

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Valerie Plame Wilson, et al.,)
)
Plaintiffs,)
)
v.) Civil No. 07 CV 4595 (BSJ)
)
J. Michael McConnell, et al.,)
)
Defendants.)
_____)

DECLARATION OF RALPH S. DIMAIO
INFORMATION REVIEW OFFICER
NATIONAL CLANDESTINE SERVICE
CENTRAL INTELLIGENCE AGENCY

I, RALPH S. DIMAIO, pursuant to 28 U.S.C. § 1746,
hereby declare and state:

1. I am the Information Review Officer (IRO) for the
National Clandestine Service (NCS) of the Central
Intelligence Agency (CIA). I was appointed to this
position on 11 June 2007. I have held several senior,
operational, and administrative positions since joining the
CIA in 1983.

2. The NCS is the organization within the CIA
responsible for the conduct of foreign intelligence
collection activities through the clandestine use of human
sources.

3. As part of my official duties, I ensure that the release of CIA information relating to NCS equities is proper and does not jeopardize NCS interests, personnel, facilities, or intelligence activities, sources and methods. As the NCS/IRO, I am authorized to conduct classification reviews and to make original classification decisions to determine whether the unauthorized disclosure of CIA information reasonably could be expected to result in damage to the national security.

4. Through the exercise of my official duties, I am familiar with this civil action. I make the following statements based upon the requirements of Executive Order 12958, as amended, and information made available to me in my official capacity. I hold original classification authority at the TOP SECRET level.¹ Section 6.1 of Executive Order 12958 defines "national security" as "the national defense or foreign relations of the United States;" and defines "information" as "any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the United

¹ Executive Order 12958 was amended by Executive Order 13292. See Exec. Order No. 13292, 68 Fed. Reg. 15,315 (Mar. 28, 2003). All citations to Executive Order No. 12958 are to the Order as amended by Executive Order No. 13292. See Exec. Order No. 12958, 3 C.F.R. 333 (1995), reprinted as amended in 50 U.S.C.A. § 435 note at 180 (West Supp. 2006).

States Government." I am, therefore, authorized to conduct classification reviews and to make original classification and declassification decisions regarding national security information.

5. Section 1.1(a) of the Executive Order provides that information may be originally classified under the terms of this order only if the following conditions are met:

(1) an original classification authority is classifying the information;

(2) the information is owned by, produced by or for, or is under the control of the United States Government;

(3) the information falls within one or more of the categories of information listed in section 1.4 of this order; and

(4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security, which includes defense against transnational terrorism, and the original classification authority is able to identify or describe the damage.

Exec. Order 12958, § 1.1(a).

6. Original classification authority - Section 1.3(a) of the Executive Order provides that the authority to classify information originally may be exercised only by the President and, in the performance of executive duties, the Vice President; agency heads and officials designated

by the President in the Federal Register; and United States Government officials delegated this authority pursuant to section 1.3(c) of the Order. Section 1.3(c)(2) provides that TOP SECRET original classification authority may be delegated only by the President; in the performance of executive duties, the Vice President; or an agency head or official designated pursuant to section 1.3(a)(2) of the Executive Order.

7. In accordance with section 1.3(a)(2), the President designated the Director of the CIA as an official who may classify information originally as TOP SECRET.² Under the authority of section 1.3(c)(2), the Director of the CIA has delegated original TOP SECRET classification authority to me. Section 1.3(b) of the Executive Order provides that original TOP SECRET classification authority includes the authority to classify information originally as SECRET and CONFIDENTIAL.

8. Pursuant to section 2.2 of the Executive Order, the CIA prepared a classification guide to facilitate the proper and uniform derivative classification of

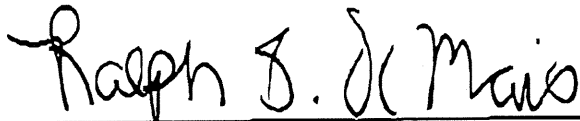
² Order of President, Designation under Executive Order 12958, 70 Fed. Reg. 21,609 (Apr. 21, 2005), reprinted in U.S.C.A. § 435 note at 192 (West Supp. 2006). This order succeeded the prior Order of President, Officials Designated to Classify National Security Information, 60 Fed. Reg. 53,845 (Oct. 13, 1995), reprinted in U.S.C.A. § 435 note at 486 (West 2006), in which the President similarly designated the Director of Central Intelligence as an official who may classify information originally as TOP SECRET.

information. The CIA's Director, Information Management Services, holds original classification authority and approved CIA's classification guide.

9. The information in the Wilson case was never declassified and is properly classified. The CIA cannot discuss specific information relating to this case in an unclassified environment. In order to best protect the security of the CIA's operations, preserve the confidential nature of intelligence sources, methods, and activities, and to maintain the current condition of U.S. foreign relations with particular countries, the CIA will submit an ex parte, in camera classified declaration to provide the Court with additional information.

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

Executed this 13 day of July, 2007.



Ralph S. DiMaio
Information Review Officer
National Clandestine Service
Central Intelligence Agency