

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
HAROLD WEISBERG, :
 :
 Plaintiff, :
 :
 v. : Civil Action 81-0023
 :
 U. S. DEPARTMENT OF JUSTICE, ET AL., :
 :
 Defendants. :
 :
.....

AFFIDAVIT

My name is Harold Weisberg. I reside at 7627 Old Receiver Road (Route 12), Frederick, Maryland. I am the plaintiff in this case.

1. I have read the declarations of Professor David J. Garrow dated November 4, 1981, and of Deputy Assistant Attorney General of the Civil Rights Division (CRD) James P. Turner dated October 23, 1981; the October 14, 1981, letter to my counsel from Richard L. Huff, Acting Director of defendant Department of Justice's Office of Privacy and Information Appeals (FOIPA) and its attached five pages of Document CVRTS #3 ("the Murphy report") which were reprocessed to disclose information that Turner previously withheld from me; and defendants' Opposition to Plaintiff's Motion to Require In Camera Inspection of the Murphy Report.

2. Under date of October 24, 1981, I wrote Mr. Huff to inform him that he is still withholding improperly, that he is still withholding what is in the public domain, that he is still withholding from me what was disclosed to and published by Professor Garrow, and that there is nothing in what is now disclosed in these five pages that ever qualified for withholding. I included illustrations from the Garrow book, "The FBI and Martin Luther King, Jr." As of the time I prepare this affidavit, I have had no response from Mr. Huff or anyone representing defendants.

3. Professor Garrow confirms that what is withheld from me has been disclosed and is in the public domain.

4. In his Paragraph 7 Professor Garrow illustrates the withholding

under privacy claim of what had been disclosed earlier by defendant in the January 27, 1964, Sullivan to Belmont "JUNE" memo. Some of its published content is withheld from the Murphy report as disclosed to me and as attached to the Turner declaration. (Page 26, paragraph 3) This is Director Hoover's comment that "King is a 'tom cat' with obsessive degenerate sexual urges." Garrow states that this information was disclosed in 1978. Actually, it then was disclosed by defendant to the Center for National Security Studies and to me. I filed appeals with the FOIPA office in July of 1978 but to date they have not been acted on or even acknowledged.

5. My ignored appeals include the fact that names Turner and Huff continue to withhold had been disclosed and are within the public domain. (Garrow, Paragraph 61) In fact, as my uncontradicted affidavits in C.A. 75-1996 state, these persons also were identified in various ways including in a major, coast-to-coast TV show titled "King," telecast by NBC in February 1970. At the time that show was broadcast, I filed additional appeals that also remain ignored.

6. If Turner and Huff have no more knowledge of what is in the public domain than these facts reflect, they either are not competent to execute affidavits or have no concern for truth and honesty.

7. There is no excuse for either not knowing that these withholdings are improper and are within the public domain because of my numerous and detailed appeals pertaining to King and King assassination information. My copies of these appeals and their attachments, which illustrate instances of the withholding of what is public domain, fill two file drawers. I filed these appeals after the judge in C.A. 75-1996 expressed a desire for cooperation with the FOIPA office, then headed by Quinlan J. Shea, Jr. I also offered to help the FOIPA office to learn what was public domain.

8. The Turner affidavit is virtually a boilerplate, similar to many other such affidavits I have rebutted in various FOIA cases. The technique is to cite a long list of national security provisions of law and regulation and seek to frighten courts and intimidate plaintiffs by pretending that all are pertinent, that disclosure is prohibited, and that the conjectured disasters can be expected from disclosure, which is represented as violation of the

irrelevant provisions that are ticked off. Because these claims cannot be justified, Turner, like his predecessors, alleges that to say more, or to say anything meaningful, anything other than smoke, with which neither courts nor plaintiffs can wrestle, would disclose what he is obligated to protect. Thus, as becomes clear in following paragraphs, Turner swears to the present urgent need to keep secret from me what defendant years ago disclosed to me and to others.

