

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**ROGER HALL, et al.,**  
  
**Plaintiffs,**

v.

**CENTRAL INTELLIGENCE AGENCY,**  
  
**Defendant.**  
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) **Civil Action No. 1:04-cv-00814-HHK**  
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**DECLARATION OF ALESIA Y. WILLIAMS**

I, Alesia Y. Williams, do hereby declare the following to be true and correct:

1. I am the Chief of the Freedom of Information Act (“FOIA”) Services Section within the FOIA and Declassification Services Branch (“DAN-1A”) for the Defense Intelligence Agency (“DIA” or “Agency”), Department of Defense (“DOD”). I have served as the Chief, FOIA Services Section, since January 2008. Prior to that I was an administrative officer processing FOIA requests at DIA from November 2006 to December 2007, and I was a contractor assigned to DIA as a FOIA Senior Document Reviewer from January to November 2006. Prior to coming to DIA, throughout my career in the United States Air Force (“USAF”) one of my duties was to process FOIA requests. I also spent over five years supervising two USAF FOIA offices.

2. As Chief of the FOIA Service Section, my duties include the management of day-to-day operations of DIA’s FOIA program. The FOIA office receives, processes, and responds to requests for DIA records under the FOIA and the Privacy Act, and I am the initial denial authority for this Agency. At my direction, DIA personnel search Agency records systems under their control to identify documents and other information which may be responsive to individual

requests. They forward any potentially responsive records located to my office, which in turn determines whether responsive records should be withheld under any applicable statutory FOIA or Privacy Act exemptions. The activities of my staff are governed by "DOD Freedom of Information Act Program Regulation," found at 32 C.F.R. Part 286, as supplemented by the "Defense Intelligence Agency (DIA) Freedom of Information Act," regulation found at 32 C.F.R. Part 292.

3. In the course of my official duties at DIA, I have become personally familiar with the FOIA request Roger Hall submitted to the Central Intelligence Agency ("CIA") for records pertaining to Southeast Asia Prisoners of War/Missing in Action ("POWs/MIAs"). The statements made herein are based upon my personal knowledge, upon information made available to me in my official capacity, and upon determinations made by me in accordance therewith.

4. DIA is a component of DOD. Its mission is to collect, analyze, and provide intelligence on the military capabilities of foreign military forces to the Secretary of Defense, the Joint Chiefs of Staff, and other DOD components. DIA also manages the Defense Attaché System for DOD. The DIA organization and mission are more fully set out at 32 C.F.R. Part 385, "Defense Intelligence Agency." Because of its mission to collect, analyze and provide foreign intelligence, the vast majority of Agency records are classified in the interests of national security in accordance with Executive Order (E.O.) 13,526, "Classified National Security Information."

5. On 1 October 2007, CIA referred documents 1479560, 1479561, and 1479562 to DIA for review and direct response to the requester. DIA processed these documents under case number 0019-2008. DIA reviewed the three documents and determined that documents 1479560

and 1479561 are under the purview of the Department of Defense POW/Missing Personnel Affairs Office (“DPMO”). DIA referred these two documents to the Department of Defense for review and direct response to the requester on 17 October 2007. After consultation with DPMO, DIA released document 1479562 in full to the requester on 12 December 2007.

6. CIA sent documents numbered 1340882, 1340887, 1340977, 1352208, 1352210, 1352212, 1352213, and 1442324 to DIA for consultation review and response back to CIA. DIA received this referral on October 12, 2007. On January 22, 2009, CIA sent documents numbered 1340882, 1340977, 1340981, 1352208, 1352210, and 1352212 to DIA for consultation review and response back to CIA. DIA received this referral on January 28, 2009. Documents 1340882, 1340977, 1352208, 1352210, and 1352212 were sent in both consultation referrals. Therefore, DIA performed consultation review of a total of nine documents under DIA FOIA case number 0035-2008.

7. On March 19, 2009, DIA responded to CIA recommending that additional information in document 1352213 be withheld from release pursuant to Exemption 1 of the Freedom of Information Act, 5 U.S.C. § 552(b)(1), and Section 1.4(c) of Executive Order (EO) 12,958,<sup>1</sup> as amended. The response also informed CIA that document 1442324 originated with the U.S. Army Intelligence and Security Command (“INSCOM”) and would need to be reviewed by that organization for a release determination. DIA concurred with releasing the remaining documents as CIA had proposed.

