

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GRANT F. SMITH,)	
)	
)	
Plaintiff,)	
v.)	Civil Action No.: 17cv01796
)	
UNITED STATES DEPARTMENT OF THE)	
TREASURY,)	
)	
Defendant.)	
)	

DECLARATION OF MICHAEL W. MASON

1. I am a Deputy Assistant Secretary of the Office of Intelligence and Analysis (OIA) in the Department of the Treasury. As a member of the U.S. Intelligence Community, OIA is responsible for the receipt, analysis, collation, and dissemination of intelligence and counterintelligence information related to Treasury’s operations and responsibilities. Treasury has a wide range of statutory responsibilities relating to the currency of the United States, the finances of the Federal government, and the operation of the U.S. financial system. Just within the Office of Terrorism and Financial Intelligence, to which OIA belongs, these include: administering and enforcing U.S. economic sanctions programs under the Trading With the Enemy Act and International Emergency Economic Powers Act, among other statutes; combating financial crimes, including money laundering, counterfeiting, and other offenses threatening the integrity of the banking and financial systems, through administration and enforcement of Subchapter II of Subtitle IV of Title 31 of the United States Code, commonly known as the Bank Secrecy Act; and (through OIA) maintaining a robust analytical capability on terrorist finance and providing intelligence support to senior officials at Treasury on a wide range

of international economic and national security issues. See 31 U.S.C. § 312(a)(4)(B), (a)(4)(D), (b)(3).

2. I head OIA's Office of Security, which among other things is responsible for the security of information and documents that come into the possession or control of Treasury and are or become subject to Executive Order 13526 (EO 13526) concerning the handling of classified national security information. I have been properly designated as Treasury's Senior Agency Official to direct and administer the implementation of Treasury's program to protect classified national security information under EO 13526. I also have original classification authority up to the Top Secret level, and under EO 13526, I have the authority, to classify documents that are subject to requests under the Freedom of Information Act.

3. I make this statement based upon my personal knowledge and information made available to me in my official capacity.

4. FOIA exemption (b)(1), 5 U.S.C. § 552(b)(1), provides that FOIA disclosure provisions do not apply to matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.

5. Executive Order (EO) 13526 provides in section 1.1(a) that information may be originally classified under the terms of this order only if all of the following conditions are met: (1) an original classification authority is classifying the information; (2) the information is owned by, produced by or for, or is under the control of the U.S. Government; (3) the information falls within one or more of the categories of information listed in section 1.4 of EO 13526; and (4) the original classification authority determines that the unauthorized disclosure of

the information reasonably could be expected to result in some level of damage to the national security and the original classification authority is able to identify or describe the damage.

6. Section 1.4 of EO 13526 identifies the following information classification categories, the disclosure of which could reasonably be expected to cause identifiable or describable damage to the national security: (a) military plans, weapons systems, or operations; (b) foreign government information; (c) intelligence activities (including covert action), intelligence sources or methods, or cryptology; (d) foreign relations or foreign activities of the United States, including confidential sources; (e) scientific, technological, or economic matters relating to the national security; (f) United States Government programs for safeguarding nuclear materials or facilities; (g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or (h) the development, production, or use of weapons of mass destruction.

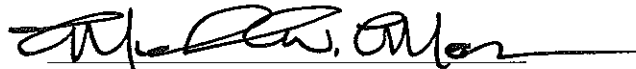
7. On May 30, 2018, the Treasury released records to Plaintiff from departmental components within the Office of Terrorism and Financial Intelligence (TFI), which included releasable records disclosing the names of OIA leadership. As discussed in the Declaration of John M. Farley, TFI withheld the names and phone numbers of all non-leadership employees in these documents, and the phone numbers of all employees, including OIA, pursuant to Exemption 6.

8. The names, titles, and phone numbers of the withheld OIA employees are also protected from disclosure by FOIA Exemption 1. The information withheld from OIA's responsive records pertains to intelligence activities and foreign activities of the United States. Further, the disclosure of this information reasonably could be expected to cause damage to this country's national security. The withheld information, when compiled in the aggregate, would

reveal the identities, titles, and contact information of those individuals responsible for making sensitive decisions about Treasury's activities in support of the National Intelligence Program. The disclosure of this sort of information would provide our adversaries and foreign intelligence targets with insight into OIA's foreign intelligence activities and capabilities. This information could, then be used to develop the means to target OIA employees, and degrade and evade those activities and capabilities. As a result, this information is currently and properly classified pursuant to Section 1.4(c), (d) of EO 13526.

9. I declare under penalty of perjury that the matters set forth in this Declaration are correct and true to the best of my information, knowledge, and belief.

Executed this 19 day of July, 2018



Michael W. Mason
Deputy Assistant Secretary
Office of Intelligence and Analysis
Department of the Treasury