

**CONGRESSIONAL REFERENCE**  
**TO THE**  
**UNITED STATES COURT OF FEDERAL CLAIMS**

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**Congressional Reference No. 98-887 X**

<b>RICHARD M. BARLOW,</b>	)	
<b>of Santa Fe, New Mexico,</b>	)	
	)	<b>(Judge Bruggink)</b>
<b>v.</b>	)	
	)	
<b>THE UNITED STATES</b>	)	

**DECLARATION OF CHARLES A. BURKE**

I, Charles A. Burke, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration, unless otherwise specifically stated. If called upon as a witness, I could and would competently testify as to the following. I submit this declaration in response to the declaration of George J. Tenet, which I understand was submitted by the government in support of their motion for a protective order to prevent the production of certain classified documents to plaintiff in this lawsuit.

2. I was employed by the Central Intelligence Agency ("CIA") from 1965 to 1994. From 1982 to 1991, I was the Chief of the [REDACTED] Division of the Office of Scientific and Weapons Research in the Directorate of Intelligence at the CIA.<sup>1</sup> [REDACTED]

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<sup>1</sup> In 1991, I became the Deputy Director of the Office of Scientific and Weapons Research at the CIA.

[REDACTED]

[REDACTED]

3. During this time, I possessed an SCI security clearance, and I still possess this clearance today. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. I supervised Richard Barlow when he was employed by the CIA as a proliferation-intelligence officer. Mr. Barlow was thought of as one of the CIA's top experts [REDACTED] and was a superb investigator.

[REDACTED]

[REDACTED]

[REDACTED] I recall that Mr. Barlow received a commendation for his work [REDACTED]

5. I have reviewed the Declaration of Richard Barlow dated August 12, 1999. In paragraph 3 of his declaration, Mr. Barlow describes a 1987 top secret Congressional briefing by the CIA and the State Department on [REDACTED] Mr. Barlow came to me after the briefing described in paragraph 3 and told me that he was concerned that General Einsel (who was the CIA's National Intelligence Officer for Proliferation) had lied to Congress. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Based on what I knew at the time, I agreed with Mr. Barlow that General Einsel had provided false testimony.

6. As background, in approximately 1984 or 1985, then Director of Central Intelligence William Casey decreed that the only person from the CIA who was permitted to testify before Congress with regard to Pakistan's nuclear weapon's program was General Einsel.

[REDACTED]  
[REDACTED]  
[REDACTED]

7. I was very concerned that Congress was not being provided complete and accurate information by the National Intelligence Officer and his assistant. My (and Mr. Barlow's) concerns were shared by others in the intelligence community, including the Deputy Director of Intelligence, [REDACTED]. One of my main concerns was that the second requirement for certification under the Pressler Amendment - [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] My request was ignored.

8. I also attended the July 1989 House Foreign Affairs Committee Subcommittee briefing concerning Pakistan referenced by Mr. Barlow in paragraph 10 of his declaration. While

I am unaware of any intentional attempt by [REDACTED] to be evasive during this briefing, I recall that Congressman Solarz indicated that he was concerned that [REDACTED] testimony was evasive, as Mr. Barlow states in his declaration.


9. In or around the summer of 1992, the Office of Congressional Affairs at the CIA contacted my boss because the Senate Select Committee on Intelligence ("SSCI") wanted someone to brief staffers of that committee regarding the charges that Mr. Barlow had made regarding the CIA's withholding of information from the Congress. I was chosen to speak on behalf of the CIA. George J. Tenet, who is now the Director of Central Intelligence, was at that time the Staff Director for SSCI. I told Mr. Tenet and the other staffers present at the meeting that William Casey had issued an edict that no one but Einsel was to testify before Congress on behalf of the CIA concerning Pakistan's nuclear weapons program, and I indicated my concerns that complete and truthful information was being controlled. I answered the staffers' questions for over an hour. After the meeting, I did not hear anything else from SSCI on this issue.

10. In his declaration, Mr. Tenet summarizes that the CIA Inspector General's report "concluded that no one at CIA or the NIC ever deliberately provided false or misleading information to Congress regarding Pakistan's nuclear program." (Tenet Decl. ¶ 17.) I was interviewed in the course of this investigation and attempted to tell the investigator what I knew concerning the withholding of information from Congress. My impression was that the investigator did not want to hear what I was saying. [REDACTED]

11. I disagree with Mr. Tenet's assertions in his declaration that national security would somehow be jeopardized by permitting Mr. Barlow, his counsel and the Court to have access to the information he has requested concerning Pakistan's nuclear weapons program and

the ability of F-16's to serve as a nuclear delivery device. In my assessment, as the former Chief of the [REDACTED] Division of the CIA, there are no legitimate "sources and methods" concerns here, where, as I understand it, Mr. Barlow and his counsel, Paul Warnke, possess SCI-level security clearances; Mr. Barlow at one time possessed the [REDACTED] access; and there are procedures through which the documents can be made available to Mr. Barlow, Mr. Warnke and the Court for classified review.

I declare under penalty of perjury of the laws of the United States of America that the  
foregoing is true and correct. Executed this 22nd day of March, 2000.

  
Charles Burke