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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARK ALLEN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 78-1743
)	
CENTRAL INTELLIGENCE AGENCY,)	
)	
Defendant.)	

AFFIDAVIT

LOUIS J. DUBE, being first duly sworn, deposes and says:

1. I am the Information Review Officer of the Directorate of Operations (DO) of the Central Intelligence Agency (CIA). My responsibilities include the review of DO documents which are the object of the Freedom of Information Act (FOIA) requests to CIA to ensure that FOIA determinations made regarding the disposition of such documents are proper. The statements made herein are based upon my knowledge, upon information made available to me in my official capacity, upon advice and counsel from the Office of General Counsel and upon conclusions reached in accordance therewith. (U)

2. By classified affidavit of my predecessor, Gerald L. Liebenau, executed on 9 February 1981, the CIA advised the Court of the detailed reasons for CIA's continued withholding of portions of Document No. 509-803, the subject of this particular litigation. The Agency has consistently stated with regard to Document No. 509-803 that "most of the substantive information in the document is contained in other documents that have been released to the public." See, Liebenau Affidavit, ¶19. The Agency has further asserted that the information in Document No. 509-803 is so intermixed with

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operational details which could lead to the disclosure of intelligence sources and methods that it is impossible to remove those operational details while leaving a coherent remainder. Thus to avoid the possibility of unauthorized disclosures, much of the substance of the document has had to be withheld. A sampling of previously released documents containing the same information was provided with the Liebenau Affidavit for the Court's convenience and for purposes of comparison. In Discovery, plaintiff has now requested copies of the documents provided the Court with the Liebenau Affidavit. (U)

3. Ironically, I must note that plaintiff already has copies of all the documents submitted with the Liebenau Affidavit as a result of previous FOIA releases the Agency made of documents concerning the record of CIA's involvement in the investigation of the assassination of President Kennedy. To indicate to the plaintiff, however, which of those documents were submitted with the Liebenau Affidavit or what substantive categories are contained in Document No. 509-803 would move the Agency perilously close to disclosing information which must be protected from disclosure. See, Liebenau Affidavit. That hazard is compounded by the many now publicly available documents which discuss portions of the same substance as is found in Document No. 509-803. Some of them actually making reference to the document itself. The specific problem focuses on the section of the document concerned with Silvia Duran. The problem posed by the possibility of disclosing the fact that Silvia Duran is the subject of a significant portion of Document No. 509-803 is discussed in detail in paragraph 15 of the Liebenau

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Affidavit. The damage the Agency seeks to avoid could be triggered by the date of Document No. 509-803. Public acknowledgment of the official passage of information concerning Ms. Duran by the Government of Mexico to the Government of the United States, for the Warren Commission, did not occur until 21 February 1964. To disclose CIA's detailed awareness of these facts as early as 31 January 1964, combined with other circumstances also visible on the public record, will provide a very creditable basis for a conclusion that the CIA was closely involved in liaison activities with [redacted] a fact which is true, but which has not been officially acknowledged. The Agency obviously cannot assert that the damage is a certain consequence of disclosing this information. It is, however, my judgement that this information, if disclosed, would, in combination with other publicly available information, increase the likelihood of the damage to such an extent that the Agency must continue to withhold such information to avoid the probable damage. (S)

4. The possibility of releasing the documents on the four other subjects listed in paragraph 19 of the Liebenau Affidavit was considered and also judged to be imprudent. Plaintiff himself has demonstrated an almost encyclopedic knowledge of the various disclosures that have been made from Government records on the general subject of the assassination. He, in fact, has made some astute guesses concerning the likely subjects contained in Document No. 509-803. I believe to narrow the field of probable subjects by disclosing all but one of the subjects contained in Document No. 509-803 will increase the likelihood of the disclosure of the one subject the Government cannot acknowledge, i.e.,