9. In accrediting himself, Turner is careful to avoid admitting that he is parti pris. While his personal involvements are much greater, he was part of the CRD team that conducted the so-called investigation reported in the Murphy report. If there are any deficiencies in the Murphy report, and as an accredited subject expert I attest that there are such deficiencies, then James Turner has responsibility and is among those with reason to withhold what is not properly subject to withholding.

10. The very first page of the Murphy report states that Turner "participated in the review" of FBI files that is the Murphy report. On Page 3, immediately below the withholding Turner classified as "SECRET," thus eliminating the identification of the file referred to, there now is disclosed what was originally classified and withheld, that "Jim Turner read that file in order to determine whether there was a legitimate basis for the FBI's security investigation of Dr. King. Mr. Turner also read about the first half dozen sections of the security investigation." This refers to the 94-section FBIHQ so-called "security" file only. So, to determine "whether there was a legitimate basis" for the FBI's incredible campaign against Dr. King, Turner read a little more than about 5 percent of only one of the numerous pertinent FBIHQ files and none of those of the field offices. (The Atlanta office "security" file held more than twice as many records. Atlanta was the Office of Origin.) The Murphy report conclusions are barren on Turner's obligation, "to determine whether there was a legitimate basis" for the years of unspeakable evil visited on Dr. King by the FBI. And all the information pertaining to Turner, which does not appear to qualify for any level of classification, was actually classified as "TOP SECRET" and withheld.

11. The late Assistant FBI Director William C. Sullivan, who was in

charge of the FBI's anti-King operations, got in Hoover's doghouse by stating that King was not a "red," and the Murphy report itself does state on page 11, immediately before another of Turner's "national security" withholdings, "In April (1962), the Atlanta office of the FBI submitted a 37 page monograph on Dr. King which included a statement that information obtained during a three year period ending in September 1961 indicated no communist influence on King or SCLC." After receiving this FBIHQ "instructed" Atlanta "to delete that conclusion from the monograph. The next day, Hoover placed King in Section A of the Reserve Index, labeled Communist."

12. Sullivan's book, "The Bureau: My Thirty Years in Hoover's FBI," is less restrained with reference to the entire period of time the FBI had King under surveillances of various kinds, without ever getting any evidence of Communist influence. On page 136 he states, "I knew Hoover didn't like King on general principles, but although we had been tapping King's telephone in Atlanta since the late 1950s, no damning information on him had been unearthed."

13. Desite the fact that two decades of it had produced no evidence of any "red" taint of Dr. King, the FBI renewed its request for permission to tap him; but the day before Dr. King's assassination in 1968, Attorney General Clark refused such authority. (The FBI never sought or obtained permission for its bugging.)

14. Without regard to all that was public and what I called to defendant's attention in my appeals and affidavits, Turner has a three-page catalogue of conjectured horrors, under the subheading, "APPLICATION OF EXEMPTIONS 7C AND 7D OF THE FOIA." (pages 12-14) Turner attests of the 7C or privacy withholdings that "It is not the type of information contained in any public records of which Defendant is aware." Turner does not limit himself to his own knowledge, and he may have the world's worst memory. But defendant has extensive files of clippings and other published information. This is particularly true of the FBI. Moreover, as revealed in records disclosed to me in C.A. 75-1996, it required some 400 pages merely to inventory the indexed field office records pertaining to Dr. King. FBIHQ's additional records also are indexed. Contrary to Turner's affirmation, "the Defendant is aware" of the existence of these records and Turner's statement about the privacy claim

is not truthful.

