

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, et al.,
Plaintiffs,
v.
Central Intelligence Agency,
Defendant.

DECLARATION OF MICHELE L. MEEKS
CHIEF, PUBLIC INFORMATION PROGRAMS DIVISION,
CENTRAL INTELLIGENCE AGENCY

I, MICHELE L. MEEKS, hereby declare and state:

I. DECLARANT BACKGROUND

1. I am the Chief, Public Information Programs Division ("PIPD") in the Office of the Chief Information Officer, Central Intelligence Agency ("CIA"). I was assigned to this position in April 2012, and was simultaneously appointed as the CIA Information and Privacy Coordinator ("IPC"). Prior to these dual assignments, I served as the Acting Chief, PIPD, from February to April 2012, and Deputy Chief, PIPD, from July 2011 to April 2012.

2. In my capacities as Chief of PIPD and the IPC, I am responsible for managing the Freedom of Information Act ("FOIA"), Privacy Act ("PA"), and Executive Order 13,526 (E.O. 13,526) Mandatory Declassification Review ("MDR") programs in

the CIA. These responsibilities include directing searches of CIA records systems pursuant to public requests for records under these programs, and coordinating the reviews of any records retrieved in such searches. As part of my official duties, I ensure that the Agency administratively processes FOIA, PA, and MDR requests, including the search, retrieval, analysis, review, redaction, and release of documents, in accordance with the law and as efficiently as possible with the personnel and resources available.

3. Through the exercise of my official duties, I am familiar with this litigation. The purpose of this declaration is to provide estimate dates of completion for the productions directed by the Court in its 3 August 2012 Order and Memorandum Opinion ("Court's Order").

II. ITEM 7 SEARCH

4. Pursuant to the Court's Order, the CIA must conduct a search for "all records on or pertaining to any search conducted regarding any congressional committee requests pertaining to Vietnam War POW/MIAs, in all systems likely to contain responsive documents, and provid[e] plaintiffs with all non-exempt records and photographs." Due to the time frame of the request, these records would likely be contained in the Agency's archived records. A preliminary search of the electronic index for the archived records identified over 1000 hard copy file

folders that could contain responsive documents. Archived records require a more expansive review process as explained in greater detail in paragraph 11 below. Consequently, this search and production should be complete within 6 months, in or around February 2013.

III. MISSING ATTACHMENTS

5. The Court's Order directs that the CIA "must show that it has conducted a reasonable good-faith search for the missing attachments, enclosures, photographs, and reports" referenced in 14 previously released documents. This search and production should be complete within the next 2 weeks, on or before 7 September 2012.

IV. NAMES & PHOTOS

6. With respect to the three identified documents for which Plaintiff, Roger Hall, challenged the CIA's Exemption 6 withholdings, the Court directed the CIA to release previously withheld names and photos.¹ This production should be complete within the next 2 weeks, on or before 7 September 2012.

V. ITEM 5 SEARCHES

7. The Court's Order directs the CIA to search CADRE² and its archived records systems for the remaining 1677 names provided by the Plaintiffs.³ As explained in the previously

¹ The Court's Order specifically exempts the names of CIA employees. See 8/3/12 Order at 39.

² CADRES stands for "CIA Automatic Declassification and Release Environment".

submitted Koch Declaration, the CIA's search for records in response to a FOIA request is a multi-phase process. When potentially responsive documents are identified, an officer must review the documents to determine whether they, in fact, respond to the request. After duplicates and non-responsive documents are removed, and the universe of responsive documents are identified, those documents must be reviewed to determine which FOIA exemptions apply, and whether non-exempt information can reasonably be segregated from exempt information. In the following paragraphs, I will provide an estimate date of completion for the responsiveness review only. Due to the volume of documents involved, it is impossible to provide an estimate on the time it will take to review for exemptions without knowing the complete universe of responsive documents.

8. The exemption review process is very time consuming. Each document must be carefully reviewed, line-by-line, not only for deliberative and attorney-client communications, attorney work product, and Privacy Act information, but also for information that is subject to protection under Executive Order 13526, as well as the statutory privileges that Congress provided for intelligence sources and methods in the National Security Act, 50 U.S.C. § 403-1, and for the names, titles, organization, and functions of CIA personnel in the CIA Act, 50

³ The CIA previously searched for records on 34 of the original 1711 names submitted.

U.S.C. § 403g. Reviewing and redacting documents for these national security-related privileges is a very tedious, time-consuming task. Given the nature of the CIA's work, the vast majority of the Agency's documents contain at least one piece of information that must be protected under one or more of these privileges. As a result, the total time for production for the following Item 5 searches will extend some time past the search estimates.

9. The following search estimates are made in good faith and based upon my experience, and in consultation with the vast experience of CIA officers responsible for conducting such searches.

A. CADRE

10. 136,835 documents have been identified in the CADRE database as potentially responsive matches to the names submitted by the Plaintiffs. To assign any staff solely to conduct this review would severely impact division resources. At any given time, the Agency has hundreds of pending matters that require attention from the information review office, each with competing deadlines that must be balanced. Nonetheless, assigning one staff person, dedicated solely to conduct the review in this matter, it would take 548,000 minutes or 4.7

years (based on 8-hour days and 240 working days a year) to complete the responsiveness review alone.⁴

B. ARCHIVED RECORDS

11. The CIA's archived records subject to search in this case include all archived files from the Director's Area, the Directorate of Intelligence, the Directorate of Science and Technology, and the Directorate of Support, as well as the archived records of the National Clandestine Service ("NCS"). A recent search of the electronic index for the archived records indicated that there were 16,545 hard copy file folders that could contain responsive records. As explained in the previously submitted Cole Declaration, file folders vary in size, but can include over 100 individual documents inside. Thus, for any potentially responsive file folder in the archived records, CIA personnel would have to retrieve the relevant boxes, unseal them, locate the correct file folders identified by the electronic index, and then manually review all of the documents in each folder merely to identify archived documents that might be responsive to Plaintiffs' request. Assuming the assignment of one staff person full time, a responsiveness review of all 16,545 folders would take 661,800 minutes.⁵

⁴ This calculation assumes a review time of 2 minutes per page on 137,000 two-page documents.

⁵ This figure is based upon an estimate of 40 minutes per box - 30 minutes to locate, pull, tape and return the box, and 10 minutes to locate the folder and conduct a preliminary determination of responsiveness. The bases for this estimate derives from previous reviews of archived boxes.

Assuming an 8 hour work day, and 240 working days per year, that equates to 1,379 days, or approximately 5.7 years to complete a responsiveness review for those records. As noted above, this estimate does not include the time to perform the exemption review process which will vary depending upon the number of responsive documents identified. Additionally, as previously stated, assigning even one staff person solely to complete this review will impact the division's already strained resources.

VI. ITEM 5 REFERRALS

12. The Court's Order directs that the CIA take affirmative steps to follow-up with the agencies to which documents were referred following the supplemental Item 5 search. The documents were referred to the National Security Agency and the United States Department of Defense ("DOD") for direct response to the Plaintiffs. The CIA is currently taking steps to follow-up with those agencies, and was informed that DOD expects to have its response to Plaintiffs within 30 days.

* * * * *

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

Executed this 23rd day of August, 2012.



Michele L. Meeks
Chief, Public Information Programs Division
and Information & Privacy Coordinator,
Central Intelligence Agency