

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 ALAN W. TATE

I, ALAN W. TATE, hereby declare:

1. I was the Acting Chief, Public Information Programs Division, Information Management Services (PIPD/IMS), Chief Information Officer for the Central Intelligence Agency (CIA). I held this position from 26 March 2004 through 9 August 2004, during which time I also held the position of Acting CIA Information and Privacy Coordinator (Coordinator). I have served with the United States Government for over 30 years, and in addition to my current positions, I have held other supervisory positions with the CIA in the fields of records management and information review and release.

2. In my capacities as Acting Chief, IMS/PIPD, and Information and Privacy Coordinator, I was responsible for, among other things, managing the Freedom of Information Act (FOIA), Privacy Act (PA), and Executive Order 12958¹ (E.O. Mandatory Declassification Review (MDR) programs in the CIA. My responsibilities included directing the searches of CIA records systems pursuant to public requests for records under these programs and directing and coordinating the reviews of any responsive records retrieved as a result of such searches. This review process includes undertaking any intra-agency and inter-agency coordinations and referrals necessary in light of the information in any responsive records. As part of my official duties, I ensure that administrative processing, including the search, retrieval, analysis, review, redaction, and release phases are effected consistent with the CIA's legal duties and as efficiently as possible with the personnel and resources available

3. Through the exercise of my official duties, I have 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

¹ Executive Order 12958 was amended by Executive Order 13292, effective March 25, 2003. See Executive Order 13292, 68 Fed. Reg 15315 (Mar. 28, 2003).

information made available to me in my official capacity, and the conclusions I reached in accordance therewith.

4. The purpose of this Declaration is to provide a description of the administrative process in this case.

5. Plaintiff's FOIA request of 22 February 2002 (Attachment 1) sought "a copy of historical U.S. intelligence budget data from 1947 through 1970." He requested "all releasable budget data, but particularly aggregate annual budget totals." He also sought a waiver of any fees associated with the processing of his request.

6. CIA acknowledged receipt of plaintiff's request by letter of 27 March 2002 (Attachment 2). CIA granted plaintiff's request for a fee waiver, stated that the CIA could not respond within 20 working days, and advised plaintiff of his right to appeal to the Agency Release Panel

7. By letter dated 12 September 2002 (Attachment 3) plaintiff appealed the CIA's failure to provide the requested data.

8. By letter dated 3 October 2002 (Attachment 4), CIA accepted plaintiff's 12 September 2002 appeal

9. On 17 October 2002 plaintiff filed the current complaint seeking "disclosure of aggregate U.S.

intelligence budget figures for the years 1947 and 1948.”
(Attachment 5)

10. By letter of 27 June 2003 (Attachment 6), CIA responded to plaintiff's FOIA request of 22 February 2002, as amended through his FOIA complaint of 17 October 2002, seeking disclosure of aggregate U.S. intelligence budget figures for the years 1947 and 1948 only. CIA's letter explained that it had not been able to locate documents from which it could determine the aggregate U.S. intelligence budget figures for fiscal years 1947 or 1948, but that the CIA's search did produce one document that contained some intelligence budget information for fiscal year 1947. This document (with redactions) was included with CIA's letter, which explained that the CIA could not vouch for the accuracy of the information contained in the document.

11. On 2 July 2003 plaintiff filed a motion to amend his complaint to seek "disclosure of historical U.S intelligence budget information from 1947 through 1970, including aggregate budget information as well as subsidiary agency budget totals." Plaintiff's motion was granted (Attachment 7 is the amended complaint

12. By e-mail of 18 July 2003 (Attachment 8), plaintiff advised defendant's principal counsel in this

case that he was narrowing the scope of his FOIA request, limiting it to the "aggregate intelligence budget totals and subsidiary intelligence agency budget totals from fiscal year 1947 through fiscal year 1970."

13. In response to plaintiff's amended FOIA request, CIA personnel conducted diligent searches of relevant systems of records reasonably calculated to locate records responsive to plaintiff's request--namely, the records of the CIA's Office of the Chief Financial Officer and the Community Management Staff.

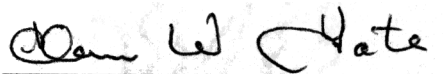
14. The searches located documents that enable the CIA to determine the total CIA budget for all but one of the fiscal years 1947 through 1970.² The searches failed to locate documents that would enable the CIA to determine either the aggregate U.S. intelligence budget or the total budgets of other intelligence agencies for fiscal years 1947 through 1970.³

² Although some documents concerning the CIA's budget for fiscal year 1965 were located, the CIA is not able to determine the total CIA budget for fiscal year 1965.

³ The document described in paragraph 10 above and attachment 6 was located during an earlier search.

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

Executed this 14 day of September, 2004.

A handwritten signature in cursive script that reads "Alan W. Tate". The signature is written in dark ink and is positioned above a horizontal line.

ALAN W. TATE
INFORMATION REVIEW AND RELEASE MANAGER
CENTRAL INTELLIGENCE AGENCY