

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PAUL HOCH,

Plaintiff,

v.

Civil Action Number
C82-0754

THE CENTRAL INTELLIGENCE AGENCY,

Defendant.

DECLARATION OF GARY L. HAEGELE
ADDRESSING THE APPLICATION OF EXEMPTION ONE
OF THE FREEDOM OF INFORMATION ACT

I, Gary L. Haegele, hereby declare as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I am presently assigned in a supervisory capacity to the National Security Affidavits Unit at FBI Headquarters (FBIHQ). Among my responsibilities are the review of FBI information for classification purposes as mandated by Executive Order (EO) 12356, 47 Fed. Reg. 14874, 15557 (1982) and the preparation of declarations in support of Exemption One of the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (b) (1). I have been designated by the Attorney General of the United States as an original Top Secret classification authority and a declassification authority pursuant to EO 12356, Sections 1.2 and 3.1.

APPLICATION OF FOIA EXEMPTION ONE

2. Pursuant to 5 U.S.C. § 552 (b) (1) -- "Exemption One" -- the disclosure provisions of the Act do not apply to

matters that are: "(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order." The documents addressed by this declaration have been itemized and assigned document numbers in the Central Intelligence Agency's (CIA) affidavit prepared by Louis J. Dube, previously filed with the Court on July 22, 1982. My declaration concerns only the classified FBI information contained in CIA document numbers 1413-492-H, 1471-492-BI, 1523-1097, 1552-1111 and 1625-1124, as identified in the Dube affidavit and withheld from plaintiff pursuant to 5 U.S.C. § 552 (b) (1). Unclassified FBI information contained in other CIA documents as identified in the CIA affidavit, supra, which has been withheld pursuant to other exemptions specified in 5 U.S.C. § 552 (b) is addressed in the declaration of Special Agent John N. Phillips, submitted contemporaneously with this declaration.

(3) Prior to the preparation of this declaration, I personally examined de novo the original classified FBI documents from which information was extracted by the CIA and included in the CIA documents addressed herein. As a result of this examination, I have determined that the documents contain information meeting the classification criteria as

established by EO 12356. EO 12356, signed by President Reagan in April, 1982 (effective August 1, 1982), is the Executive Order that presently applies to national security information. It was in the context of that Order that I made ultimate classification determinations with regard to the documents at issue here.

FINDINGS OF DECLARANT

4. I personally and independently examined all information contained in the referred documents. I determined that the documents sought by the plaintiff contained information falling into one of the categories set forth in EO 12356, specifically, § 1.3 (a)(4): intelligence activities (including special activities), intelligence sources or methods. Under § 1.3 (c) of the EO, unauthorized disclosure of intelligence sources or methods is presumed to cause damage to national security. This presumption is fully borne out by my examination of the specific documents at issue here. I considered the material in light of the body of information available to me concerning the national defense and foreign relations of the United States, carefully considering the impact that disclosure would have upon other sensitive information contained elsewhere in United States intelligence community files. Equal consideration was given to the impact

to the impact that other information, either in the public domain or likely known or suspected by present or potential adversaries of the United States, has upon the information that I examined. Where I determined that the information reasonably could be expected to cause damage to the national security, I exercised my prerogative as an original Top Secret classification authority and designated that information as classified in the interest of national security and directed that Exemption One of the FOIA be asserted to prevent disclosure.

5. Where Exemption One was asserted, I ensured that the procedural requirements of EO 12356 (and applicable implementing directives) were strictly followed. The face of each document was marked as required and stamped with the proper classification designation (EO 12356, § 1.5 (a)(1)-(4)). The documents were marked to indicate clearly which portions are classified and which are not classified (EO 12356, § 1.5 (b)). The limitations on classification specified in § 1.6 of EO 12356, were adhered to. The declassification policies set forth in § 3.1 of EO 12356 were followed; in this regard, I determined that the information which I adjudged to warrant classification continues to warrant such classification despite the passage of time. Finally, all reasonably

segregable portions of the classified passages that did not require protection under EO 12356 were declassified and marked for release unless withholding was otherwise warranted under applicable law. (See 5 U.S.C. § 552 (b).)

