

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STEVEN AFTERGOOD	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-1307 (RBW)
	)	
NATIONAL RECONNAISSANCE	)	
OFFICE	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF STEVEN AFTERGOOD**

1. My name is Steven Aftergood. I am employed by the Federation of American Scientists, a policy research and advocacy organization. I direct the Federation’s Project on Government Secrecy, which aims to promote public access to government information, and to overcome inappropriate or unlawful barriers to such access. In the course of my work I have studied the intelligence budget process on an unclassified basis for over a decade. I am the plaintiff *pro se* in this Freedom of Information Act proceeding, which seeks disclosure of unclassified portions of the Fiscal Year 2006 Congressional Budget Justification Book for the National Reconnaissance Office (NRO).

2. This sworn declaration is offered in support of my argument that defendant NRO has improperly withheld the requested budget document by invoking the exemption for “operational files.”

3. Based on my study of the intelligence budget process, I know that the FY 2006 NRO Congressional Budget Justification Book has been disseminated in support of the agency's budget request, as described below.

4. Distribution of this document is tightly controlled. Multiple copies are produced, but in limited numbers, and they are distributed in hard copy only.

5. The annual NRO Budget Justification Books are disseminated, both within the NRO and outside of it. So, for example, a copy goes to the NRO Director and to the NRO Deputy Director, among other agency officials.

6. Outside of NRO, but within the executive branch, copies are provided to the Office of Management and Budget (OMB) and to the Office of the Director of National Intelligence.

7. And, of course, a copy of the NRO Congressional Budget Justification Book goes to Congress. On November 30, 2005 I received a letter from Senator Ron Wyden, who confirmed that the Senate Select Committee on Intelligence, of which he is a member, is in receipt of the FY 2006 Budget Justification Book for the NRO. Senator Wyden's letter is attached to this Declaration.

I hereby certify under penalty of perjury that the contents of this declaration are true and correct to the best of my knowledge and belief.

Executed this   5th   day of December, 2005.

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STEVEN AFTERGOD

RON WYDEN  
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Steven Aftergood  
Federation of American Scientists  
1717 K Street NW, Suite 209  
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Dear Mr. Aftergood:

Thank you for your inquiry concerning the Fiscal Year 2006 Congressional Budget Justification Book for the National Reconnaissance Office (NRO).

I understand that you have requested the unclassified portions of the 2006 NRO budget justification book under the provisions of the Freedom of Information Act, and that NRO has denied the request claiming that this material is an "operational file."

As you know, the NRO budget justification book is classified and I cannot discuss its contents.

I can, however, confirm that the Senate Select Committee on Intelligence, of which I am a member, is in receipt of the FY 2006 Budget Justification Book for the NRO. Committee staff have informed me that this book is currently in the Committee's possession, that this fact is unclassified, and that there are no Committee rules which prevent me from disclosing the fact that the Committee is in possession of the book.

It would seem appropriate for this document to be subject to review under the Freedom of Information Act. Of course large portions of the document will be exempt from disclosure as they are properly classified.

Sincerely,



RON WYDEN  
United States Senator

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