IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

US RIGHT TO KNOW,)
)
Plaintiff,)
)
v.) No.1:23-CV-1055 (DJN)
)
OFFICE OF THE DIRECTOR OF NATIONAL)
INTELLIGENCE,)
)
Defendant.)
)

DECLARATION OF JAMES E. ERDMAN III

I, James E. Erdman III, do hereby declare and state as follows:

1. I am over the age of 18 years old, and otherwise competent to testify. The information contained in this declaration is made on personal knowledge. I am not a party to this case, nor am I employed by or compensated by either party.
2. I was employed by the Central Intelligence Agency (CIA) as an Operations Officer and senior manager from 2013 until my retirement on June 30, 2026.
3. I hold a Bachelor of Science degree in Biology, with a minor in Chemistry, from Western Oregon University. My undergraduate research was in phylogenetics, under the supervision of Dr. Sarah Boomer. That work involved the purification and characterization of bacterial genomes of heat-resistant bacteria, the associated laboratory procedures, and sequence analysis using the Basic Local Alignment Search Tool. I have conducted reverse transcription polymerase chain reaction testing.

4. I am further familiar, in a professional capacity, with gas chromatography, liquid chromatography, mass spectrometry, the enzyme-linked immunosorbent assay, and related laboratory and analytical techniques.

5. On April 8, 2025, the Director of National Intelligence (DNI) established the Director's Initiatives Group (DIG). I joined the DIG in April 2025, upon authorization of a joint duty assignment in that month, and I worked for the DIG from its inception until its dissolution in January 2026.

6. The DIG was comprised of inter-agency personnel, including personnel of the CIA and the Defense Intelligence Agency (DIA).

7. My investigative work while at the DIG focused on the origin of the COVID-19 pandemic and related life sciences and gain-of-function matters. This investigative work required collaboration with various intelligence agencies, including the CIA and DIA.

8. As an Operations Officer and senior manager of the CIA I reviewed finished intelligence products in the ordinary course of my duties over approximately thirteen years. The products I reviewed during my assignment to the DIG concerned the subjects described in the preceding paragraph.

9. I received annual training in derivative classification and in original classification authority.

10. I personally reviewed redactions proposed on products concerning COVID-19, and on other products, that were being considered for public release.

11. In conducting investigations for the DIG I made use of, and oversaw the use of, the Data Analysis Tool, the same system used to retrieve documents in response to requests under the Freedom of Information Act.

12. In the course of my normal duties as an Operations Officer at the CIA and as a member of the DNI's DIG, I regularly reviewed finished intelligence products of the kinds described in the Declaration of Rebecca M. Flowers, ECF No. 27-2, ¶ 11.b.1.

13. Reports and analytic products of those kinds are authored in a standard format. That format consists of a classification banner and portion markings applied paragraph by paragraph; a title; a date of publication and a product serial; key judgments or an executive summary; a scope note stating what the product examines; a body or discussion in which assertions drawn from reporting carry superscript reference numbers; source reference citations presented as sequentially numbered endnotes following the body; and, where used, source descriptors within the body, a source summary statement, a tearline version, and charts, graphics and appendices.

14. Of the elements described in the preceding paragraph, the following are prescribed by Intelligence Community Directive 206, Sourcing Requirements for Disseminated Analytic Products, dated January 22, 2015, which supersedes the directive of the same number issued October 17, 2007. Section D.2 provides that every disseminated version of a covered analytic product shall contain sourcing information, except in accordance with Sections D.4 and D.7. Section D.3 provides that the presentation of sourcing information shall be in the form of source reference citations, appended reference citations, source descriptors, and source summary statements. Section D.3.a requires that covered products contain source reference citations, and Section D.3.a(1) provides that those citations be presented as sequentially numbered endnotes that correlate to superscript numbers in the main body of the product. Section D.3.c provides that a source descriptor should be included in the main

body of the text, and that if it is not, a source descriptor shall be included in the source reference citation. Section D.3.d provides that source summary statements are strongly encouraged.

15. The remaining elements described in paragraph 13, including the classification banner, the title, the date of publication and product serial, the key judgments or executive summary, the scope note, and the charts, graphics and appendices, are not prescribed by Directive 206. The portion marking of classified material is required by Executive Order 13526. The others are formatting practices I observed in the ordinary course of reviewing products of these kinds.

16. The consequence of that format, which I observed in the ordinary course of reviewing such products, is that the information identifying and characterizing intelligence sources is concentrated in the source reference citations and the source descriptors, rather than distributed throughout the analytic text. Because source reference citations appear as sequentially numbered endnotes following the body, and because each portion of the product carries its own classification marking, the passages that identify or characterize a source are ordinarily identifiable on the face of the document and can be removed without rewriting the analytic text.

17. A source descriptor is defined in the directive's glossary as a brief, narrative exposition of factors that affect or indicate the quality or credibility of a single source, distinct from the information elements in a source reference citation, and addressed to factors such as accuracy and completeness, possible denial and deception, currency, technical elements of collection, and source access, validation, motivation, bias or expertise. A source descriptor

appearing in the main body is therefore a discrete narrative passage addressed to the character of a source rather than to the subject of the analysis. In my experience such a passage is identifiable as such on the face of the product, and its removal does not remove the analytic assertion it accompanies.

18. Intelligence Community Directive 203, Analytic Standards, requires that analytic products properly distinguish between underlying intelligence information and analysts' assumptions and judgments. Products of the kinds described above are prepared consistent with that requirement, and in my experience the distinction is observable on the face of the document.

