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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE WRITS OF HABEAS CORPUS FILED BY
DETAINEES AT THE U.S. NAVAL STATION GUANTANAMO BAY, CUBA

DECLARATION OF JOHN F. HACKETT,
DIRECTOR, INFORMATION MANAGEMENT OFFICE,
OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE

I, JOHN F. HACKETT, hereby declare:

1. I am the Director of Information Management in the
Office of the Director of National Intelligence (ODNI).

The Information Management Office within ODNI is
responsible for policy and implementation guidance for
information management matters including information review
and release, records management, and classification. The
Information Management Office oversees systematic document
searches within the ODNI, and specifically the searches
conducted in compliance with Executive Order 13492.

2. In addition, under a written delegation of
authority pursuant to section 1.3(c) of Executive Order
12958, as amended, I hold original classification authority
at the TOP SECRET level. I am authorized, therefore, to
conduct classification reviews and to make original
classification and declassification decisions.

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3. I make the following statements based upon my personal knowledge and information provided to me in the course of performing my official duties.

4. The purpose of this declaration is to describe how the ODNI has responded to the Department of Justice's requests for information pursuant to Executive Order 13492.

5. Executive Order 13492 requires that the Attorney General, to the extent reasonably practicable, assemble all information in the possession of the Federal Government that pertains to any individual currently detained at Guantanamo Bay, Cuba. To assist in that effort, the ODNI issued a request to all Intelligence Community elements to provide the Task Force with all reasonably available information on each of the individuals currently detained at Guantanamo Bay.

6. As explained further below, ODNI also performed searches of those ODNI elements likely to maintain records related to the Guantanamo Bay detainees, which included the National Counterterrorism Center (NCTC) and ODNI elements that publish analytic products.

7. Congress created the position of the Director of National Intelligence ("DNI") in the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458,

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§§ 1011(a) and 1097, 118 Stat. 3638, 3643-63, 3698-99 (2004) (amending sections 102 through 104 of Title I of the National Security Act of 1947). Subject to the authority, direction, and control of the President, the DNI serves as the head of the United States Intelligence Community and as the principal advisor to the President for intelligence matters related to the national security. The DNI also serves as the Intelligence Advisor to the National Security Council and the Homeland Security Council. 50 U.S.C. § 403(b)(1), (2).

8. The responsibilities and authorities of the DNI are set forth in the National Security Act of 1947, as amended. These responsibilities include ensuring that national intelligence is provided to the President, heads of the departments and agencies of the Executive Branch, the Chairman of the Joint Chiefs of Staff and senior military commanders, and the Senate and House of Representatives and committees thereof. 50 U.S.C. § 403-1(a)(1). The DNI is charged with establishing objectives for the Intelligence Community, as well as determining the requirements and priorities for the collection, analysis, production, and dissemination of national intelligence by elements of the Intelligence Community. The DNI is also charged with managing and directing the tasking of

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collection, analysis, production, and dissemination of national intelligence. 50 U.S.C. § 403-1(f)(1)(A)(i) and (ii).

9. In addition, the National Security Act of 1947, as amended, states that "[t]he Director of National Intelligence shall protect intelligence sources and methods from unauthorized disclosure." 50 U.S.C. § 403-1(i)(1). Consistent with this responsibility, the DNI establishes and implements guidelines for the Intelligence Community for the classification of information under applicable law, Executive Orders, or other Presidential directives and for access to and dissemination of intelligence. 50 U.S.C. § 403-(i)(2)(A), (B).

10. Finally, the National Security Act of 1947, as amended, created an Office of the Director of National Intelligence. The function of this Office is to assist the DNI in carrying out the duties and responsibilities of the Director under the Act and other applicable provisions of law, and to carry out such other duties as may be prescribed by the President or by law.

11. The National Counterterrorism Center (NCTC) within the ODNI serves as the primary organization in the United States Government for analyzing and integrating intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism,

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excepting intelligence pertaining exclusively to domestic counterterrorism. NCTC also ensures that agencies, as appropriate, have access to and receive all-source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis and ensure that such agencies have access to and receive intelligence needed to accomplish their assigned activities.

12. In addition, NCTC serves as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support. In order to support this mission, NCTC maintains the Terrorist Identities Datamart Environment (TIDE), a classified database compiling U.S. Government intelligence information regarding known and suspected international terrorists. NCTC does not own any of the intelligence contained in TIDE; rather, it integrates the intelligence for watchlisting and information sharing purposes.

13. The ODNI and NCTC do not collect intelligence, rather, they produce analytical reports based on intelligence collected by the Intelligence Community and other agencies within the U.S Government. In order to comply with Executive Order 13492, ODNI performed searches

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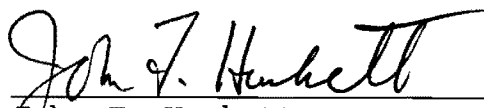
of analytic products created by the ODNI or NCTC, as well as entries in TIDE.

14. As a result of these searches, ODNI and NCTC located relevant documents and the majority of these documents already have been provided to the Task Force. Many of the documents produced by the ODNI are classified at the TOP SECRET level. However, as previously stated, the NCTC and ODNI do not collect intelligence information but rather integrate and analyze intelligence obtained by other agencies. As a result, the materials located by ODNI and NCTC are unlikely to contribute significant new information to the habeas cases currently pending. In addition, the use of any of this information in a court proceeding would require extensive coordination with the Intelligence Community element that initially collected the information.

* * * *

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

Executed this 7th day of May, 2009.



John F. Hackett
Director, Information Management Office
Office of the Director of National Intelligence