8. The current basis for classification of national security information is found in Executive Order 13,526. Section 1.1 of EO 13,526 authorizes an Original Classification

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<sup>1</sup> At the time of DIA’s response to CIA, Executive Order 12958, as amended, was the current Executive Order for National Security Information.

Authority (OCA) to classify information owned, produced, or controlled by the United States government if it falls within one of the following eight classification categories specified in Section 1.4 of the order:

- (a) military plans, weapons systems, or operations;
- (b) foreign government information;
- (c) intelligence activities (including covert action), intelligence sources or methods, or cryptology;
- (d) foreign relations or foreign activities of the United States, including confidential sources;
- (e) scientific, technological, or economic matters relating to the national security;
- (f) United States government programs for safeguarding nuclear materials or facilities;
- (g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to national security; or
- (h) the development, production, or use of weapons of mass destruction.

9. Section 1.2 of EO 13,526 provides that information covered by one or more of these classification categories may be classified at one of three classification levels – Top Secret (TS), Secret (S) or Confidential (C) – depending on the degree of harm that would result from the unauthorized disclosure of such information. Information is classified at the Confidential level if unauthorized disclosure would reasonably be expected to cause damage to national security. Information is classified at the Secret level if its release would cause serious damage to the national security. Classification at the Top Secret level is maintained if its release would cause grave damage to national security.

**1.4(c) – Intelligence Sources and Methods**

10. DIA withheld information pursuant to Exemption 1 that would identify intelligence sources and methods. Section 1.4(c) of EO 13,526 recognizes that the disclosure of intelligence sources can be expected to cause damage to the national security. DIA relies on a variety of intelligence sources to collect foreign intelligence critical to our national security. Intelligence sources can include foreign or American citizens, foreign entities, and the intelligence and security services of foreign governments. Intelligence sources can be expected to furnish information only when confident that they are protected from retribution by the absolute secrecy surrounding their relationship to the United States government. Sources that are compromised become extremely vulnerable to retaliation from a variety of entities including their own governments or others having a stake in the confidentiality of the information provided by the source. In certain parts of the world, the consequences of public disclosure of the identity of an individual that has served as a U.S. source are often swift and far reaching, from economic reprisals to possible harassment, imprisonment, or even death.

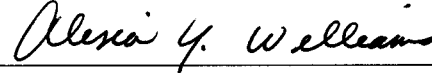
11. Section 1.4(c) of EO 13,526 also recognizes that the release of intelligence methods can cause damage to national security. Intelligence methods are the means by which (or the manner in which) an intelligence agency collects information to support military operations, assist in national policymaking, assess military threats, or otherwise accomplish its mission. Detailed knowledge of the methods and practices of an intelligence agency must be protected from disclosure because such knowledge would be of material assistance to those who would seek to penetrate, detect, prevent, avoid, or damage the intelligence operations of the United States.

12. Disclosure of information the U.S. government obtains utilizing intelligence sources or methods could reasonably be expected to enable persons and groups hostile to the United States to identify U.S. intelligence activities, methods or sources, and to design countermeasures to them, which would damage the ability of the U.S. government to acquire information that is often critical to the formulation of U.S. foreign policy and the conduct of foreign relations. I have determined that the portions of document 1352213 that DIA recommended be withheld under Section 1.4(c) of EO 13,526 contain information concerning intelligence sources and methods. Release of this information would reveal intelligence sources and methods and impair the intelligence collection mission of the intelligence community. The information DIA recommended be withheld in document 1352213 remains currently and properly classified at the SECRET level under E.O. 13,526 and it is appropriately withheld under FOIA Exemption 1.

13. I have carefully reviewed Attorney General Holder's memo dated March 19, 2009, which encourages agencies to make discretionary disclosures and directs agencies to segregate and release nonexempt information. Because the information that DIA recommended be withheld is classified and release of this information would cause serious damage to national security, discretionary disclosure was not possible for document 1352213. I have determined that all reasonably segregable information was recommended for release to the plaintiff.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 10<sup>th</sup> day of August, 2010.

A handwritten signature in cursive script that reads "Alesia Y. Williams". The signature is written in black ink and is positioned above a horizontal line.

Alesia Y. Williams  
Chief, Freedom of Information Act Staff