19. Executive Order 13526, Section 1.6(c), provides that with respect to each classified document, the agency originating the document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, and which portions are unclassified. Products of the kinds described above are portion marked paragraph by paragraph.

20. Section D.4.a of Intelligence Community Directive 206 provides that downgraded or sanitized copies of covered analytic products should contain sourcing information; that in instances where covered analytic products are intended for public release, sourcing information will be removed prior to publication; and that sourcing information shall be appropriately modified, or if necessary removed, from downgraded or sanitized copies of a covered analytic product, consistent with Intelligence Community Directive 710.

21. Section D.4.b provides that in covered analytic products that include a tearline, source reference citations should be inserted after the body of the report and before the tearline

version. Where a product of the kinds described above contains a tearline, that tearline is a version of the product prepared for dissemination at a lower classification level. A tearline prepared at a lower classification level is not thereby unclassified, and I do not state that the existence of a tearline establishes that a product or any portion of it is suitable for public release.

22. Section D.4.c provides that if necessary, one or more source reference citation data elements can be omitted so that the resulting endnote does not exceed the classification of the main body, but still provides sufficient information to search and discover the source in an appropriately authorized system.

23. Section D.4.d provides that where an Intelligence Community Identifier is used to meet the requirement of the unambiguous source identifier, it may remain as the only source reference citation element after downgrading or sanitization, because such identifiers are unclassified and releasable.

24. Section D.6 provides that the covered analytic product with all appropriate sourcing information shall be retained as a document of record, along with associated downgraded, sanitized, or tearline products, and that identical versions shall also be submitted to the Library of National Intelligence or successor systems, consistent with the implementation of Intelligence Community Directive 501.

25. In the preparation of products for release described below, I observed finished intelligence products carrying proposed redactions, and I observed sourcing information removed from products in the course of that preparation. I did not observe tearline versions of those products.

26. Certain sections of such products, in particular the title, the date, the scope note, definitional material, and background and context drawn from published scientific literature or from other finished intelligence products, typically contain solely factual information that does not reasonably reveal intelligence sources or methods. In the products I reviewed concerning the origin of COVID-19, scientific analysis of this character was present throughout the body of the product and was not confined to those sections.

27. In my experience, material of this kind in such products is frequently drawn from other finished intelligence products or from published sources rather than from raw reporting. Where material is drawn from another finished intelligence product, it carries the classification determination made in that originating product, and that determination may be that the material is classified. The significance of the practice is that the classification of such a passage has been adjudicated in an identifiable other document, rather than arising from the reporting underlying the product in which it appears.

28. The factual and scientific passages in products of these kinds are statements about biological and technical subject matter. Their meaning does not depend on the identity of the source that reported the underlying information, or on the method by which it was collected. In the products I reviewed, removing the sourcing apparatus, the description of collection methods, and foreign government information left the scientific discussion, and the analytic judgments resting on it, intelligible to a reader.

29. My training in biology and chemistry, together with the work described in paragraphs 3, 4 and 8 above, is the basis on which I state that the scientific analysis contained in products of these kinds remains intelligible when sourcing information is removed.

30. Products of the kinds described above also commonly identify information the Intelligence Community does not possess, that is, intelligence gaps. The updated index accompanying the Declaration of Wayne Ulman, ECF No. 32-1, describes the record designated V-1 as containing "a listing and assessment of information unknown." In my experience, a statement of what is not known does not itself identify an intelligence source or a method of collection. The existence of such gaps concerning the origin of COVID-19 has been publicly disclosed by the Intelligence Community itself.

31. During the course of my normal duties while assigned to the DIG, and while conducting investigations into the origins of COVID-19 and related life sciences and gain-of-function matters, which included investigations of and with the DIA, I regularly reviewed Defense Intelligence Digest products and products of the National Center for Medical Intelligence. The updated index accompanying the Declaration of Wayne Ulman, ECF No. 32-1, describes the record designated V-2 as a Defense Intelligence Digest document and the record designated V-3 as a document from the National Center for Medical Intelligence. Products of those categories are authored in the standard format described in paragraphs 13 through 24 above.

32. I am unable to identify V-1, V-2 or V-3 as particular documents I reviewed, because the document titles for those records remain redacted.

33. The DIG was tasked by the Director of National Intelligence with declassifying documents relating to the origin of COVID-19. I so testified before the Senate Committee on Homeland Security and Governmental Affairs on May 13, 2026, and that testimony is a public document.

34. In the course of my duties with the DIG I heard the Director of National Intelligence state, on more than one occasion, that material relating to the origin of COVID-19 should be pushed out for release.

35. I observed finished intelligence products relating to the origin of COVID-19 that had been sent to the Information Management Office of the Office of the Director of National Intelligence, and to other agencies of the Intelligence Community, for processing for release. The agencies responsible for the information contained in those products proposed redactions to it. That material was intended for release to the public.

36. To my knowledge that material was not released. Apart from the public release of COVID-19 documents made by the Director of National Intelligence on June 18, 2026, I am not aware of any of the material described in the preceding paragraph having been released.

37. I offer the observations in paragraphs 33 through 36 for the limited purpose of their bearing on whether material concerning this subject matter can be segregated and released in redacted form. I do not state that any of that material is a record at issue in this case, and I am unable to say whether it is.

I declare that the foregoing is true and correct to the best of my knowledge and belief and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

17 NOV 2026

Dated: [DATE]

James E. Erdman III