6. The five documents that contain classified material are individually described below. (§ 7, infra.) In some instances, the nature of the harm that would flow from disclosure was the same. I have therefore categorized the various types of harm in the immediately succeeding subparagraphs and then referred to the subparagraphs in my description of the individual documents:

(a) Disclosure of the identity of an intelligence source. If a paragraph contains data that tends to identify an intelligence source from which the information was obtained, that data is classified and withheld. Particular descriptions regarding the source-identity data, including date of contact, could expose the source and could reasonably be expected to cause damage to the national security. This damage may entail:

(i) Death of the source;

- (ii) Discontinuance of the source's services with resulting loss of intelligence information;
 - (iii) Damage to other ongoing intelligence activities;
 - (iv) Modification or cancellation of future intelligence activities;
 - (v) Evaluation by hostile entities of the number and objectives of informants targeted against them, thereby allowing the hostile entities to take appropriate countermeasures, again causing loss of intelligence information; and
 - (vi) An overall chilling effect on intelligence collection because the increased risk of exposure and its consequences (loss of jobs, friends status, etc.) would discourage current and prospective sources from cooperating.
- (b) Disclosure of information provided by an intelligence source. Quoting such information verbatim, or describing the

material with great particularity, would tend to identify the source and cause the same types of damage as listed in paragraph 6 (a) (i)-(vi), supra.

- (c) Disclosure of an intelligence activity and/or method. If a paragraph contains data regarding an intelligence activity or method, that data is withheld when its release would reveal the application of specific intelligence activities and/or methods to particular targets. Revelation of the withheld information could reasonably be expected to cause damage to the national security by:
- (i) Allowing hostile assessment of both general and specific capabilities during a particular time, and assessment of the areas and targets which had (or had not) been compromised;
 - (ii) Allowing countermeasures to be implemented, making future

- operations more difficult; and
- (iii) Compromising other ongoing and planned operations.

7. The classified, withheld information is as follows:

CIA document number 1413-492-H, is an enclosure dated April 26, 1967, consisting of 1 page. The classified FBI information contained in this document was classified "Secret" on January 20, 1983, by Original Top Secret Classification Authority (OTSCA) Number 9542. The withheld classified FBI information, further described below, meets the classification requirements of EO 12356, § 1.3 (a) (4).

The withheld classified FBI portions are confined to page 1, and identified with the letter K.

These portions contain detailed information concerning an intelligence activity or method utilized in an intelligence gathering activity.

A more detailed description could reasonably be expected to identify the activity or method and result in damage to the national security as explained in paragraph 6 (c), supra.

CIA document number 1471-492-BI, is a memorandum dated January 10, 1964, consisting of 4 pages. The classified FBI information contained in this document was classified

"Secret" on January 20, 1983, by OTSCA Number 9542. The withheld classified FBI information, further described below, meets the classification requirements of EO 12356, § 1.3 (a) (4).

The withheld classified FBI portion is confined to page 1, and identified with the letter K.

This portion contains detailed and specific information from an intelligence source.

A more detailed description could reasonably be expected to identify the source and result in damage to the national security as explained in paragraph 6 (b), supra.

CIA document number 1523-1097, is a memorandum dated November 27, 1963, consisting of 5 pages. The classified FBI information contained in this document was classified "Secret" on January 20, 1983, by OTSCA Number 9542. The withheld classified FBI information, further described below, meets the classification requirements of EO 12356, § 1.3 (a) (4).

The withheld classified FBI portions are confined to pages 1, 2 and 3, and identified with the letter K.

These portions contain information concerning an intelligence activity or method utilized in an intelligence gathering activity.

A more detailed description could reasonably be expected to identify the activity or method and result in damage to the national security as explained in paragraph 6 (c), supra.

CIA document number 1552-1111, is a memorandum dated June 3, 1964, consisting of 3 pages. The classified FBI information contained in this document was classified "Secret" on January 21, 1983, by OTSCA Number 9542. The withheld classified FBI information, further described below, meets the classification requirements of EO 12356, § 1.3 (a) (4).

The withheld classified FBI portion is confined to page 3, and identified with the letter K.

This portion contains detailed and specific information from an intelligence source.

A more detailed description could reasonably be expected to identify the source and result in damage to the national security as explained in paragraph 6 (b), supra.

CIA document number 1625-1124, is a memorandum dated March 23, 1965, consisting of 1 page. The classified FBI information contained in this document was classified "Secret" on January 21, 1983, by OTSCA Number 9542. The withheld

classified FBI information, further described below, meets the classification requirements of EO 12356, § 1.3 (a) (4).

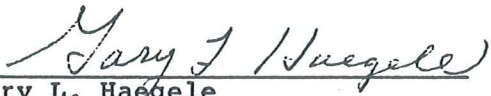
The withheld classified FBI portion is confined to page 1, all deleted portions.

These portions contain a singular identifier for an intelligence source. These portions also contain detailed information concerning an intelligence source.

A more detailed description could reasonably be expected to identify the source and result in damage to the national security as explained in paragraph 6 (a) and (b), supra.

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

Executed on February 1st, 1983.



Gary L. Haegele
Special Agent
Federal Bureau of Investigation
Washington, D. C.