

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 77-1997

CENTRAL INTELLIGENCE AGENCY,  
et al.,

Defendants.

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REPORT TO THE COURT

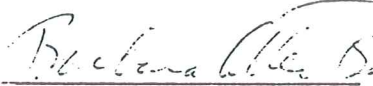
Defendants have cited Executive Order 11652 as an authority for withholding certain documents under Exemption one of the Freedom of Information Act, 5 U.S.C. §552(b)(1). On December 1, 1978, a new Executive Order on classification, E.O. 12065 became effective. By its terms Executive Order 11652 was revoked on that date. 43 Fed. Reg. 28950. (July 3, 1978).

This case is now submitted for a determination on Defendants' Motion for Summary Judgment supported by 15 affidavits. A thorough review of the defendants' affidavits submitted to date will verify that all classified portions of documents are independently exempt on grounds other than 5 U.S.C. §552(b)(1). See First Banner Affidavit, paragraph 8; Supplemental Banner Affidavit, paragraph 3; Owen Affidavit, paragraph 6 incorporated by reference in Gambino Affidavit, paragraph 3; See also Document Disposition Indices attached to Owen Affidavit, Supplementary Owen Affidavit and Gambino Affidavit.

Accordingly, defendants respectfully submit that the Court need not focus on defendants' Exemption one claims or


the new Executive Order to find that defendants are entitled  
to summary judgment in this case.

Respectfully submitted,

  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Report to  
to Court has been served on plaintiff by mailing first class  
postage prepaid, a copy thereof to:

James H. Lesar, Esquire  
910 16th Street, N.W.  
Suite 600  
Washington, D.C. 20006

on this fifth day of December 1978.

  
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JO ANN DOLAN