

Rather, it is whether the CIA's search that resulted in the December, 1978 and subsequent releases was itself thorough, adequate, and in good faith. Viewing the issue in this perspective, we conclude that the volume of the present disclosures, including documents whose existence has been denied previously, and the supporting affidavits do show a thorough and adequate search made in good faith.^{5/} See Goland, supra at 355; Weissman v. Central Intelligence Agency, 565 F.2d 692, 698 (D.C.Cir. 1977). We turn now to review some examples alleged to support plaintiff's "Statement of Genuine Issues."

One allegation, serious from the plaintiff's point of view, is an alleged inconsistency between an August 10, 1978 letter from the then Information and Privacy Act Coordinator, Gene F. Wilson to W. Todd Zechel and the volume of documents released in December, 1978 in response to the Stipulation of September 15, 1978. Without getting into the details other than to refer to the December 14, 1978 letter of George Owens to plaintiff's counsel Peter A. Gersten, the objective facts indicate that the CIA had uncovered substantially more pages of materials by the end of the de novo search than Mr. Wilson was referring to in August, 1978.

GSW also argues that George Owens' search instructions were "grossly misleading and inaccurate." In particular, plaintiff points out the comment in the instructions:

FYI: The STIPULATION so changes the original requests, original complaint and revised complaint that the latter have, in effect, become immaterial to the search you will conduct responsive to the STIPULATION.

Owens' Supplementary, Exs. C-H. The alleged violation of the Stipulation is that the Stipulation defines "UFO" and "UFO Phenomena" by reference to the interrogatories. As we noted above, the Stipulation was expressly "to clarify and simplify the issues" and did not refer to the original requests, original complaint, or amended complaint. Plaintiff's argument is without merit.

^{5/} In Scientology, supra, the court decided that the subsequent finding of documents raised a question of fact about the adequacy or reasonableness of an NSA FOIA search., Id. at 834-36, 836 n. 101. In that case, however, the defendant had denied the existence of any documents until another agency the CIA, helped to identify records that the NSA had provided to the CIA. Here, however, the CIA released hundreds of documents and then, as explained in detail, discovered on its own, a portion of a former index that revealed eight more documents. See Owens' Supplementary Affidavit ¶ 9. In contrast the CIA's subsequent discovery and release in this case do not reflect negatively on the adequacy or reasonableness of the search at issue nor on the CIA's good faith.