15. Turner avoids what defendant made public and what is in my appeals in C.A. 75-1996 in his conclusory and untruthful claim to the need to withhold identification of informants. Some of those who are disclosed I have identified to Huff, who has not responded. Although withheld from me but published by Garrow after disclosure to him, identified King informants include James A. Harrison, Jesse H. Turner, Dr. Vasco Smith and his wife, Maxina. (Two other identified informers, the brothers Jack and Morris Childs, code-name "Solo," are not connected with King's activities - only with baseless FBI suspicions of "Moscow Gold.") Harrison, Atlanta informer AT 13875, an accountant, was the SCLC headquarters finance officer. His FBIHQ file is 134-11126. Jesse H. Turner, Memphis file 170-46, and the two Smiths, Memphis files 170-49 and 170-83, were all local NAACP leaders. All figure in the events surrounding the sanitation strike, in support of which King went to Memphis. The FBI's inside informer, Harrison, flew from Atlanta to Memphis with King on King's last trip. Harrison reported to the FBI by phone even before leaving the Memphis airport.

16. In FBI filing, "134" is "security informants" and "170" denotes "extremist informants." Each is a "security-related classification." The identification of these FBI informers is of exceptional importance in evaluating the information attributed to them and reported by the FBI and the FBI's ability to influence purely domestic matters. In all instances and in all pertinent litigation, including this instant cause, what is disclosed to and published by Garrow was and is withheld from me.

17. All of this and other improperly withheld information like it also is of great importance in evaluating the Civil Rights Division's performance, especially in this Murphy report, and the later investigation and report by defendant's Office of Professional Responsibility.

18. Turner refers throughout to informers and intelligence sources in the singular. For example, in seeking to justify the 7D claim in Paragraph 17 Turner alleges that "Disclosure ... would ... reveal the identity of a Bureau confidential source." It is not possible that, of all the many informer and sources, the Murphy report refers to one of them only. Moreover, it was

the intendedly deceptive FBI practice to hide both wiretapping and bugging by attributing the information obtained to live informants and by assigning the symbol identifications of live informers to the taps and bugs. If the Murphy report omits "Solo" and the baseless FBI suspicion that "Moscow gold" financed King; or if it omits the SCLC finance officer Harrison who had access to so much other SCLC headquarters and personal King information; or the locally highly placed black Memphis informers, it perpetrates a whitewash and a cover-up. If it does not omit them, Turner's affidavit is incomplete, inaccurate and entirely undependable with regard to the alleged justification of the claim to exemption 7D.

19. One of the points in the Murphy report where it appears likely that the withholding pertains to Harrison is on page 36, "Headquarters sent a memo to Atlanta which indicated that (obliterated) was an FBI informant." (Harrison was a symbolled informant of the Atlanta office.) Of this Turner states (page 27) that his "identity has never been made public."

20. Although it appears likely that their names are withheld elsewhere, on page 47 it is disclosed that "Levison and Jones discussed a meeting." The late Stanley Levison, on whom the FBI had many separate main files, and Clarence Jones were well-known King associates. The FBI has disclosed much information pertaining to them and they are prominent in the King literature. It is Dr. King's association with Levison which supposedly provided the FBI's "Moscow gold" suspicion.

21. In his effort to contrive a law enforcement purpose so that he can claim the exemptions of FOIA, Turner does not eschew swearing to what he knows is false. He alleges a law enforcement purpose for the compilation of all the records reviewed in the Murphy report so that he can use FOIA to justify what he withholds. However, not a single one of the withholdings to which he attests is from the single file to which he attributes a law enforcement purpose, the assassination file. For example, in paragraph 18 he states, "The withheld information was obtained from the FBI investigatory files provided to the Criminal Section of the Civil Rights Division for use during its review of the Bureau's investigation of the King assassination. The Bureau files were created for the purpose of investigating the murder of Dr. King, clearly a law enforcement function." Another example is in the next paragraph. With no ifs or buts or any qualifications or limitations stated or even implied, Turner attests again

that "The Bureau files were created for the purpose of investigating the murder of Dr. King, clearly a law enforcement function." And in Paragraph 20 Turner attests to this description of the Murphy report: "The document concerns the results of an investigation by the Criminal Section into the possible involvement of the Federal Bureau of Investigation in the assassination of Reverend Martin Luther King, Jr."

