

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

UNITED STATES OF AMERICA,)
)
 v.) No. 1: 08cr0079-JCC
)
 KYLE DUSTIN FOGGO,)
)
 aka "DUSTY" FOGGO,)
)
 Defendant.)
 _____)

DECLARATION OF PORTER J. GOSS

I, Porter J. Goss, hereby declare as follows:

1. From 1988 to 2004, I served as a Congressman in the United States House of Representatives representing a Congressional district in the state of Florida.
2. While serving in Congress, I chaired the House Permanent Select Committee on Intelligence from 1997 to 2004. Although I do not specifically recall any such event, I may have met Kyle "Dusty" Foggo during a briefing of that committee by officers of the Central Intelligence Agency (CIA). Other than that limited contact, I do not recall meeting Mr. Foggo while I served as a Congressman.
3. On September 24, 2004, I became the Director of the CIA. This was a crucial period for the intelligence community and the country, as the United States was actively engaged in the global war on terror and trying to prevent further terrorist attacks against the United States. My Executive Director, as the person responsible for the day-

to-day operations of the CIA worldwide, would bear significant responsibilities in these efforts as well as in managing the CIA.

4. Members of my senior staff suggested Mr. Foggo as a possible candidate for the position of Executive Director. I did not suggest him nor seek him out as a candidate.

5. Due to prior public criticism of the CIA after the attacks of September 11, 2001, and criticism of my office after the prior candidate for the Executive Director's position was withdrawn, it was imperative to me that the selection for the Executive Director position be someone whose personal and professional conduct was beyond reproach. When Mr. Foggo came to speak with me about the Executive Director position in late 2004, I conveyed this requirement to him. I asked him directly whether there was anything I needed to know about his candidacy that would reflect poorly upon the Director's office or upon the CIA. He denied that there was anything.

6. In reliance upon Mr. Foggo's assurances, and upon his having cleared the intra-agency vetting process, I selected him to be my Executive Director in November 2004.

7. When media reports began to link Mr. Foggo to the bribery scandal involving Congressman Randall "Duke" Cunningham, I learned from my public relations staff that Mr. Foggo had been less than candid in statements he made, as well as in statements made by Mr. Foggo to senior officials of the CIA, regarding his relationship with Congressman Cunningham and Brent Wilkes. Concerns about his lack of candor to me and to others in the CIA eventually led me to have my staff ask Mr. Foggo for his resignation in May 2006. My lack of confidence in him was such that I determined that

Mr. Foggo could not and should not serve any longer as the Executive Director of the CIA. This occurred prior the execution of a search warrant on Mr. Foggo's office at the CIA.

8. Had I known at the time that I was considering Mr. Foggo to be my Executive Director that he had engaged in the conduct he has admitted in his Plea Agreement and Statement of Facts, I absolutely would not have selected him to be my Executive Director nor would I have approved him for the Employee Performance Award that he received in August 2005. Furthermore, I would have terminated him immediately and likely have referred him to the Department of Justice for investigation.

9. When Mr. Foggo resigned, I understand he sent a message to all Agency employees stating that he was resigning of his own volition, simply due to my resignation, to allow the new Director to select a new Executive Director. In my view, he failed to take any responsibility for his own misconduct that led to his resignation.

10. I felt deceived and betrayed by Mr. Foggo, who personally assured me that there was nothing that would reflect poorly on me or on the CIA if I selected him as my Executive Director. Further, I was deeply disappointed in Mr. Foggo's behavior, especially given his capabilities and the opportunities he had before him as Executive Director to contribute significantly to the mission of the CIA.

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

Dated: 1/23/09



PORTER J. GOSS