on the part of the FBI." Lacking an education in the law, I labor under the layman's impression that false swearing is the opposite of good faith and that an affidavit alleging false swearing, if uncontested, is a "showing of a lack of good faith." I have received no affidavit in attempted refutation of my affidavit.

87. The Opinion states (at the bottom of page 2) that withholding file and symbol numbers is right and proper under Exemption 2. This is contrary to the testimony of the Department's own appeals officer in my C.A. 75-1996 on January 12 of this year. The Act includes the words "solely," "internal" and "personnel" as preconditions for the applicability of Exemption 2. I know of no claim by the FBI in this instant cause that its claim to this exemption meets all these requirements of the Act. Because of the limitation of this exemption to internal personnel matters, it is not applicable to file numbers that do not relate to FBI employees. Even if informants, who are not regularly FBI employees, <sup>were to be</sup> ~~were to be~~

encompassed, file numbers not used for the filing of personnel matters are withheld from me. The actual purposes served by such withholdings include preventing evaluation of information and hiding improper FBI activities.

88. At this point the Opinion expresses concern for "the disclosure of the identity" of FBI informants. As the Court appears to have understood it, this would be the consequence of not withholding arbitrary symbols used by the FBI for precisely the purpose of preventing disclosure of actual identity. While I cannot state that there is no obliteration of an informant <sup>715</sup> symbol on any worksheet there is no need, in the processing of records, for informant symbols numbers to be included on any worksheets. Disclosure of the symbol identification does not disclose actual identity. Moreover, the FBI has disclosed symbol identifications to me as well as actual identities. It has disclosed actual identities to others.

89. To my knowledge the FBI has identified a number of its informers by name to the House Select Committee on Assassinations <sup>made</sup> and caused them to become committee informants. In at least one case this was over that informant's written objection, which I have. While I agree with the need to protect informants, no issue of actual identification is involved in this instant cause and the FBI's practices with regard to the identification of informants is arbitrary and capricious. It makes disclosure for political purposes. In one recent case, when it sought to plant bad information with this committee, it turned over an informant known to be fabricating bad information. The informant was then turned over to <sup>Mark</sup> ~~Mark~~ Lane by the committee. I have the FBI's records of that informant's complaint. The FBI's practice, even if the claim in this instant cause were justified, as it is not, is other than the FBI represents.

are | 90. Purposes actually served by withholding arbitrary symbol numbers and file numbers, which also do not disclose any names is to hide FBI use of sources known to be undependable, use of the bad information they supply and to hide improper FBI activities.

91. I recall no relevance of the language of the Opinion on page 3 relating to the public interest in knowing informers' names. I have never, including in this instant cause, ever raised any such question or demand. I recall no FBI claim that any informer's name is involved.

92. On page 3 the Opinion refers to claim to the compilation of records for law enforcement purposes. I am not aware of any proof of any such compilation

in this instant cause. In my February 14 affidavit I cite the fact that there was no federal jurisdiction with regard to the assassination of the President. FBI Director Hoover so testified.

93. Moreover, the records involved in this instant cause are worksheets used in FOIA processing and other records relating to disclosure. If records relating to the assassination had been compiled for law enforcement purposes, as they were not, this appears not to be applicable to any records involved in this instant cause, which are limited as stated above.

94. With regard to the propriety of withholding the names of the special agents who processed the records, I can provide abundant proofs of the arbitrariness and capriciousness of this latter-day FBI claim. In fact, the names of those who processed more than 90 volumes of FBIHQ records relating to the assassination of Dr. King were included on the worksheets. As a result I was able to pinpoint an agent whose abuses of the exemptions was more spectacular and to demand and obtain his removal from FOIA processing. I believe this accounts for the present withholding of their names. I know of no instance of the withholding of any FBI name prior to the 1974 amending of the Act. There is no such withholding in the 10,000,000 published words of Warren Commission records.

95. With regard to the names of "individuals coming to the attention of the FBI who were not the subject of the investigation," of whom the Opinion states the belief that in this instant cause withheld information pertains to them, I know of no such issue or question in this instant cause which relates only to the processing and release of records. However, the Opinion here is in opposition to well-known and officially announced public policy and the Attorney General's determination that this is an "historical case," which requires more liberal disclosure. The ~~Attorney General's~~ <sup>Attorney General's</sup> policy statement requiring the disclosure of names to which the Opinion refers was made on May 5, 1977, if those names were involved in this instant cause, as they are not. From the Opinion the only names that would be disclosed are those of the dead, of Lee Harvey Oswald and Jack Ruby. They alone were "the subject of the investigation."