22. There is close to nothing about the King assassination in the Murphy report. There is absolutely nothing substantive about it and no reflection of any independent evaluation of the FBI's investigation. Indeed, the FBIHQ file was only skimmed, by Murphy alone, and the major case files of the field offices were not even looked at. The Murphy report indicates only that Murphy alone read no more than "the first ten sections, as well as several others randomly selected" of the FBIHQ so-called assassination file. It had 80 sections whereas, of the 59 field offices, Memphis alone had a greater number of records.

23. Under "INVESTIGATION OF MARTIN LUTHER KING'S DEATH BY THE FBI," Murphy says that, "My reading of the assassination investigation," which really means less than 10 percent of only that which reached FBIHQ, "leads me to conclude that the Bureau's investigation was comprehensive, thorough and professional." After this he says only that there was no FBI involvement in that crime, something he could not expect to find boasted about in any records the FBI made available. Murphy did no more than repeat a little of what he knew the Senate Intelligence Committee (Church) report, to which he had access, would be saying. This section of the Murphy report is extraordinarily brief, a single page plus seven lines of typing. Except for the last paragraph on the last page, page 51, the Murphy report has no other reference to the assassination. And of the assassination, at that point the Murphy report says only, "King was assassinated in Memphis on April 4, 1968."

24. In all of the substance of the Murphy report, contrary to Turner's attestation, there is nothing about either the assassination or the CRD's supposed examination of the FBI's performance. It is devoted entirely to what Turner never once refers, the FBI's enormous campaign against and abuse of Dr. King, perpetrated under a variety of subterfuges.

25. Clearly there was a law enforcement purpose in the compilation

of the so-called assassination file that is not in any way involved in a single one of the Turner withholdings. Turner is not truthful in his description of that file. The FBI never investigated the assassination of Dr. King, despite all its self-promotions and the praises heaped on it by the Turners and Murphys of the CRD. The FBI's own internal records are explicit on this. Any perceptive reading of the FBI's files I have seen, and I have read many more than 50,000 pages from FBIHQ and the more important field offices, reflects the avoidance of any assassination investigation. After my efforts and the manifest interest of the Congress in the FBI's performance, the FBI felt compelled to justify its record. Its own justification of its shortcomings is that it never conducted an assassination investigation but did conduct a "fugitive-type investigation." In this the FBI was correct. If Turner, Murphy and their associates had performed their assigned task, they would have known this from their own reading as well as from the FBI's explicit statement that it did no more than a fugitive investigation.

26. CRD and its personnel have much to hide, much that is embarrassing to them, individually and collectively. If desired, I can provide other examples. An uninhibited expression of this attitude is the advice pressed by its representative, Stephen Horn, after he conferred with the FBI about my King assassination request shortly before I filed C.A. 75-1996. He urged that CRD deny the request out of hand and that thereafter some legalism be hoked up to cover the denial. His actual memo is in the case record in C.A. 75-1996.

27. There is a less uninhibited restatement of this basic intent in Turner's current, his second, reclassification of the Murphy report. All that he withholds now, information often two decades old and at least partly already public domain, is by his authority not even to be reviewed again until March 31, 1996. (Murphy report, page 1) Turner, because of his earlier reclassification of December 2, 1977, is personally responsible for the earlier withholdings that now can be seen to be improper from what is now disclosed.

28. His newest justification of improper withholdings is in his Declaration. In it he does not say that he is not withholding from me what has been disclosed to others, which is the fact. Its first 14 pages are generalities. What he calls his itemization, indexing and description extends

from the bottom of page 14 through page 29. If all of the irrelevant quotations were eliminated from the first part and all the redundancies in the second part were simplified, the result would be a much shorter attestation, one much easier to comprehend and check out, albeit also one less designed to overwhelm and frighten with its conclusory, unsupported, undependable and inaccurate claims to great jeopardy to the security of the nation and hazard to its foreign relations.

