

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 77-1997

CENTRAL INTELLIGENCE AGENCY,
et al.,


Defendants.

DEFENDANTS' MOTION FOR LEAVE
TO AMEND THE RECORD


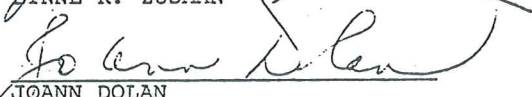
Defendants, by their undersigned counsel, hereby move, pursuant to Rule 15 of the Federal Rules of Civil Procedure, to withdraw documents numbered 224 through and including 342, which were attached to the Affidavit of Robert E. Owen filed on May 26, 1978, and the documents numbered S-11 through and including S-28 which were attached to the Affidavit of Robert W. Gambino filed on May 26, 1978. In substitution therefor, defendants have filed annotated copies of the same documents and attached them to the Supplementary Affidavit of Robert W. Gambino filed on October 3, 1978 and to the supplementary Affidavit of Robert E. Owen, filed on this date.

In support of this motion the Court is respectfully referred to the Memorandum of Points and Authorities filed herewith.

Respectfully submitted,


BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney


LYNNE K. ZUSMAN

JOANN DOLAN

Attorneys, Department of Justice
10th & Pennsylvania Avenue, N.W.
Washington, D. C. 20530
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Attorneys for Defendants

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STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT
OF DEFENDANTS' MOTION FOR LEAVE TO AMEND THE RECORD

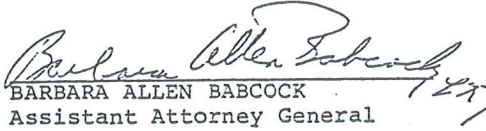
Defendants have moved to amend the record in this Freedom of Information Act litigation. Defendants originally moved for summary judgment on May 26, 1978. In support of its motion, defendant Central Intelligence Agency submitted the Affidavits of Robert W. Gambino and Robert E. Owen accompanying all documents that were released subject to deletion. ^{1/} For the convenience of the Court the defendants have now marked each document to indicate the exemption claimed.

The requested amendment of the record does not alter substantively, the position of the defendants or the bases for their original motion. Rather, this substitution is intended only to clarify the record describing the documents at issue in this litigation and eliminate duplication that would otherwise remain in the record as completed on this date.

^{1/} In addition 31 documents were withheld in their entirety. They have been further addressed in the Supplementary Affidavit of Robert E. Owen filed on this date.

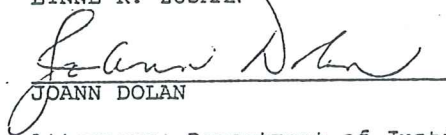
Defendants make this request for the convenience of the Court in order to facilitate the disposition of this matter.

Respectfully submitted,


BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney


LYNNE K. ZUSMAN


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ORDER

Upon consideration of defendants' Motion for Leave to Amend the Record, and being fully apprised of the reasons offered in support thereof, it is by this Court on this ____ day of _____, 1978.

ORDERED that the documents numbered S-11 through S-28 inclusive attached to the Affidavit of Robert W. Gambino, filed on May 26, 1978, and the documents numbered 224 through 342 inclusive attached to the Affidavit of Robert E. Owen, filed on May 26, 1978, should be, and hereby are, withdrawn from the Record.

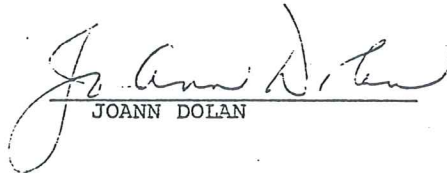
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendants' Motion for Leave to Amend the Record and Memorandum in Support thereof, has been served upon plaintiffs' counsel by hand, to James H. Lesar, Esquire, and upon plaintiff directly by mail, special delivery, postage prepaid to:

Mr. Harold Weisberg.
Route 12
Frederick, Maryland 21701

on this 6th day of October, 1978.


JOANN DOLAN

RECEIVED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
FREDERICK, MARYLAND
OCT 10 1978
CLERK OF COURT
JOHN W. HARRIS
CLERK