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.

SUPPLEMENTARY 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). My official circumstances remain the same as described in my affidavit of 26 May 1978, in the above-captioned litigation. The substance of my 26 May affidavit and its accompanying Document Disposition Index is incorporated by reference and made a part hereof.
- 2. This affidavit is intended to supplement and amplify remarks made in my affidavit of 26 May 1978 and in the Owen affidavit of 25 May 1978 in the above-captioned litigation and to relate the rationale and related Freedom of Information Act (FOIA) exemptions to the various documents or portions thereof withheld in this FOIA litigation. The categories of substance withheld and the related rationale expressed in the Owen affidavit are as follows:

Classification -- Paragraphs 4 and 5

Intelligence Sources -- Paragraphs 7 through 14

Foreign Liaison Sources -- Paragraphs 9 through 14

Unilateral Intelligence Sources -- Paragraphs 7 and 8

Intelligence Methods -- Paragraph 16

CIA Installations Abroad -- Paragraph 15

Cryptonyms and Pseudonyms -- Paragraph 17

Identities of CIA Components -- Paragraph 18

Identities of CIA Staff Employees -- Paragraph 18

Privacy -- Paragraph 20

- 3. All documents originally released, with portions deleted, have been annotated and copies appended. The notations are letters which have been placed in the areas from which deletions were made. The letters correspond to the letters used in the Document Disposition Index to designate the different categories of information deleted. The only deletions which are not so marked are those which contained classification markings or related information control markings, including declassification determinations. These latter markings are not deleted as being exempt under FOIA exemptions, but because classified documents processed for release under FOIA cannot be released if they are currently classified. When they are declassified, in whole or in part, removal of the classification and related information control markings is part of the administrative procedure of declassification. See paragraph 19 of the Owen affidavit.
- 4. In each instance in which classification is claimed as justification for an FOIA exemption, the original document is clearly marked on its face with the stamped designation of the level of its classification; either CONFIDENTIAL or SECRET.

 Although I was not present when the original stamp marking was imposed on the document, the common practice in CIA at the time

was to stamp the classification on the document after it was typed but before it was signed. It is reasonable to assume that such was the case with these documents. The classification markings were on the subject documents when retrieved from CIA records. In those instances in which classification is currently claimed to withhold information in a document, that determination was made in accordance with the criteria established under Executive Order 11652.

5. Two corrections are needed in the comments made in the Document Disposition Index attached to my affidavit of 26 May 1978. The comments regarding Document S-11 should be changed to read "a. information pertaining to intelligence methods (b)(3)." The comment regarding Document S-12 should be modified by deletion of paragraphs a. and b.

Robert W. Gambino

COMMONWEALTH OF VIRGINIA)
COUNTY OF FAIRFAX)

Subscribed and sworn to before me this grad day of October 1978.

milded P. Morris
Notary Public

My commission expires: 25 march 1981