29. All the many and extensive citations of law and regulations in the first part are not applicable and not shown to be applicable. This cataloguing of entirely conjectural horrors, typical of official boilerplated affidavits within my experience, can be intended to intimidate the courts, which lack subject-matter knowledge and certainly do not want to jeopardize the nation's security. However, in those extensively quoted irrelevancies Turner does reflect awareness that what he does is prohibited. He quotes on page 6: "Classification may not be used to conceal violations of law, inefficiency, or administrative error, to prevent embarrassment ... or to restrain competition" and "Classification may not be used to limit dissemination of information that is not classifiable under the provisions of the Order (EO 12065) or prevent or delay the public release of such information." As I show elsewhere in this affidavit and as Garrow's attestation also reveals, Turner violates both of the prohibitions he quotes.

30. When Turner gets to what he calls "DEFINITION AND CONSEQUENCE OF DISCLOSURE OF INFORMATION CONCERNING INTELLIGENCE SOURCES," he again resorts to generalities only. He does not show in any meaningful way how there would be "disclosure of information concerning intelligence sources" which would "result in damage to the national security in several ways." These and his other generalities are vague, conclusory and in at least some instances just are not true.

31. He provides no means of independent assessment. Garrow and I both show that he is untruthful. He attests that what was disclosed and published long before he prepared his declaration is not publicly disclosed and that it must be withheld to preserve the nation's security. Likewise, whether or not, in general, "intelligence source information generally consists

not only of information reported by the source, but specific and descriptive data about the source" (Turner's emphasis) is not material unless these are true in this particular instance, and to that Turner does not attest. Yet under this claim Turner withholds what has been disclosed and is well-known - was all over coast-to-coast TV on a number of occasions and was all over the front pages. Where he alleges that "Exposure of an intelligence source's identity can result in termination of the source" and other such disasters, Turner does not show how in this case that is possible. Identities have been disclosed. Much time has passed with regard to some information. This obviously cannot apply to the deceased. It cannot apply to the brothers Childs, cited above. In this instance, so long after Dr. King's assassination and after the termination of the brothers Childs, one of whom is dead, the other about 80 years of age, there is no possibility of "permitting hostile entities to evaluate the number and objectives of intelligence sources targeted against them, and take appropriate countermeasures." (Paragraph 11) Turner likewise fails to show any pertinence in this case to his generality (Paragraph 12) that "Disclosure of even the seemingly innocuous information reported by an intelligence source can lead to exposure of the source's identity." Moreover, this cannot be true of already disclosed sources like the Childs brothers.

32. Both of Turner's generalities relating to "information reported by" an intelligence source cannot be true except in terms of the language of the exemption. It requires that the information be provided only by that source. This Turner does not say.

33. All of these allegations presented as justifications for Turner's "national security" withholdings are vague generalities that have no demonstrated applicability, and, where subject to evaluation, are not applicable, a good reason for keeping them vague and general.

34. Despite Turner's vague and general claims and conclusory allegations in both King and Kennedy FOIA cases, the FBI has disclosed to me a number of its foreign intelligence sources and some of their methods. These include foreign agencies, such as the Canadian Mounties and Scotland Yard, and police and intelligence agencies in other countries, such as Mexico, Germany, Portugal and Italy. The FBI also has disclosed to me information they provided and copies of what they provided.

35. Turner is vague with regard to the entirely undescribed foreign relations content. Some of this is well-known, like the FBI's attempted cointelproing when Dr. King was announced as the Nobel peace laureate. Also well-known are its efforts to get the Pope to cancel a visit by Dr. King. But even if such things as these were not true, there appears to be no possibility at all that disclosure today can "Lead to foreign ... economic or military retaliation against the United States" or "Endanger citizens of the United States who might be residing or traveling in the foreign countries involved," the allegation of Turner's Paragraph 15.

36. Despite his classification and withholding from me of what is disclosed, Turner states, "I have sought to apply classification to the material strictly in keeping with the spirit of the FOIA." (Paragraph 16)

37. Where Turner admits to withholding "entire paragraphs," a more accurate statement would be paragraph after entire paragraph. This is, he says, only "prudent," even though there is reasonably segregable information.

