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10 Attorneys for Plaintiff Larry Berman

11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 LARRY BERMAN,

15 Plaintiff,

16 v.

17 CENTRAL INTELLIGENCE AGENCY,

18 Defendant.

) No. S-04-2699 DFL DAD

) **DECLARATION OF BILL MOYERS IN**  
 ) **SUPPORT OF LARRY BERMAN'S**  
 ) **CROSS-MOTION FOR SUMMARY**  
 ) **JUDGMENT AND IN OPPOSITION TO**  
 ) **THE CENTRAL INTELLIGENCE**  
 ) **AGENCY'S MOTION FOR SUMMARY**  
 ) **JUDGMENT**

) Time: 10:00 a.m.

) Date: June 1, 2005

) Courtroom: 7 (Hon. David F. Levi)

21 I, Bill Moyers, declare:

22 1. I worked as Special Assistant to President Lyndon Johnson from 1963-1967 and as  
 23 White House Press Secretary from 1965-1967. I make this declaration in support of Plaintiff  
 24 Larry Berman's Cross-Motion for Summary Judgment and Opposition to the Central Intelligence  
 25 Agency's Motion for Summary Judgment. I have personal knowledge of the matters stated herein,  
 26 and would and could competently testify to them if called as a witness.  
 27  
 28

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1 2. In my capacity as Special Assistant to President Johnson, I frequently had the  
2 opportunity to review Presidential Daily Briefs ("PDBs") from the period 1963 to 1967.

3 4. The PDBs that I reviewed contained reporting on contemporaneous international  
4 developments assembled from various sources such as satellite photographs, signal intercepts,  
5 individual recruits, Department of State cables and open source intelligence, which includes  
6 published and transcribed news accounts of foreign events, public comments by foreign leaders  
7 and other dignitaries and other publicly available information. My understanding was that these  
8 were not draft reports, but were factual information based on intelligence.

9 5. During the time that I served in the Johnson Administration, PDBs were prepared  
10 by CIA analysts. They were provided to the President and other senior executive branch officials  
11 for review. The PDBs that I reviewed did not contain policy recommendations; rather, they  
12 reported facts designed as an intelligence aid to the President and executive branch officials.

13 7. The 10 declassified and released PDB's from President Johnson's administration  
14 (dated August 7, 1965; May 13, 1967; May 16, 1967; May 27, 1967; June 5, 1967; June 6, 1967;  
15 June 7, 1967; June 8, 1967; June 9, 1967; and April 1, 1968), which I have reviewed, are  
16 representative of the type of information contained in other PDBs I read during my tenure as  
17 Special Assistant to the President.

18 8. In my capacity as Special Assistant to the President and as White House Press  
19 Secretary, I also reviewed other top-level intelligence reports, including the Central Intelligence  
20 Bulletins ("CIBs"). I recall that much of the same type of information as contained in the PDBs  
21 was contained in the CIBs.

22 9. Based on my review of the above PDBs, I see no reason why information that was  
23 sensitive at the time should not reviewed and considered for public release today.

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

25  
26 Dated: April 25, 2005

  
Bill Moyers