

search before our approval of the Stipulation. Id. at ¶ 2. Owens submitted copies of the instructions for the de novo search that he sent to the respective components along with the Stipulation as proposed, the same as it was subsequently approved. Id., Exs. C-H. The CIA has freely acknowledged that some of the documents released after the de novo search had been uncovered by other ongoing FOIA searches for UFO documents. Id. at ¶ 5.

The various components of the CIA have different record systems depending in part on their intelligence functions and in part to enhance physical security. Owens Affidavit, ¶ 6. "Discussing such record systems in any substantive or programmatic detail would be tantamount to a discussion of the classified intelligence activity involved." Id. at ¶ 4. Consistent with the need to preserve classified information about the personnel, organization, and functions of the agency, Owens' two affidavits have described the procedures for conducting FOIA searches such as the de novo search at issue.

More particularly, plaintiff's primary contention is that the CIA affidavits should not be accorded "substantial weight," because the CIA allegedly has not acted in good faith. It asserts that the voluminous release of documents in December, 1978 fails to show the good faith which the defendant claims. Rather, plaintiff submits that the large volume of this release indicates that defendant's prior denials from 1975 were in bad faith. Specifically, plaintiff contends that the CIA should have disclosed most of the released documents in response to the various FOIA requests at issue in the amended complaint. GSN would also have us find that the CIA's prior responses that documents presently released were exempt, e.g., the Mayher documents, or had not been found after an exhaustive search, or had been destroyed, show bad faith when those same responses are asserted now with respect to other documents.

The question at issue here is not the actions of the CIA prior to the September, 1978 Stipulation and December, 1978 releases.