

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JACOB E. ABILT, A PSEUDONYM)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:14-cv-1031
)	GBL/IDD
JOHN O. BRENNAN IN HIS)	
OFFICIAL CAPACITY AS DIRECTOR)	
OF THE CENTRAL INTELLIGENCE)	
AGENCY)	
)	
Defendant.)	
)	
)	

**DECLARATION OF MARTHA M. LUTZ
CHIEF OF THE LITIGATION SUPPORT UNIT
CENTRAL INTELLIGENCE AGENCY**

I, MARTHA M. LUTZ, hereby declare and state:

1. I am the Chief of the Litigation Support Unit of the Central Intelligence Agency ("CIA" or "Agency"). I have held this position since October 2012. Prior to assuming this position, I served as the Information Review Officer ("IRO") for the Director's Area of the CIA for over thirteen years. In that capacity, I was responsible for making classification and release determinations for information originating within the Director's Area, which includes, among other offices, the Office

of the Director of the CIA, the Office of Congressional Affairs, and the Office of General Counsel. I have held other administrative and professional positions within the CIA since 1989.

2. As the Chief of the Litigation Support Unit ("LSU"), I am currently responsible for the classification review and protection of records and information originated by the CIA, or otherwise implicating CIA interests, that may be the subject of discovery in civil litigation involving the CIA, or potentially released pursuant to public requests for information under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a ("Privacy Act"). In this position, I am also responsible for reviewing proposals for releasing or withholding CIA information pursuant to the Federal Rules of Criminal Procedure and the Classified Information Procedures Act ("CIPA"), 18 U.S.C. App. 3. As part of my official duties, I ensure that any determinations regarding the public release or withholding of any such records or information are proper and do not jeopardize the national security by disclosing classified intelligence activities, methods, operational targets, or endanger United States government personnel, facilities, or sources.

3. I am a senior CIA official and hold original classification authority at the TOP SECRET level under written

delegation of authority pursuant to section 1.3(c) of Executive Order No. 13,526, 75 Fed. Reg. 707 (Jan. 5, 2010), reprinted in 50 U.S.C.A. 435 note at 268 (West Supp. 2012) ("E.O. 13526").

This means that I am authorized to assess the current, proper classification of all CIA information, up to and including TOP SECRET information, based on the classification criteria of E.O. 13526 and applicable regulations. I am also authorized to make original classification and declassification decisions. This classification and declassification authority extends to all CIA information, including that belonging to the National Clandestine Service.

4. The National Clandestine Service ("NCS") is the organization within the CIA responsible for conducting the CIA's foreign intelligence and counterintelligence activities. As the Chief of the LSU, I am authorized to assess the current, proper classification of NCS information based on the classification criteria of E.O. 13526.

5. I am submitting this declaration in support of the Government's Motion to Stay Proceedings in the above captioned matter. Through the exercise of my official duties, I have become familiar with this litigation, and the information described in this declaration. I have read the Complaint filed in this case, the Government's Motion to Stay Proceedings, as well as reviewed the Agency's Equal Employment Opportunity

("EEO") Report of Investigation ("ROI") regarding Plaintiff's causes of action before this Court. I make the following statements based upon my personal knowledge and information made available to me in my official capacity.

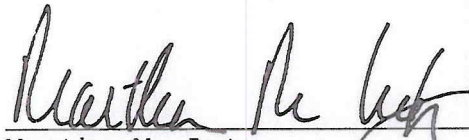
6. Pursuant to Executive Order 12958, Plaintiff's job and work assignments while he was assigned to the NCS beginning in May 2008 were covert, and remain properly classified, as are those of his coworkers and his supervisors. Even his affiliation with the CIA while assigned to the NCS was covert¹, as is that of his coworkers and supervisors' current affiliation with the Agency. Consequently, a significant portion of the documents related to his assignment with the NCS that would potentially be subject to discovery are currently and properly classified. This not only includes the portions of Plaintiff's personnel file corresponding to his time assigned to the NCS, but also, in various amounts, the substantive portions of the job descriptions and qualifications required for the positions Plaintiff and his coworkers and supervisors held; Plaintiff's annual performance evaluations; training courses he attended; weekly performance feedback meeting notes; travel; relocation; assignment; compensation records; as well as, a majority of the

¹ Although Plaintiff's covert affiliation to the Agency while he was assigned to the NCS is no longer classified, any and all aspects of cover sources and methods, as well as his assignments, positions and duties while covert remains classified.

documents pertaining to any administrative and disciplinary actions, including the Agency's Equal Employment Opportunity ("EEO") Report of Investigation ("ROI") related to Plaintiff's causes of action before this Court. Similarly, the documents relating to the CIA's policies and procedures regarding officer selection, assignment, placement, performance qualifications and compensation packages for overseas operational assignments are also currently and properly classified. The potential disclosure of the significant amount of classified information that would be subject to discovery in this case could reasonably be expected to cause serious and in some cases exceptionally grave damage to the national security.

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

Executed this 22nd day of August 2014.

A handwritten signature in dark ink, appearing to read 'Martha M. Lutz', is written over a horizontal line.

Martha M. Lutz,
Chief of the Litigation Support Unit,
Central Intelligence Agency