

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STEVEN AFTERGOOD,	)	
	)	
Plaintiff,	)	
	)	
v.		Civ. Action No. 01-2524
		(RMU)
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION OF R. BRUCE BURKE**  
**Associate Deputy General Counsel for Information**  
**Central Intelligence Agency**

I, R. BRUCE BURKE, hereby declare and say:

1. I am the Associate Deputy General Counsel for Information within the Office of the General Counsel of the Central Intelligence Agency (CIA). I have held this position since 5 January 1997. I have served with the United States Government for over 28 years and, in addition to my current position, I have held other senior positions within the Office of General Counsel

2. As the Associate Deputy General Counsel for Information, I serve as the senior CIA attorney responsible for legal issues related to the CIA's information technology and information management activities. I also serve as the Legal Adviser for the CIA's Chief Information

Officer CIO) In these capacities, I provide legal advice to CIA components responsible for establishing CIA-wide records and classification management policies, procedures, and practices; for providing central coordination and resource oversight of information release activities; for developing and maintaining automated tools for CIA-wide information management and release activities As part of my official duties, I ensure that all aspects of the CIA's implementation of the Freedom of Information Act (FOIA), the Privacy Act (PA), the Mandatory Declassification Review provisions of Executive Order 12958, and the CIA's Historical Review Program are carried out consistent with the CIA's legal obligations

3 Through the exercise of my official duties, I become familiar with Plaintiff's request for information that is the subject of this civil action I make the following statements based on my personal knowledge, information made available to me in my official capacity and the conclusions I reached in accordance therewith

4. I have reviewed Exhibit 1 to Plaintiff's Reply to Defendant's Opposition and Plaintiff's Response to Defendant's Cross-Motion for Summary Judgment, which is a declassified CIA report, entitled "Cost Reduction Program" dated 1 September 1965 (hereinafter "Cost Reduction

Program" report) The front page of this report states "This document has been approved for release through the HISTORICAL REVIEW PROGRAM [of] the Central Intelligence Agency" and notes the date of "11-21-90." The purpose of this Declaration is to provide an explanation of how the "Cost Reduction Program" report was approved for release in its present form.

5. The Historical Review Program (HRP) had its origins in an October 1983 informal understanding between Director of Central Intelligence (DCI) William Casey and Senator David Durenberger (who, at the time, served as the Chairman of the Senate Select Committee on Intelligence whereby the CIA agreed to conduct a selective review of materials that the CIA believed would be of the greatest historical interest and most likely to result in the declassification of information.

6. Following passage of the CIA Information Act of 1984, a panel of consultants, including the Archivist of the United States, the Librarian of Congress, and three historians helped the CIA establish the HRP in 1985. The CIA formally established the HRP as a voluntary historical review program within the CIA's Office of Information

Services of the Directorate of Administration in May 1985.<sup>1</sup> It was contemplated that this new program would receive advice and support from the History Staff in the Office of the DCI,<sup>2</sup> and would declassify and transfer selected historically significant CIA records to the National Archives and Records Administration (NARA). Thus, the focus of this program was on the "declassification" of classified information

7 As a result, in the past, the HRP has authorized the declassification and release of some information, such as the "Cost Reduction Program" report, without claiming all of the legal protections, such as those authorized by the FOIA exemptions, that were otherwise available to the CIA. Under current CIA policy, the various CIA release offices would have protected the "Cost Reduction Program"

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<sup>1</sup> The Classification Review Division of the Office of Information Services established the Historical Review Branch, which was specifically dedicated to the HRP and was comprised of eight full-time staff employees. The Classification Review Division had responsibility for coordinating the actual review of records with Agency components. In March 1987, the Office of Information Services was abolished and the HRP was transferred to the CIA's Office of Information Technology, where it resided until its transfer in 1992 to the Center for the Study of Intelligence. In December 1997, responsibility for the HRP was transferred to the Office of Information Management, which ultimately became the Information Management Services component of the Office of the CIO (IMS/CIO).

<sup>2</sup> The role of the History Staff was to consult with outside historians, to help the Office of Information Services and the CIA's components select historically important records, and to provide insight and judgments on historical value throughout the review process. In 1985, the CIA's History Staff was comprised of a Chief Historian, a deputy, and four staff historians, two of whom were added specifically for the HRP.

report from release by relying on the FOIA exemptions. These FOIA exemptions, however, were not claimed by the HRP when it approved the release of the "Cost Reduction Program" report in November 1990

8. Since the December 1997 transfer of the HRP to the Office of Information Management, which ultimately became IMS/CIO, the HRP has operated pursuant to a policy of applying all reasonably available legal protections to CIA records selected for historical review

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

Executed this 20<sup>th</sup> day of October, 2004

A handwritten signature in black ink, appearing to read "R. Bruce Burke", is written over a horizontal line. The signature is stylized and cursive.

R. BRUCE BURKE  
Associate Deputy General Counsel for  
Information  
Central Intelligence Agency