

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARK A. ALLEN,)
)
 Plaintiff) Civil Action
)
 v) No. 78-1743
)
 CENTRAL INTELLIGENCE AGENCY,)
 et al.,)
)
 Defendants)

FILED

JAN 12 1979

JAMES F. DWEY, C.M.

MEMORANDUM OPINION AND ORDER

This case arises under the Freedom of Information Act, 5 U.S.C. § 552. Only one document is at issue. The defendants contend that the document is properly withheld from public inspection pursuant to 5 U.S.C. § 552 (b)(1), (b)(2) and (b)(3). The matter is before the Court on defendants' motion to dismiss.

The requested document has previously been described in a Vaughn v Rosen [484 F.2d 820 (D.C. Cir. 1973)] index filed in Bernard Fensterwald v CIA, Civil Action No. 75-0897 (D.D.C. 1978) (Sirica, J.). This Court held that the document was protected from disclosure. In addition, the appropriate office in the CIA has re-reviewed the document in question in light of the new, more stringent, criteria set forth in Executive Order 12065, effective December 1, 1978, and has determined that the material is classified at the SECRET level and should be withheld from disclosure. Agency affidavits concerning the classification of documents are entitled to "substantial weight." Adele Halkin v Helms, Nos. 77-1922 and 77-1923 (D.C. Cir. June 16, 1978).

Accordingly, it is by the Court this 12th day of
January 1979

ORDERED that defendants' motion to dismiss is granted
and it is further

ORDERED that the case is dismissed with prejudice.

United States District Judge

(2)