I, George Herring, declare:

1. I am a Professor of History at the University of Kentucky and Acting Director of the Patterson School of Diplomacy. My field of specialization is the United States' foreign relations, and I have written extensively about and regularly teach courses on the Vietnam War. I am the author of numerous books, articles, and essays concerning the Vietnam War, including, *America's Longest War: The United States and Vietnam, 1950-1975* (4th ed., 2002); *The Secret*

2. From 1990 to 1996, I served on the Central Intelligence Agency’s (CIA) Historical Review Panel, which was comprised of prominent historians and political scientists from academia. The Panel was created by the CIA to advise the Director of Central Intelligence on the Agency’s declassification program by providing advice and recommendations regarding how to proceed and how to prioritize document releases. I make this declaration in support of Plaintiff Larry Berman’s Cross-Motion for Summary Judgment and Opposition to the Central Intelligence Agency’s Motion for Summary Judgment. I have personal knowledge of the matters stated herein, and would and could competently testify to them if called as a witness.

3. I have reviewed many historic, top-level intelligence documents created by the CIA, including Presidential Daily Briefs (“PDBs”) created during President Lyndon B. Johnson’s administration and released by the CIA in sanitized form pursuant to the mandatory declassification review process. These include PDBs from August 7, 1965; May 13, 1967; May 16, 1967; May 27, 1967; June 5, 1967; June 6, 1967; June 7, 1967; June 8, 1967; June 9, 1967; and April 1, 1968.

4. The PDBs that I reviewed contained concise reporting on major, contemporaneous international developments assembled from various sources such as satellite photographs, signal intercepts, Department of State cables, individual recruits and open source intelligence, which includes published and transcribed news accounts of foreign events, public comments by foreign leaders and other dignitaries and other publicly available information. PDBs often contain less detailed descriptions of material found in other top level intelligence such as Central Intelligence Bulletins.

5. The PDBs that I reviewed do not contain policy recommendations; rather, they report facts designed as an intelligence aid to the President and executive branch officials who do set U.S. policy toward other countries.

6. During my tenure on the Panel, the Panel made specific recommendations to the CIA that CIA records over 35 years-old, including presidential briefings, as well as other minutes
of staff meetings and memoranda of conversations contained in the office files of the Director of
Central Intelligence be declassified and made public through the National Archive Records
Administration and/or the CIA’s Center for the Study of Intelligence. This recommendation was
based on the collective judgment of the Panel that factual material in the PDBs, and other
documents over 35-years old can be released after items of continued sensitivity or source and
method information are redacted. Even with respect to sources and methods, however, the Panel
recognized that the sensitivity of such information diminishes over time but the historical
significance of such information does not, and therefore some provision should be made for the
eventual release of this information as well. The Panel’s recommendation is memorialized in the
March 6, 1996 memorandum from the Panel to the Director of Central Intelligence, a true and
correct copy of which is attached to this Declaration as Exhibit 1.

7. Similar recommendations were made by the U.S. State Department’s Historical
Advisory Committee on Diplomatic Documentation and are contained in final reports which are
matters of public record, such as those attached as Exhibits 28 and 29 to the Declaration of
Thomas Blanton (U.S. State Department Historical Advisory Committee on Diplomatic
Documentation for January 1-December 31, 2002, available on the Internet at
http://www.fas.org/sgp/advisory/state/hac02.html and U.S. State Department Historical Advisory
Committee on Diplomatic Documentation for January 1-December 31, 2001, available on the
Internet at http://www.fas.org/sgp/advisory/state/hac01.html).

8. The 10 declassified and released PDB’s of President Johnson’s administration,
which I have reviewed and which are attached to the Berman Complaint, are representative of the
type of information contained in other PDBs I have reviewed.

9. Based on my review of PDBs, historic PDBs — such as the ones sought by
Professor Berman here, which are 40 or so years old — contain factual material that can be released
after items of continued sensitivity or source and method information are redacted. Such released
have already taken place with the 10 redacted PDBs from the Johnson administration that are
attached to Plaintiff Larry Berman’s Complaint, which I have reviewed, and the several thousand
Central Intelligence Bulletins that are now a matter of public record.
10. Moreover, the claim that these documents cannot be released in redacted form without harm to national security or without somehow disclosing information that could lead to the disclosure of a source or method is belied by the enormous amount of historic top-level intelligence and executive branch information during this time that is already publicly available, some of which includes sources and methods from that point in history.

11. Further, my review of PDBs demonstrates that there is no danger to the deliberative process caused by non-recommendatory documents such as PDBs prepared during the Johnson Administration. Indeed, already publicly available and declassified documentation includes far more sensitive intelligence information and, among other things, the actual deliberations of our country’s top policymakers on an array of foreign policy issues.

12. For example, the now declassified study by Harold P. Ford, titled *CIA and the Vietnam Policymakers: Three Episodes 1962-1968*, available on the CIA’s own website, which describes in exacting detail the advice given to President John F. Kennedy and President Lyndon B. Johnson by their top advisers, and information conveyed by the CIA and the Director of Central Intelligence. This study includes direct quotes from minutes, notes, intelligence reports, estimates and many other executive branch and intelligence community documents. This study is publicly available on the Internet at [http://www.odci.gov/csi/books/vietnam/epis2.html](http://www.odci.gov/csi/books/vietnam/epis2.html).

13. In addition, the U.S. State Department’s Bureau of Intelligence and Research has also published an in depth study titled *Vietnam 1961-1968*, which includes extensive discussion of intelligence subjects through the 1960s and an annex that presents excerpts or the entire contents of documents that are referred to in the paper. These include once secret excerpts of the highest level intelligence products prepared by the intelligence community on Vietnam from the period 1961-1968, including daily intelligence memoranda on Vietnam. The study is available on the Internet at [http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB121/index.htm](http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB121/index.htm).

14. The *Foreign Relations of the United States (FRUS)* volume on Vietnam concerning the period when President Johnson decided to intervene in the fighting in South Vietnam provides an extensive collection of once highly secret State Department cables, memoranda to the president, and records of presidential meetings disclosing the information and policy advice that

15. Given the vast amount of historic information that has been made publicly available from the Kennedy, Johnson and Nixon administrations without harm to national security or the Presidential deliberate process, any claim that disclosure, in redacted form if necessary, of three 40 year-old PDBs from the Johnson administration would be harmful to present day national security interests or harm the deliberate process is simply not credible. On the other hand, disclosure of such historic information is necessary for an accurate and thorough record of American history.

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

Dated: 4/29/05

George C. Herring