

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,
et al.,

Defendants.

Civil Action No. 77-1997

SUPPLEMENTAL AFFIDAVIT

Robert W. Gambino, being first duly sworn, deposes and says:

1. I am the Director of the Office of Security of the Central Intelligence Agency (CIA). The personal and professional circumstances described in my affidavit of 26 May 1978, in the above-captioned litigation, remain relevant and said affidavit is adopted herewith and made a part hereof. I am familiar with the search conducted in the records of the Office of Security in response to the plaintiff's Freedom of Information Act (FOIA) request for records which are the subject of the above-captioned litigation. The only records in the Office of Security that would be responsive to this FOIA request are those records retrievable by the names of Dr. Martin Luther King, Jr. and James Earl Ray. Such a search would retrieve all records in the Office of Security responsive to numbered paragraphs 1, 2, 3 and 4 of the original FOIA request (see CIA Exhibit A). The Office of Security maintains no separate collection of published material on the assassination of Dr. Martin Luther King, as requested in paragraph 5 of the FOIA request, or any index to such collections maintained outside of the Office of Security. Any analyses of

published material on the subject assassination would only be retrievable in the name of the author of such material. Normally the Office of Security would originate and file such analyses only if the published material discusses the CIA, as was the case with the document filed as Mr. Lesar's Exhibit 1 of his affidavit of 29 June 1978. In short, material responsive to plaintiff's request in paragraph 6 would not be retrievable via an index search except through use of the names of authors whose writings might have been the subject of material. Plaintiff's request stated in paragraph 7 is a reiteration of the substance of his request in the preceding paragraphs numbered 1 through 4. The Office of Security does not maintain separate files distinguishable on the basis of the means by which information was recorded. The records that were searched would, however, have included many if not all of the kinds of recordation methods and devices suggested by the paragraph 7. All records of the Office of Security retrievable by index reference, which were reasonably identifiable as possible repositories of information responsive to plaintiff's request, have been searched. All documents retrieved from the search have been acknowledged and dealt with pursuant to provisions of the FOIA. A more nearly complete search could only be done by examining all of the files of the Office of Security page-by-page which would entail the expenditure of an enormous amount of time and effort, at considerable expense, with little if any chance of producing any more responsive documents.

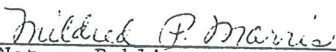
2. Plaintiff's possession of a memorandum for the record, originated in the CIA Office of Security, dated 21 March 1971, titled, "SUBJECT: Book by Harold WEISBERG Entitled 'Frame-Up',"

which Mr. James H. Lesar has filed as Exhibit 1 with his affidavit of 29 June 1978, resulted from a release of the document to the plaintiff under a FOIA request in which he requested all CIA records concerned with himself. The memorandum was indexed for records purposes, under the name of the plaintiff. The memorandum was retrieved and released to the plaintiff when searched under plaintiff's name. In response to the current FOIA request, the search was made under the names of Martin Luther King, Jr. and James Earl Ray. Since the memorandum is not indexed in those names, it was not retrieved. The only index entry leading to the memorandum is the name of the plaintiff. Had the memorandum been retrieved under the current search, as it was during an earlier search, it would have been released in much the same manner in which it was when earlier retrieved.


Robert W. Gambino

COMMONWEALTH OF VIRGINIA)
) ss.
COUNTY OF FAIRFAX)

Subscribed and sworn to before me this 19th day of
July 1978.


Notary Public

My commission expires: 25 March 1981