

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT MOORE, <i>et al.</i> ,)	
)	
Plaintiffs.)	
)	
v.)	Case No. 20-1027 (RCL)
)	
CENTRAL INTELLIGENCE AGENCY,)	
)	
Defendant.)	
_____)	

AFFIDAVIT OF KEVIN SHIPP

Kevin Michael Shipp hereby swears and affirms:

Qualifications

1. I am a former Central Intelligence Agency (CIA) officer, intelligence and counterterrorism expert. I held several high-level positions in the CIA. My assignments included protective agent for the Director of the CIA, counterintelligence investigator searching for moles inside the CIA, overseas counterterrorism operations officer, internal security investigator, chief of training for the CIA federal police force, and polygraph examiner.
2. I acted as the Program Manager for the Department of State, Anti-Terrorism Assistance Global Police training program. I received the CEO award my performance as Manager.
3. I am the recipient of two CIA Meritorious Unit Citations, three Exceptional Performance Awards, and a Medallion for high-risk overseas operations. I hold a BS degree in Biology, and a Master’s level degree in Forensic Psychophysiology.

4. During my tenure as an investigator in the CIA's Counterintelligence Center, Counterespionage Group (CIA/CIC/CEG), which dealt with some of the most sensitive cases in the CIA, I held classification authority. I have been trained and certified on classification and declassification guidelines.

5. I authored two books, *From the Company of Shadows*, Ascent Publishing, LLC, 2012, and *In From The Cold. CIA Secrecy and Operations*, Ascent Publishing, LLC, 2010.

Opinion

6. Based on Executive Order ("E.O.") 12356, which regulates CIA classification and declassification, documents relating to the fate of Korean War US prisoners ("POWs"), including those transferred from North Korea to Russia or China, can be declassified and released to the plaintiffs in this case.

7. Section 3.3 of E.O. 12356, *Automatic Declassification*, is designed to provide the American public the right to know what their government is doing. It is applicable in this case. This E.O. makes it mandatory to release records that are 50 years or older, stating that these documents "shall be automatically declassified" unless release "should clearly and demonstrably be expected to reveal... the identity of a confidential human source." No national security exemption exists for documents 50-years-old or older.

8. The CIA is also regulated by Section 3.3 (a) of this E.O., which applies to declassification and release of 25-year-old records with "permanent historical value." The records that plaintiffs are requesting fit into this category. Section 3.3 (a) provides that these records "shall be automatically declassified." The CIA may postpone the release if it can "clearly and demonstrably" show that disclosure would "reveal the identity of a

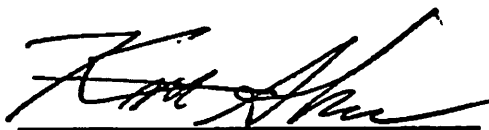
confidential human source," or "cause serious harm to relations between the United States and a foreign government, or to ongoing diplomatic activities of the United States."

9. Documents relating to the fate of POWs, including those transferred to Russia or China, can clearly be released, at least in part, without revealing the identity of any confidential source. Release would cause no harm to international relations or ongoing diplomatic activities.

10. Given the age of these records, there is no longer any justification for continuing to treat them as "operational records" under 50 U.S.C. § 3141.

11. The American public has compelling interest in knowing the final state of these American POWs and heroes, who gave up their freedom and possibly their lives for their country. These records have a "permanent historical value."

I hereby declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.



Kevin M. Shipp

8/14/2022
Date

Exhibit A