

5/26/78

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,)
)
 Plaintiff,)
)
 v.)
)
 CENTRAL INTELLIGENCE AGENCY,)
 et al.,)
)
 Defendants.)
)

Civil Action No. 77-1997

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) and have held that position since 1 August 1975. I have held executive positions in the Office of Security since June 1972. The statements made herein are based upon my knowledge, upon information made available to me in my official capacity and upon conclusions reached in accordance therewith.
2. Through the exercise of my official duties, I have become acquainted with the Freedom of Information Act (FOIA) request submitted by the plaintiff in the above-captioned litigation and with certain of the documents recovered from the records of the Office of Security in response to that request. In accordance with section 2(A) of Executive Order 11652, I am authorized to classify CIA documents up through the level of TOP SECRET. As set forth in the affidavit of Gene F. Wilson, Information and Privacy Coordinator for the CIA, incorporated herein by reference and made a part hereof, twenty-eight (28) documents were recovered from the Office of Security records in response to plaintiff's request. The documents have been consecutively numbered S-1 through S-28 for the purpose of this litigation. As to those documents, I have determined that ten (10) documents may be released in their entirety and eighteen (18) documents may be released with portions deleted. The deleted portions of the latter group contained information which is exempt from release under FOIA. I have reviewed the documents from which material has been withheld and have determined that in those instances in which material must be withheld, the material may not be released:

- a. because it is currently and properly classified pursuant to Executive Order 11652 as information requiring continued protection against unauthorized disclosure and is thus exempt from disclosure pursuant to FOIA exemption (b)(1) and/or;
- b. because the information reveals facts about intelligence sources and methods which the Director of Central Intelligence is required to protect from unauthorized disclosure pursuant to 50 U.S.C. 403(d)(3) and which is thus exempt from disclosure pursuant to FOIA exemption (b)(3) and/or;
- c. because the information reveals facts about CIA organization, procedures, names, official titles and numbers of personnel employed, all of which is exempt from release pursuant to 50 U.S.C. 403g, which requires that such information be exempt from disclosure pursuant to FOIA exemption (b)(3) and/or;
- d. because the information, if released to third parties, would constitute a clearly unwarranted invasion of the personal privacy of the persons named and thus exempt from disclosure pursuant to FOIA exemption (b)(6).

3. In the DOCUMENT DISPOSITION INDEX, infra, the documents are identified, the disposition of each document is described, the nature of the substance withheld, if any, is discussed and the FOIA exemptions which prompt the withholdings are identified. A detailed explanation of the kinds of information withheld and the rationale for such withholdings, along with a discussion of the relationship with the FOIA exemptions, is contained in the affidavit of Robert E. Owen, the Information Review Officer for the Directorate of Operations of the CIA in paragraphs 4, 5, 7, 8, 16, 18-20, and is incorporated herein by reference and made a part hereof.

4. The categories of information described in paragraphs 7, 8, 16 and 18, infra, relate to intelligence sources and methods and are thus withheld pursuant to FOIA exemption (b)(3) as specifically exempted from disclosure by the statutory provision that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods (50 U.S.C. 403(d)(3)) and 50 U.S.C. §403g. In those instances when the nature of the information is such that the unauthorized disclosure could reasonably be expected to cause damage to national security pursuant to Executive Order 11652, the information was also withheld pursuant to FOIA exemption (b)(1).

5. The attachments to this affidavit include the DOCUMENT DISPOSITION INDEX and copies of the releasable Document Nos. S-1 through S-28.

Robert W. Gambino
 ROBERT W. GAMBINO

COMMONWEALTH OF VIRGINIA)
) ss.
 COUNTY OF FAIRFAX)

Subscribed and sworn to before me this 26th day of May 1978.

Mildred P. Morris
 Notary Public

My commission expires: 25 March 1981

5/11/78

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ROBERT W. GAMBINO

COMMONWEALTH OF VIRGINIA)
) ss.
COUNTY OF FAIRFAX)

Subscribed and sworn to before me this 26th day of May 1978.


Notary Public

My commission expires: 25 March 1981