

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STEVEN AFTERGOOD)
)
Plaintiff,)
)
v.)
)
CENTRAL INTELLIGENCE AGENCY)
)
Defendant.)
_____)

Case No. 01-2524 (RMU)

DECLARATION OF STEVEN AFTERGOOD

1. My name is Steven Aftergood. I am a project director at the Federation of American Scientists (FAS), a non-governmental policy research and advocacy organization, where I have studied, written and reported on government information policy for over a decade. I am responsible for maintaining the directories on intelligence and government secrecy on the FAS web site at www.fas.org, which is typically visited by more than 50,000 distinct users each day. I write the email newsletter *Secrecy News*, which reports on current developments in national security secrecy and intelligence policies and which is sent to over 9,000 self-selected subscribers. The main thrust of my work has been to promote public access to government information, including national security-related information, and to advocate appropriate reductions in the scope of national security classification. I am the plaintiff *pro se* in this FOIA proceeding seeking declassification and disclosure of historical intelligence budget information from 1947 through 1970.

2. I have probably devoted more time, effort and money to the pursuit of declassification of intelligence budget information over the past decade than any other single individual. As a result, I have a personal stake in the outcome of this proceeding: The successful release of historical intelligence budget information would be a validation of my efforts over many years. An adverse ruling would mean that my work has been futile or even counterproductive.

3. I filed an initial Freedom of Information Act request for historical intelligence budget information in May 1995, nearly a decade ago. It was denied by CIA in 1995 under FOIA exemptions (b)(1) and (b)(3). That is, CIA contended that release of such information was classified because it could cause damage to national security – the (b)(1) exemption – and that it implicated intelligence sources and methods that must be protected – the (b)(3) exemption. In 2000, the CIA asserted the same claims in denying my administrative appeal.

4. Remarkably, in 1997 CIA declassified the intelligence budget total for FY 1997 in response to previous litigation in which I was the plaintiff (case number 97-1096). And in 1998 the defendant declassified the FY 1998 intelligence budget total in response to another request. Yet in 2000, as noted above, the CIA refused to declassify similar information from 30 to 50 years earlier! These disparate positions on intelligence budget disclosure cannot be reconciled on national security grounds, and suggest a lack of competence or of good faith.

5. Since the initial request was refiled in February 2002, CIA has not formally asserted any exemption to the FOIA. But up until today, almost all of the requested information remains withheld. (One budget document from 1947 was disclosed in redacted form in June 2003.)

6. I originally requested intelligence budget data dating from 1947 because that was the dawn of the modern intelligence era -- and the dawn of modern intelligence budget secrecy.

Previously, during World War II, intelligence spending for the Office of Strategic Services, the predecessor of the CIA, was openly appropriated in the National War Agencies Appropriation Acts. I selected 1970 as the termination point of this request because records from 1970 became 25 years old in 1995 and that seemed like a reasonable period for declassification.

7. Last year I obtained from Prof. David Barrett historical documents containing intelligence budget data for fiscal years 1953, 1954, 1955 and 1972 that he acquired in various archives. (See his Declaration filed today.) I proceeded to publish these documents on the Federation of American Scientists web site beginning in October 2003. All of the documents are linked at the bottom of this page: <http://www.fas.org/irp/budget/index.html> .

8. I studied the consequences of their publication closely in an attempt to empirically determine whether damage to national security or intelligence methods resulted.

9. I found that by publishing them on the FAS web site I had effectively propagated them throughout the world wide web and that they were now globally available to anyone with an internet connection. In fact, a search in the Google search engine for "1953 CIA budget" (without quotes) leads directly to the document filed as Attachment 1 to the Barrett Declaration. When I conducted such a search on July 20, 2004, it was the very *first* item turned up by Google. The other documents are also prominently indexed.

10. The publication of these documents elicited some commentary from historians and others but otherwise had no identifiable consequences. In particular, no further disclosures of classified information were triggered, no intelligence operations were exposed, no adverse effects resulted at all. Just as one would reasonably expect, this information is a matter of historical interest that has no bearing on current national security.

11. Defendant CIA's prior claims over the past decade that historical documents containing this information are classified because they could cause damage to national security and that they could compromise intelligence methods have now been tested and shown to be empirically false.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of July, 2004.

STEVEN AFTERGOD
Plaintiff *pro se*