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VIA FACSIMILE

John McPherson, Esq.
Office of General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Re: John Sullivan v. Central Intelligence Agency Civil Action No. 07-____ (D.D.C.)

Dear Mr. McPherson:

My assigned security officer, Tom S., provided you as a point of contact in the above matter.

As you know, my client, John Sullivan, is a former employee of the CIA, and I have not executed a non-disclosure/secretcy agreement pertaining to his dispute with your Agency that relates to the forthcoming publication of his book Gatekeeper: Memoirs of a CIA Polygraph Examiner (Potomac Books, 2007). Nor, as I previously notified the Office of General Counsel, do I intend to do so in any case I handle involving current/former overt CIA employees unless I am actually provided authorized access to classified information. Otherwise the execution of such a document is completely unnecessary. More importantly, your Agency has amply demonstrated throughout the years that it will not hesitate to abuse the classification process in order to gain a litigation advantage.

Since I have not executed a non-disclosure secrecy agreement I am under no legal or other type of obligation to submit documents to the Agency for classification review prior to a court filing. Nevertheless, because I do take the matter of national security quite seriously and at no time do I wish for properly classified information to be inadvertently (and certainly not intentionally) released, I recently voluntarily provided the Agency with an advance copy of Mr. Sullivan's substantive Complaint so that it could be reviewed for classification purposes.

To my surprise I was notified that the CIA *refused* to review this document for classification purposes. The apparent reason was that I had not executed a non-disclosure/secretcy agreement. I was additionally reminded that Mr. Sullivan would be held accountable for any unauthorized disclosures he made that were not subject to prepublication review. Such a position inexplicably demonstrates the disingenuousness of the Agency's motivations towards the protection of classified information. That your Agency would rather risk the potential disclosure of

“classified” information when faced with a voluntary, instead of a mandatory, submission speaks volumes. The hypocrisy of the Agency’s attitude towards the classification process and the disdain it openly exemplifies towards its former or current employees, as well as their legal counsel, who dare challenge its’ decisions stands unique among federal agencies. This conduct discredits any professionalism or credibility the Agency otherwise desires to display, whether publicly or privately.

For your information the document in question was created not by Mr. Sullivan but by legal counsel who relied upon Agency-released unclassified documentation surrounding Mr. Sullivan’s security clearance investigation, as well as information contained in Mr. Sullivan’s published book Of Spies and Lies: A CIA Lie Detector Remembers Vietnam (University Press of Kansas, 2002).

Mr. Sullivan has not provided me with any classified information, and he is well aware of his lawful obligations to the U.S. Government pursuant to the various secrecy agreements he has executed over the 31 years he devoted to government service.

This document will be placed into the Court record in Mr. Sullivan’s case so that it, and the general public, is aware of the Agency’s shameful tactics.

Sincerely,

/s/

Mark S. Zaid

cc: Senator John D. Rockefeller, IV
Chairman, Senate Select Committee on Intelligence
Senator Christopher S. Bond
Vice Chairman, Senate Select Committee on Intelligence
Congressman Silvestre Reyes
Chairman, House Permanent Select Committee on Intelligence
Congressman Peter Hoekstra
Ranking Member, House Permanent Select Committee on Intelligence
Congressman Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
Congressman Tom Davis
Ranking Member, Committee on Oversight and Government Reform
John Sullivan
Alan Cilman, Esq.