38. In justifying his use of Exemption 7C, Turner again crosses the line into untruthfulness in stating what is not true, that all of these withholdings are from records he describes as "of the Bureau's investigation of the King assassination." (Paragraph 18) Not a single one is from the assassination file.

39. In Paragraph 19 Turner extends informant to mean any source and any and all information provided by any such source. This is not the language of the Act, is not consistent with the legislative history of the amending of the Act, and is directly contrary to the Attorney General's May 5, 1977, policy statement, particularly with regard to historical case disclosures.

40. After his introductory 19 paragraphs of generalities that are larded with the irrelevant and the untruthful, Turner has 26 lettered subparagraphs of Paragraph 20 listing and justifying his "national security" withholdings. Actually, there are but two claimed justifications. Turner repeats the same language with regard to each use of the two justifications. He thus repeats and emphasizes the alleged but nonexistent hazards to the national security 26 times. His two explanations are the claimed need to protect foreign counterintelligence operations and to avoid a diplomatic holocaust.

41. A much simpler, if less confusing and less impressive, means of doing the same thing is to state each claimed justification and then, under each, list the withholdings attributed to it.

42. In his counterintelligence protection allegation, Turner alleges that the FBI's operations against Dr. King, who was assassinated almost 13 years ago, continue today. One of Turner's boilerplated formulations is, "To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security." (paragraphs 20A and following) Actually, in each and every instance, this claim is made for information having nothing to do with the assassination and obtained before the assassination, in some cases two decades ago. To explain away his total lack of any specification, Turner, in all cases, claims that "a more detailed description of this material reasonably could be expected to identify the source." A more realistic formulation is that a more detailed description would reveal that withholdings are unjustified and improper and could lead to embarrassment for defendant and particularly for Turner and his division. At least some of these withholdings are of what has been disclosed and extensively publicized.

43. This boilerplated claim is repeated for each of the first 13 subparagraphs, taking up pages 15 to the bottom of page 21. There Turner's foreign relations claim is made for subparagraph N. The counterintelligence claim is again boilerplated to the bottom of page 24, where subparagraph U has the boilerplated foreign relations claim. This is repeated again in subparagraph W. The others are all the counterintelligence claim, through subparagraph Z.

44. The Murphy report, after its introductory material, is arranged in chronological order, beginning, on page 8, with the heading, "FBI's CAMPAIGN TO DISCREDIT OR NEUTRALIZE MARTIN LUTHER KING, JR." This is hardly a law enforcement matter, which Turner claims for all his withholdings on the spurious allegation that all the FBI's records are of its assassination investigation. The first subhead under this heading is "A. 1957-61." Following headings are "1962," "1963," where Turner withholds all of three pages at two different points, "1964," "Early 1965" and "Early 1967-1968," with which the

Murphy report ends. From this it can be seen that all of the FBI records used in the Murphy report precede the assassination and are not and cannot be part of the FBI's assassination investigation, Turner's untruthful claim.

45. Turner's first Foreign relations matter claim, subparagraph N, is for 1963 information. (Murphy report, page 22) Of this Turner alleges that 18 years later and 13 years after the assassination, "Disclosure of the specific foreign relations matter would adversely impact these as well as other foreign counterintelligence investigations, thus having a seriously damaging effect on national security." (Emphasis added) It boggles the mind to believe that even the FBI, which was dedicated to ruining Dr. King, is continuing its efforts 18 years after the date of the withheld information and 13 years after his death.

46. For all his willingness to boilerplate, Turner forgot to use it to stamp his withholding of the information at the top of page 35, downgraded from "Top Secret" to "Secret." On page 26 his Declaration skips from page 34 to page 36 of the Murphy report, which, as paragraph 44 above shows, is arranged chronologically. In time, this coincides with the FBI's well-publicized attempt to prevent the awarding of the Nobel peace prize to Dr. King.

