

# **EXHIBIT 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RICHARD A. HORN, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 1:94-CV-1756 (RCL)  
 )  
 FRANKLIN HUDDLE, JR., ) UNDER SEAL  
 )  
 Defendant. )  
 \_\_\_\_\_ )

DECLARATION OF A. JOHN RADSAN

I, A. JOHN RADSAN, hereby declare and state:

1. I am an Associate Professor of Law at the William Mitchell College of Law in St. Paul, Minnesota. From April 2002 to July 2004, I served as an Assistant General Counsel in the Office of General Counsel (OGC) of the Central Intelligence Agency (CIA). Previously, I served as a trial attorney in the Criminal Division's Fraud Section at the Department of Justice from 1991 to 1995 and as an Assistant United States Attorney in the Southern District of California from 1995 to 1997.

2. I make the following statements based upon personal knowledge and information made available to me by the CIA.

3. While employed by the CIA Office of General Counsel, I served in the Litigation Division. Among the cases assigned to

me while serving in the Litigation Division was this case.

Through the exercise of my official duties in the Litigation Division, I was generally familiar with this case.

4. In March 2008, I was advised by the CIA that in Summer 2002, the CIA "lifted" and "rolled back" Arthur M. Brown's cover to his entrance-on-duty (EOD) date with the CIA. I was not involved in the process of approving the change in his cover status, nor do I recall being informed prior to March 2008 about any change in his cover status.

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

Executed this 14<sup>th</sup> day of March, 2008.



A. John Radsan