

COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,
Plaintiff,

v.

CLARENCE M. KELLEY, et al.,
Defendants.

Civil Action No. 78-0249

ADDENDUM TO AFFIDAVIT OF 2/ /79

- 1) I have referred to the Jordan decision with regard to claim to Exemption (b)(2) in reference to the nature and content of the information withheld. I have stated that informers and sources and information obtained from them do not fall within this exemption, whether or not in all cases they and such information may fall within other exemptions.
- 2) I have reread the appeals court Jordan decision, not as a lawyer but as a subject expert. I find that in its No. 77-1240 the court devoted great attention to misuse of (b)(2) - 20 pages (19-38). The appeals court states exactly as I have stated to this Court - that Exemption (b)(2) is not intended for the uses made to cover withholding in this instant cause.
- 3) I also have just read for the first time the most recent records I have received from the FBI, from St. Louis Field Office files and processed at FBIHQ last month. The particular file is incompletely described on the worksheet as "170-Sub A-1A." Serial 1A40, which I will attach if it is physically possible, reflects on the first page an obliteration after "170" for which claim is made for applicability of both (b)(2) and (b)(7)(D). The attached record is described as "statement of cooperation," not as an employment record. In the FBI's own words informants are required to agree to their understanding "that I am not a federal employee and will not represent myself as such."
- 4) From the FBI's own interpretation, to the best of my knowledge to this very moment withheld from this and all other courts, its informers are not employees, not so in any sense and not subject to Exemption (b)(2).

5) In this same file there is what contradicts the broader and more usual FBI claim to the need to withhold all information received from other police components. Its usual "national security" claim covers all foreign and domestic police. In this instant cause the Benson affidavit refers to foreign police only. Serial 1A39 gives the lie to this claim, not for the first time within my experience with the FBI.

(sic) 5) The covering FD 340 form describes the attachments as "one copy each of Columbia Police Dept. Report #4333 & 4334." Xerox copies of the original, handwritten Police Department records then follow.

6) I have written this addendum on a stenographer's notebook I carried with me, at Monmouth College, Monmouth, Ill., the morning of February 21, 1979 while awaiting those who are to take me to where I am to conduct a seminar and in the hope that a pre-law student I met last night will be able to take me to a notary and to xeroxing facilities. If xeroxing facilities are not available after I return home I will prepare and provide copies of the FBI records referred to in these three handwritten pages of six numbered paragraphs. I make these statements subject to the penalties of perjury, under oath. I also state that contrary to prior and current FBI representations the FBI discloses its symbol number for this particular informant in Serial 1A36 and that Serial 1A42 is his handwritten request that he not be identified by name to the House Select Committee on Assassinations and that he not be compelled to become its informant, both requests ignored and violated by the FBI. This gives the lie to the FBI's representations in this instant cause and others regarding Informant and Symbol numbers and name identifications.

(signed) Harold Weisberg

HAROLD WEISBERG

Subscribed and sworn before me this 21st day of February 1979.

My commission expires 10-8-1982.

Betty Lou Babcock (signature)
Monmouth, Il.'

NOTARIAL

SEAL