

Exhibit 10

AFFIDAVIT

County of Frederick, }
State of Maryland } SS

Harold Weisberg, being duly sworn, deposes and says:

I live at Route 8, Frederick, Md., and am the plaintiff in C.A.2969-70 in Federal District Court for the District of Columbia.

Although in his certification of service of defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, dated January 13, 1971, Assistant U.S. Attorney Robert K. Werdig, Jr., certifies to having mailed me the attached "affidavits and exhibits", he did not and in response to two requests, has not.

Should they now reach me promptly, it will be physically impossible for me to respond within the time I have.

On January 18 I had phoned Mr. Werdig and left a number at which he could reach me with his secretary. After a long wait I phoned again. This time he, personally, answered the phone. He claimed not to have gotten the message. Because of this, when I discovered he had not sent me the above-described attachments, I asked a friend in Washington to phone Mr. Werdig and ask for these attachments for me. The same thing happened, a message was left, Mr. Werdig did not return the call, and the friend called back, then reaching Mr. Werdig, who again said he hadn't gotten the first message. Mr. Werdig, according to my friend, promised to send the attachments to me promptly. When they never arrived, I again asked the friend, who resides in Washington, to again ask Mr. Werdig. Mr. Werdig then confessed that these attachment had not yet been copied.

My purpose in phoning Mr. Werdig on January 18 was to obtain his approval for an extension of time for me to respond and to learn what the pertinent rules are. He then assured me there was no time limit, which seemed consistent with the rather long time he had for any response to my own Motion for Summary Judgment, and assured me he was agreeable to my having whatever time I required. The January 13 Motion was mailed to me when I had to be out of town, and it was not until after speaking to Mr. Werdig that I even had time to read it. However, when I phoned Judge Gosell's office and spoke to his secretary, I learned that there was a ten-day limit, of which six days had passed.

I am neither a lawyer nor a man of means. I cannot afford to hire a typist. My wife is employed during the income-tax season. Her working days begin as early as 6 a.m. and sometimes extend to 11 p.m. She provides the only typing services I have, so getting any typing done this time of the year is a considerable problem for me. My wife has to bring her office work home nights and on weekends, hence any typing for me during this season is difficult for her to arrange.

Mr. Werdig was aware that physical incapacity limited the amount of work I can do, for I informed him of this January 18 and subsequently by mail. While these conditions have improved, they still limit how much work I can do.

I feel that Mr. Werdig has knowingly taken advantage of me to the end that whatever I might be able to do pursuant to his Motion would be inhibited.

Harold Weisberg

I, _____, Notary Public in and for the County of Frederick, State of Maryland, do hereby certify that Harold Weisberg, personally known to me, appeared before me on the 8th day of February, 1971, to execute this affidavit and acknowledge the same to be his act and deed. Given under my hand and seal this 8th day of February, 1971.

My commission expires _____

Notary Public