47. Turner does not at any point state that he is familiar with the report of the Church committee or had made any effort to determine whether anything he withholds is disclosed by that committee. His group did have prepublication access to that committee's report. It seems to have restricted itself to what that committee went into. Murphy had and used its table of contents. This was disclosed to me in C.A. 75-1996.

48. Turner does not at any point state that he is familiar with what was disclosed to Garrow, to the Center for National Security Studies, to me, to my counsel (who filed an action for me in his name when I was ill - Lesar v. Department of Justice), with what was disclosed to others - and records provided to me in C.A. 75-1996 do reveal the disclosure of such information to others - or to any reporters or authors of books or magazine articles. The FBI did disclose such information to reporters, and to the authors of books and magazine articles, in addition to its other political leakings, including to Members of Congress who shared Director Hoover's view of the world and of Dr. King.

49. Turner does not at any point state that he consulted defendant's large file of clippings to determine whether or not he was withholding what had already been disclosed. The FBI in particular has extensive clippings files, volume after volume of them, at both FBIHQ and the field offices.

50. Nowhere in the 29 pages of Turner's Declaration is there even the remotest suggestion that he made any effort at all to determine whether he was classifying and withholding what had been disclosed and was within the public domain. He has classified and he does withhold what is disclosed and is within the public domain.


51. Turner also makes privacy-exemption claims. It is not probable that any of the withheld names of Dr. King's associates are not well-known and well-publicized, particularly with regard to the FBI's allegations against them. It does not defame them to disclose that Dr. King conferred with them. Such known and nondefamatory information is withheld under the privacy claim. Also, there is inconsistency in the claim of privacy for a newspaper, which is not a person. On page 36 the identification of a newspaper to which the FBI tried to leak is withheld, but on page 12 the identification of other papers that published what the FBI leaked is not withheld.

52. Bearing on the use of "Sole" information and the FBI belief, based on it, that Dr. King was getting "Moscow gold," is the statement on page 31 of the Murphy report, that "the New York office was directed to canvass New York banks to find any accounts of King."

53. Turner used a different copy of the Murphy report in preparing his Declaration than he attached to it. He refers to bracketed information, but the copy he attaches has no bracketed information. Moreover, the copy provided to me was not made from a single copy of the Murphy report. The copy provided was made from more than one file copy of that report.

54. Based entirely on the Turner Declaration, which ranges in quality from a high of the entirely irrelevant to a low of the overtly untruthful, defendant seeks summary judgment. In opposing the in camera inspection, defendant argues "that the district court should accord substantial weight to an agency's affidavit concerning the details of the classified status of the disputed record." In plainer English, defendant claims to be entitled

to prevail, based on the irrelevant and the untruthful. Put on notice that Turner had classified what defendant had already disclosed, the Opposition of November 12, 1981, actually argues that "this is irrelevant." It then goes further and argues that what has already been disclosed "would still be protectable" by classification. In support of this Orwellian position, Turner failed to cite the most eminent authority, Alice in Wonderland.



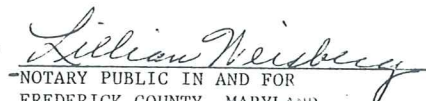
HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND:

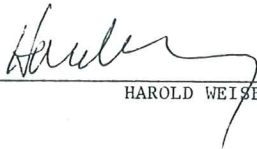
Before me this 29th day of November 1981 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1982.




NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

to prevail, based on the irrelevant and the untruthful. Put on notice that Turner had classified what defendant had already disclosed, the Opposition of November 12, 1981, actually argues that "this is irrelevant." It then goes further and argues that what has already been disclosed "would still be protectable" by classification. In support of this Orwellian position, Turner failed to cite the most eminent authority, Alice in Wonderland.

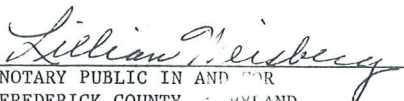

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND:

Before me this 29th day of November 1981 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1982.




NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND