

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PAUL HOCH,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Civil Action No. 82-0754

DECLARATION OF LEE S. STRICKLAND

LEE S. STRICKLAND hereby declares and says:

1. I presently serve as an Assistant General Counsel and senior trial attorney for the United States Central Intelligence Agency ("CIA" or "Agency") having joined the CIA Office of General Counsel in 1975. I am admitted to practice before the bars of the State of Virginia and the District of Columbia. I make the following statements pursuant to my personal knowledge.

2. Upon receipt of this Court's Memorandum Opinion and Order of 30 July 1984, I requested that my staff retrieve a copy of Document No. 1648-452-C and all justifications which had been submitted in support of the withholding. The review

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of this material by my Office and the Department of Justice indicated that Mr. Dube in his Affidavit of 22 July 1982 had determined that exemptions (b)(1), (b)(3), and (b)(5) applied coextensively to the document in its entirety. At my personal request, Mr. Dube again reviewed the document and reaffirmed his initial determination. This Court was so advised by the filing of the government's Motion for Clarification.

3. Soon thereafter, I was advised by staff, who had been involved in the effort described above, that document 1648-452-C had been at issue in an earlier FOIA civil action, Borosage v. Central Intelligence Agency, Civil Action No. 75-0944 (D.D.C.). In that litigation, the plaintiff had sought, inter alia, documents which this Agency had provided to the President's Commission To Investigate Domestic C.I.A. Activities ("Rockefeller Commission"). In presenting and justifying the Agency's denial of these documents, the affidavits of Mr. E. H. Knoche, then Associate Deputy to the Director of Central Intelligence for the Intelligence Community, and Ms. Eloise Page, then Chief of the Operations Staff of the Directorate of Operations, executed on 24 October 1975, were filed with the trial court. A copy of each of these affidavits are submitted herewith and marked as Exhibit A and B, respectively. These affidavits detailed that the most senior officers of the Agency had reviewed this particular document as well as other related documents and had

determined that release would disclose details of covert intelligence activities as well as intelligence sources and methods within the scope of and protected by 50 U.S.C. §403(d)(3). For these reasons, document 1648-452-C was denied in its entirety.

4. Subsequent to the filing of the affidavits referenced in paragraph 3, supra, extensive discussions were held between senior officials of this Agency and the Church Committee staff concerning the public disclosure of documents and/or information contained therein which were relevant to the Committee's inquiry. In light of the legislative disclosures which were made without the full concurrence of this Agency, Ms. Page, with the concurrence of the Director of Central Intelligence, determined that as a matter of policy, and to facilitate settlement of the litigation, certain portions of certain documents provided to the Committee would be released to the plaintiff.

5. In furtherance of the policy decision rendered by Ms. Eloise Page, certain redacted documents were produced on 7 May 1976 to plaintiff's counsel in the Borosage litigation. That release included the document identified as "2" in the Borosage litigation and "1648-452-C" in the instant law suit. A copy of that document as redacted and released in Borosage may be found as Exhibit A in the Declaration of Louis J. Dube, filed herewith.

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6. I have executed this Declaration this 31st day of August, 1984, and hereby declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'Lee S. Strickland', written over a horizontal line.

LEE S. STRICKLAND

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT L. BOROSAGE

Plaintiff,

v.

Civil Action No. 75-0944

CENTRAL INTELLIGENCE
AGENCY, WILLIAM E. COLBY

Defendants.

AFFIDAVIT

Eloise Page being first duly sworn upon her oath, deposes and says:

1. I am Chief, Operations Staff of the Directorate for Operations of the Central Intelligence Agency. I have personal knowledge of the facts set forth herein, which facts were obtained by me in my official capacity.
2. Each of the documents described in the affidavit of E. H. Knoche includes some discussion or mention of plans for covert action operations involving foreign leaders. Some of these documents include descriptions of the proposed methods contemplated, the operatives to be employed and techniques proposed. Others include accounts of activities of foreign groups that considered plans of a similar nature and describe covert relationships that existed between CIA and these groups.
3. The disclosure of these documents would result in exceptionally grave damage to the national security because to officially acknowledge these plans would disrupt foreign relations vitally affecting the national security. The nations involved would, in the face of such official acknowledgement, be obliged to take some action which they would otherwise not have contemplated. Such action, at the very least, would result in diplomatic protest and could result in stronger measures.

*more
withheld*

24 Oct. 75

Copy and general statement, not applicable to this document

4. Although there have been widely circulated reports in the media concerning such covert operations, there has been to date no official confirmation of the details of the plans nor the countries or personalities involved.

5. Many of the documents that are described herein reveal the identities of intelligence sources, CIA employees and covert collaborators who participated in these plans. The disclosure of their involvement would at the very least impair their continued ability to provide foreign intelligence and might, in some instances, place their lives and those of their families in immediate jeopardy.

6. Additionally many of these documents include detailed discussions concerning intelligence methods, the revelation of which would likely result in the compromise of these methods to the detriment of the U.S. Government's ability to collect foreign intelligence.

7. The documents, as consecutively numbered in the affidavit of E. H. Knocks dated October 24, 1975, are more particularly described and discussed below.

<u>Document No.</u>	<u>Description</u>
1	Document No. 1 (including the attached cables) concerns discussions between an Agency employee and an intelligence source concerning a covert action plan. The source's identity is revealed in the document.
2	This document reveals details concerning covert operations and identifies intelligence sources. Disclosure of this document would further reveal methods of intelligence collection and the conduct of intelligence operations.
3	The information in this document reveals details of covert operations. It also contains a description of an intelligence operation and the names of intelligence sources.
4	This document contains information provided by intelligence sources to Agency employees whose identities would be revealed if the contents of the document were disclosed.

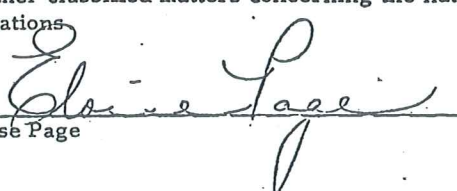
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<u>Document No.</u>	<u>Description</u>
5	Document No. 5 reports a discussion of covert operations in a foreign country.
6	Document No. 6 contains information supplied by confidential foreign intelligence sources. Names of Agency employees are mentioned in this document. Revelation would also identify the operational name and location of a CIA training facility in a foreign country. Methods of intelligence collection are also revealed in this document.
7	Document No. 7 contains information about a sensitive covert operation and reveals the identity of intelligence sources.
8	Document No. 8 contains information concerning covert action operations in a foreign country. Within the document are references to confidential intelligence sources, the intelligence activities of other friendly countries and methods of intelligence collection.
9	This document contains the names of Agency personnel and identifies them as such.
10	Document No. 10 describes covert operations that were conducted in a foreign country. Disclosure of this document would also reveal intelligence sources and methods.
11-15	These documents refer to a covert action operation in a foreign country. An Agency employee is identified in these documents.
16-22	These documents relate to a sensitive intelligence operation in a foreign country. Foreign intelligence methods employed in this operation would be revealed as a result of the disclosure of this document.
23	This cable describes a meeting by a CIA officer with confidential intelligence sources concerning a covert action operation. Intelligence sources and methods are also discussed in this cable.
24-31	These cables contain information on a sensitive intelligence project. Sensitive intelligence sources and methods are discussed therein.
32	This document describes sensitive intelligence methods and relates them to a particular intelligence operation conducted in a foreign country.

Document
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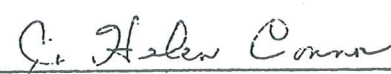
Description

- 33-34 These documents contain information about covert action operations and sources. The names of individuals involved in certain covert operations would be revealed.
- 35-37 These documents concern covert action operations.
- 38-41 Document Nos. 38, 39, 40, and 41 are State Department documents. These documents were referred to the Department of State for their review. By letter dated October 14, 1975 from William G. Hayland to the plaintiff, a copy of which is attached hereto, the Department of State determined that these documents should remain classified and withheld from disclosure.
- 42-54 These documents concern a sensitive covert operation.
- 55 The release of this memorandum would disclose intelligence sources and methods.
- 56-57 These documents concern plans for a covert operation. Agency employees that participated in those plans are mentioned therein.
- 58 This document and attachments concern a covert operation. Intelligence sources and methods would be revealed if these documents were disclosed.
- 59-61 With the exception of the newspaper clippings and routing sheet of Document No. 61 disclosure of these documents would reveal intelligence sources and methods.
- 62 This document originating from the White House discusses covert action operations as well as other classified matters concerning the national defense and foreign relations.


Eloise Page

STATE OF VIRGINIA)
) ss.
COUNTY OF FAIRFAX)

Subscribed and sworn to before me this 24th day of October 1975.


Notary Public

My commission expires March 15, 1977

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT L. BOROSAGE

Plaintiff,

v.

Civil Action No. 75-0944

CENTRAL INTELLIGENCE
AGENCY, WILLIAM E. COLBY

Defendants.

AFFIDAVIT

E. H. Knoche, being first duly sworn, deposes and says:

1. I am Associate Deputy to the Director of Central Intelligence for the Intelligence Community. I have held that position since August 1, 1975. Prior to my appointment to that position I held the position of Assistant to the Director of Central Intelligence. In that position I was charged with the task of supplying CIA documents to the Commission on CIA Activities Within the United States, (Commission) for purposes of its investigation. I have personal knowledge of the facts set forth herein, which facts were obtained by me in my official capacity.

2. Attached hereto and made a part of this affidavit is a list of documents sent by the Central Intelligence Agency to the Commission on CIA Activities Within the United States regarding plans or allegations related to the subject of assassination of foreign leaders denominated "the requested documents" in plaintiff's Complaint.

3. At the time these documents were sent to the Commission I determined that each classified document bearing classification markings was properly classified and should remain classified.

24 Oct. 75

EXHIBIT B

4. For purposes of this litigation the documents are listed in Attachment A and are consecutively numbered. They are described more fully in the affidavit of Eloise Page sworn to on October 24, 1975.

E. H. Knoche

E. H. Knoche

STATE OF VIRGINIA)
) ss.
COUNTY OF FAIRFAX)

Subscribed and sworn to before me this 24th day of October 1975.

J. Helen Cannon
Notary Public

My commission expires March 15, 1977

Attachment A to the affidavit of E. H. Knoche dated October 24, 1975.

<u>Document No.</u>	<u>Description</u>
1	Memorandum for the Inspector General. Subject: Questionable Activities dated 17 January 1975. Two pages. Classified Top Secret. Attached are two cables dated 21 July 1960 and a third cable dated 22 July 1960. The two cables dated 21 July 1960 are classified Top Secret. The cable dated 22 July 1960 is classified Secret.
2	Memorandum dated 24 April 1975. Thirteen pages. This document is classified Secret.
3	Memorandum for the Record dated 18 June 1964. Two pages. Classified Secret.
4	Memorandum for the Director of Central Intelligence dated 10 June 1964. Six pages. Classified Secret.
5	Memorandum for the Record dated 7 April 1964. Six pages. Classified Secret.
6	Memorandum for the Record. Subject: First Meeting of an Agency Task Force dated 9 March 1960. Three pages. Classified Secret.
7	Memorandum for E. H. Knoche from the Inspector General of CIA dated 29 May 1975. A cover memorandum with attached Document No. 6 and cables dated 29 August 1960 (one page), 4 April 1961 (two pages), 27 March 1961 (one page), 29 March 1961 (two pages), 5 April 1961 (one page), 4 June 1961 (one page), 3 May 1961 (one page) and 6 June 1961 (one page). Cover memorandum and cables are classified Secret.
8	Memorandum for the Record. Subject: Review of CIA Operations in a Foreign Country dated 20 June 1962. Classified Secret. Attached is a document classified Secret dated 22 January 1962. Eighteen pages.
9	Cable dated 31 May 1961. (Further identified as IN 17836.) Two pages. Classified Secret.
10	Memorandum. Subject: CIA Covert Activities in a Foreign Country dated 13 May 1961. Seven pages. Classified Secret.
11	Cable dated 8 May 1961. One page. Classified Secret.

<u>Document No.</u>	<u>Description</u>
12	Cable draft 2 May 1961. One page. Classified Secret.
13	Cable dated 1 May 1961. One page. Classified Secret.
14	Memorandum for the Record dated 11 April 1961. Two pages. Classified Secret.
15	Memorandum. Subject: Pouch Restriction Waiver Request and Certification dated 7 April 1961. One page. Classified Secret.
16	Cable dated 6 April 1961. One page. Classified Secret.
17	Cable dated 5 April 1961. One page. Classified Secret.
18	Cable dated 31 March 1961. One page. Classified Secret.
19	Cable dated 27 March 1961. One page. Classified Secret.
20	Cable dated 24 March 1961. Four pages. Classified Secret.
21	Cable dated 21 March 1961. Two pages. Classified Secret.
22	Outgoing cable dated 20 March 1961. (Further identified as OUT 85844.) Two pages. Classified Secret.
23	Incoming cable dated 20 March 1961. (Further identified as IN 21455.) Five pages. Classified Secret.
24	Outgoing cable dated 17 March 1961. One page. Classified Secret.
25	Incoming cable dated 17 March 1961. (Further identified as IN 20613.) One page. Classified Secret.
26	Incoming cable dated 15 March 1961. One page. Classified Secret.
27	Cable dated 16 March 1961. One page. Classified Secret.
28	Cable dated 7 March 1961. One page. Classified Secret.
29	Cable dated 3 March 1961. One page. Classified Secret.
30	Cable dated 27 February 1961. One page. Classified Secret.
31	Cable dated 15 February 1961. One page. Classified Secret.
32	Dispatch dated 14 March 1961. Two pages with routing sheet. Three pages in all. Classified Secret.

<u>Document No.</u>	<u>Description</u>
33	Memorandum for the Record dated 16 February 1961. Five pages. Classified Secret.
34	Memorandum for the Record. Subject: Conference with Source 1 and Source 2 dated 13 February 1961. Six pages. Classified Secret.
35	Memorandum for the Record dated 3 October 1960. One page. Classified Secret.
36	Memorandum for Acting Director of Central Intelligence dated 1 July 1960. Two pages. Classified Secret.
37	Memorandum for Chief, WH Division. Subject: Request for Guidance on Foreign Country dated 28 June 1960. Five pages. Classified Secret.
38	Cable dated 31 May 1961. (Further identified as OUT 61475.) One page. Classified Secret.
39	Cable dated 31 May 1961. (Further identified as IN 17835.) Three pages. Classified Secret.
40	Cable dated 29 May 1961. (Further identified as OUT 60694.) Four pages. Classified Secret.
41	Letter dated 16 March 1961. Two pages. Classified Secret.
42	Undated manuscript (a project draft and raw notes). Eleven pages. No date.
43	Memorandum for Chief, Accounts Branch, Finance Division dated 31 January 1961. Three pages. Two handwritten pages. One page classified Secret.
44	Undated draft handwritten memorandum listing telephone call receipts. Three pages. Two handwritten pages denied.
45	Undated memorandum. One page.
46	Typed financial ledger. No date other than payment entry dates. One page. Classified Secret.
47	Dispatch dated 22 November 1963. Classified Secret.
48	Dispatch dated 5 July 1963. Classified Top Secret.

<u>Document No.</u>	<u>Description</u>
49	Dispatch dated 9 August 1963. Classified Top Secret.
50	Dispatch dated 28 June 1963. Classified Top Secret.
51	Dispatch dated 12 July 1963. Classified Top Secret.
52	Dispatch dated 10 May 1963. Classified Top Secret.
53	Dispatch dated 17 May 1963. Classified Top Secret.
54	Dispatch dated 11 October 1963. Classified Top Secret.
55	Memorandum for the Inspector General, dated 25 April 1975. One page. Classified Secret.
56	Memorandum dated 16 May 1975. One page. Classified Secret.
57	Memorandum for the Record dated 15 May 1975. One page. Classified Secret.
58	Memorandum for the Inspector General dated 9 April 1975. Two pages. Classified Secret.

Attachments:

- a. Memorandum dated 30 November 1960. Two pages. Classified Secret.
 - b. Memorandum for Director of Central Intelligence dated 23 September 1960. Three pages. Classified Secret.
 - c. Memorandum for the Director of Central Intelligence dated 19 September 1960. Four pages. Classified Secret.
 - d. Memorandum to Director of Security dated 19 September 1960. Four pages. Classified Secret.
- 59 Memorandum for E. H. Knoche dated 30 April 1975. Two pages. Classified Secret.
- 60 Routing Slip dated 22 April 1975.

Attachments:

- a. Memorandum for Deputy Chief dated 22 April 1975. Three pages. Classified Secret.

Document
No.

Description

b. Newspaper articles.

61 Memorandum dated October 4, 1962. Three pages. Classified Secret.

62 White House Memorandum dated 23 August 1962. Classified Top Secret