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11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

14	IN RE NATIONAL SECURITY AGENCY)	No. M:06-cv-01791-VRW
15	TELECOMMUNICATIONS RECORDS)	
16	LITIGATION)	DECLARATION OF DENNIS C.
	<u>This Document Solely Relates To:</u>)	BLAIR, DIRECTOR OF NATIONAL
17	<i>Al-Haramain Islamic Foundation et al.</i>)	INTELLIGENCE
18	<i>v. Obama, et al.</i> (07-cv-109-VRW))	Date: September 23, 2009
19)	Time: 10:00 a.m.
20)	Courtroom: 6, 17th Floor
21)	Chief Judge Vaughn R. Walker

22 I, DENNIS C. BLAIR, do hereby state and declare as follows:

23 1. I am the Director of National Intelligence (DNI) of the United States. I have held
 24 this position since January 29, 2009. In 2002, I retired as an Admiral from the United States
 25 Navy after a 34-year career, which included service as Commander in Chief, U.S. Pacific
 26 Command. During my Navy career, I also served as Director of the Joint Staff and as Associate
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28 **Declaration of Dennis C. Blair, Director of National Intelligence**
Al-Haramain et al. v. Obama et al. (07-cv-109-VRW) (MDL 06-cv-1791-VRW)

1 Director of Central Intelligence for Military Support, as well as in policy positions on the
2 National Security Council staff. From 2003 to 2006, I was President and CEO of the Institute for
3 Defense Analyses, an organization that analyzes and makes recommendations on national
4 security policy matters. The statements made herein are based on my personal knowledge, as
5 well as on information provided to me in my official capacity as DNI, and on my personal
6 evaluation of that information.

7 2. The position of Director of National Intelligence was created by Congress in the
8 Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, §§ 1011(a) and
9 1097, 118 Stat. 3638, 3643-63, 3698-99 (2004) (amending sections 102 through 104 of Title I of
10 the National Security Act of 1947). Subject to the authority, direction, and control of the
11 President, the DNI serves as the head of the U.S. Intelligence Community^{1/} and as the principal
12 advisor to the President, the National Security Council, and the Homeland Security Council, for
13 intelligence matters related to national security. See 50 U.S.C. § 403(b)(1), (2). The
14 responsibilities and authorities of the DNI are set forth in the National Security Act, as amended.
15 See 50 U.S.C. § 403-1. These responsibilities include that “[t]he Director of National
16 Intelligence shall protect intelligence sources and methods from unauthorized disclosure.” 50
17 U.S.C. § 403-1(i)(1). By virtue of my position as the DNI, and unless otherwise directed by the
18 President, I have access to all intelligence related to the national security that is collected by any
19 department, agency, or other entity of the United States. Pursuant to Executive Order No.
20 12958, 3 C.F.R. § 333 (1995), as amended by Executive Order 13292 (March 25, 2003),
21 reprinted as amended in 50 U.S.C.A. § 435 (Supp. 2004), the President has authorized me to
22 exercise original TOP SECRET classification authority.

23 3. The purpose of this declaration is to address further, and in unclassified terms, an
24 inaccuracy contained in a prior submission by the Government. The Government first advised
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27 ¹ The “United States Intelligence Community” includes the offices, agencies, and
28 components set forth at 50 U.S.C. § 401a(4).

1 the Court of this issue in February 2009 in a public report and declarations setting forth the
2 results of a "declassification review" of the information over which privilege has been asserted
3 in this case. Details concerning the matter remain classified and cannot be set forth on the public
4 record. In February 2009, the Government submitted classified declarations that addressed this
5 issue, along with the overall results of the declassification review.

6 4. I have reviewed the public and *In Camera, Ex Parte* Declarations of then-DNI
7 Negroponte lodged in June 2006; the public and *In Camera, Ex Parte* Declarations of Lieutenant
8 General Keith B. Alexander, Director of the National Security Agency, also lodged in June
9 2006; the public Declaration of John F. Hackett of the Office of Director of National Intelligence
10 submitted in May 2006; and a copy of the classified "Sealed Document" that I understand was
11 inadvertently disclosed to the plaintiffs and then lodged with the Court at the outset of this case.
12 I have also reviewed the public and classified declarations submitted in February 2009 in
13 connection with the declassification review ordered by this Court. This includes the public and
14 classified declarations of John F. Hackett of the Office of Director of National Intelligence
15 submitted on February 27, 2009; the public and classified declarations of Joseph J. Brand of the
16 National Security Agency submitted on February 27, 2009; the classified Declaration of
17 Anthony J. Coppolino, Department of Justice, Civil Division; and the classified Declaration of
18 Andrea M. Gacki, Department of the Treasury, Office of Foreign Assets Control.

19 5. My review specifically included the information submitted to the Court that
20 addresses the inaccuracy contained in a prior submission in this case by the Government. As to
21 that particular issue, I concur with the conclusion stated by the Government in its
22 declassification review report that the inaccuracy at issue does not alter the classification
23 determinations made in that report by the ODNI and the NSA regarding information subject to
24 the state secrets privilege and the statutory privilege assertions in this case. Because discussion
25 of the details concerning this matter would require the disclosure of properly classified
26 information, I can make available to the Court for *in camera, ex parte* review additional
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classified details that address this issue further.

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

DATE: 14 Sept 2009 Dennis Blair

DENNIS C. BLAIR
Director of National Intelligence