96. At the top of page 4 the Opinion represents that the FBI, with regard to the worksheets only, "invoked Exemption 7(D) to withhold the identity of confidential informants and information supplied by them." I am aware of no possibility of those questions existing on the worksheets, the only records

provided in this instant cause. I am not aware that the names of the informants or the information they provided is ever posted on any FOIA worksheet and I am not aware of any such need in creating or using the worksheets. I have read FBI FOIA worksheets covering the processing of hundreds of thousands of pages of underlying records. I have no recollection of ever having seen "the identity of confidential informants" or "information supplied by them" posted on a worksheet.

97. Moreover, Exemption 7(D) is not a blanketing exemption under which, under any and all circumstances, all "information supplied by" informers may be withheld. Informers, from copies provided to me by the FBI, supply newspapers clippings. While the information supplied by informers is not and cannot be an issue in this instant cause, the FBI's public reading room holds countless thousands of pages of "information supplied by them," FBI informers.

98. The Opinion's reference to "information provided by ... commercial or institutional sources" appears to reflect the misleading of the Court by the FBI's boilerplate. There is no relevance to worksheet entries. In fact, the FBI has always disclosed such information, hundreds of pages of it to me alone. The publicly available and published Warren Commission records include much such information provided by the FBI.

99. In my February 14 affidavit, I state that in this instant cause the FBI withheld what is within the public domain under spurious claim to a "national security" need. I provide examples of this reductio ad <sup>absurdum</sup> ~~absurdum~~, of Benson swearing that disaster impended the entire police and intelligence systems if he did not withhold what is actually disclosed in the underlying records and in any event was not and never had been secret. Most of those illustrations relate to the Royal Canadian Mounted Police. In my February 14 affidavit I also stated that this is no less true of Mexico and that the FBI in the past made available information provided by various Mexican components. Beginning in 1976 the FBI provided me with much information relating to the King assassination provided to it by various foreign police organizations, including Mexican. Much information of this nature has always been available in the Warren Commission records. Earlier in this affidavit I referred to the finding of relevant records by a college student researching in my CIA files.

100. In what follows I provide as Exhibit 13 a small selection of CIA records disclosing its and the FBI's cooperative arrangements, both ways, with the



Mexican police. Exhibit 13 includes the CIA's number identifications of the records. These records are a small portion of a few of the earlier records from only the first part of the first batch of JFK assassination records disclosed by the CIA to me and others about the end of 1975. There are many other such records.

101. There are probably many more such CIA records in the public domain. The five attached examples were selected by an inexperienced undergraduate who was reading these CIA records for another purpose. I lack time for a personal search.

102. The cover page of #103-42 has this CIA handwritten explanation: "Information of (sic) Oswald passed on to Mexican Government." This discloses the kind of cooperation Benson swore is secret.

af 103. #56-20 reports what could have come only from Mexican authorities, that Sr<sup>s</sup>. Silvia Duran would "be arrested immediately and held incommunicado..."

104. #59-23 reports that the CIA was passing information to "GOM AND ASKING THEY CHECK BORDER AIRPORTS." "GOM" is Government of Mexico.

105. "Copies of photo of Oswald reproduced for use of Legal Attache with Mexican police" is the information restored by hand after excisions from #11-6A.

106. Cooperation Benson swore is secret is explicit in #158-610A a cable that includes: "MEXICAN AUTHORITIES SHOULD INTERROGATE SILVIA DURAN <sup>TO</sup> ~~THE~~ EXTENT NECESSARY (to) CLARIFY OUTSTANDING POINTS WHICH BEEN RAISED YOUR CABLES LAST 48 HOURS. YOU MAY PROVIDE QUESTIONS TO MEXICAN INTERROGATORS..." (sic)

107. All the immediately foregoing records and without doubt many more CIA records reflecting Mexican cooperation with both CIA and FBI were in the public domain long before this rush to summary judgment. They and all the many such records relating to the King assassination provided to me by the FBI in C.A. 75-1996 and all the published and unpublished but available Warren Commission records disclosing foreign police cooperation were in the public domain prior to the Benson and Beckwith affidavits and prior to the creation of the worksheets.

108. Because my work is not concerned with ~~the~~ <sup>the</sup> conspiracy theorizing and does examine and is concerned with the functioning and integrity of our basic institutions, of which the judiciary is a most essential one, I deeply regret my inability to serve the Court better. This was an inevitable consequence of foreclosing me by refusing me a few days in which to provide my affidavit of February 14 and virtually simultaneously issuing ~~the~~ <sup>the</sup> Opinion. While foreclosing

*ful*  
me from providing relevant and *ful* truth information the Court gave unquestioning credence to FBI affidavits making nonexisting "national security" claims. If it is ever embarrassing to this Court that it held what was within the public domain and was never secret to be important "national security" secrets, it is in no way my responsibility. It is contrary to the effort I made to avoid the FBI-victimizing and the self-victimizing of the Court.

109. In the course of what search I was able to make to obtain information for this affidavit, I chanced upon a Government request for a month's extension of time. This was granted by the Court. My treatment was not even-handed.

110. Government counsel is not engaged in sole practice or representing a client who is unable to pay for legal services. Government counsel does not have an aging and ill client. Government counsel's client is not 500 miles away and unable to drive that distance. Government counsel's client does not have Social Security as the only regular income, is not without any staff, and is able to afford long-distance calls to confer with counsel.

111. In my efforts to safeguard the integrity of this Court, I noted depositions on August 16, 1978. The Court foreclosed me. In this I believe the Court foreclosed itself and jeopardized its independence from self-serving official claims that by then had already been challenged under oath.

112. If I had been able to take depositions, which I can ill afford but sought to do and in the past had been instructed to do by the court of appeals to establish the existence or nonexistence of ~~the~~ <sup>the</sup> information sought, a direct parallel with this instant cause, the possibility of embarrassment to the Court might thereby have been avoided.

113. If the Court does not accept my assurances of concern for the integrity of courts as one of our basic institutions, I sincerely regret this. I point to the costly and extensive efforts I have made to provide full and detailed information in this instant cause as in all others I have always undertaken to do. I am limited by not being a lawyer. I have serious medical and financial limitations. But despite these handicaps and an inability to confer with counsel in the preparation of affidavits, I have made the best efforts possible for me. I have been unstinting with my time when how much of it remains to me is uncertain.

114. If any part of this affidavit is unclear, I regret and apologize for it. The conditions under which I prepared this affidavit were difficult, the time

pressures heavy. To prepare a draft, on a single day, Saturday, I worked without any major interruption for almost 19 continuous hours. I did not stop for lunch. I gulped a hasty supper in about a quarter of an hour. There was no time for me to outline this affidavit in advance. It has not been possible for me to consult with counsel, to whom I will deliver the executed affidavit as soon as possible. I did not even engage in the course of exercise prescribed as essential to my medical situation and problems. To be able to read and correct the hasty draft, I had to get up the next day, Sunday, at 4 a.m. and then worked for 17 hours. To be able to hope to deliver the affidavit in time, my wife had to begin retyping it before I was finished, an undesirable practice. I did not prepare the speech I am to make, as I should have. The day before scheduled departure I found myself separated from the highway by 400 feet of snow up to two feet deep, but this affidavit took precedence over everything. I believe that if I were younger and in perfect health this still would represent a major effort and a taxing and rigorous period. I explain the actualities of my life, as I have undertaken to do in the past, so that the Court may understand that unclarity or awkward structures are not intended.

115. If the Court desires more information, I am willing to provide all that is possible for me. Although I am more weary and soon, inevitably, will be even wearier and will face a large backlog of matters neglected for the preparation of these affidavits, to the degree possible I will attempt to provide any necessary information because I believe in all interests the Court should reconsider its decision.

\_\_\_\_\_  
HAROLD WEISBERG

Before me this \_\_\_\_\_ day of January 1979 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

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

\_\_\_\_\_  
NOTARY PUBLIC

<u>Exhibit No.</u>	<u>Page</u>	<u>Paragraph</u>
1	5	18
2	6	21
3	8	25
4	10	35
5	12	44
6	13	46
7	13	47
8	14	52
9	14	52
10	16	64
11	18	72
12	18	72
13	24	100