

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)
GRANT F. SMITH,)
)
Plaintiff,)
)
v.) Civil Action No. 1:15-cv-01431
)
CENTRAL INTELLIGENCE)
AGENCY,)
)
Defendant.)
_____)

**SECOND DECLARATION OF ANTOINETTE B. SHINER, INFORMATION REVIEW
OFFICER FOR THE LITIGATION INFORMATION REVIEW OFFICE
CENTRAL INTELLIGENCE AGENCY**

I, ANTOINETTE B. SHINER, hereby declare and state:

1. I currently serve as the Information Review Officer ("IRO") for the Litigation Information Review Office ("LIRO") at the Central Intelligence Agency ("CIA" or "Agency"). For a more complete description of my background and qualifications, I respectfully refer the court to the CIA's initial declaration filed 5 February 2016.

2. Through the exercise of my official duties, I have become familiar with this civil action and the underlying FOIA request. I make the following statements based upon my personal knowledge and information made available to me in my official

capacity. I am submitting this declaration in support of the government's renewed motion for summary judgment.

3. The purpose of this declaration is to further explain and justify, to the greatest extent possible on the public record, the CIA's actions in responding to Plaintiff's FOIA request. This declaration supplements the CIA's declaration, filed on 5 February 2016 and the declaration of Mark Ewing, Chief Management Officer, Office of the Director of National Intelligence, filed on 21 April 2017 ("Ewing declaration"), which are incorporated by reference.

4. In response to the government's motion for reconsideration, this Court found that President Obama's statement that the U.S. government has provided intelligence support to Israel, constitutes an acknowledgement that some intelligence agency provided such support and therefore would have a corresponding line item in its intelligence budget. This Court further noted that "the statement implies that some intelligence agency or government entity does have budget line items related to such intelligence, and the Court must determine whether the CIA has a relationship with that agency that would require production of the budget information under FOIA." The Court determined that "[w]hether the CIA's Glomar response is appropriate depends therefore on whether the CIA either creates

or obtains and retains under its control the budget line items of other intelligence agencies.”

5. In the response to the Court’s inquiry, I have confirmed with the Agency’s Office of the Chief Financial Officer that the CIA does not create, obtain, access or retain under its control the budget line items of other intelligence agencies. The Director of National Intelligence (DNI) develops the National Intelligence Program (NIP) budget based on proposals by the heads of agencies and organizations within the intelligence community. CIA sends its own proposal to the DNI. Once the full NIP budget is completed, the CIA receives from the DNI the broad overview of the NIP, which has only the top line budget numbers, and the portion of the NIP that pertains to the CIA budget. The portions of the NIP that CIA receives from DNI do not include the line item budgets of other intelligence agencies.

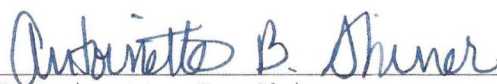
6. Accordingly, confirming the existence or nonexistence of specific intelligence budget line items supporting Israel would tend to show whether or not the intelligence assistance provided to Israel was related to human source intelligence (a CIA area of expertise).¹ As explained in the CIA’s 5 February 2016 declaration, either confirmation or denial would reveal

¹ For a more detailed description of the seventeen agencies that compose the Intelligence Community and their distinct functions and missions, I respectfully refer the court to the Ewing declaration.

sensitive information about the CIA's intelligence sources, methods and activities that is protected from disclosure by Executive Order 13526 and statute. Therefore, the existence or nonexistence of CIA records responsive to Plaintiff's request is a currently and properly classified fact, the disclosure of which reasonably could be expected to cause damage to the national security², and it is exempt from disclosure under FOIA exemption (b)(1) and (b)(3).

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

Executed this 2nd day of November, 2017.



Antoinette B. Shiner
Information Review Officer
Litigation Information Review Office
Central Intelligence Agency

² The potential damage to national security is described in the CIA's 5 February 2016 declaration in Section IV.B.