IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CABLE NEWS NETWORK, INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as President of the United States, et al.,

Defendants.

Civil Action No. 1:26-cv-3287

DECLARATION OF TIMOTHY D. BROWN

I, Timothy Brown, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. (U) I am the Director for Defense Intelligence, Counterintelligence, Law Enforcement & Security (DDI/CL&S). I serve in the Office of the Under Secretary of War for Intelligence and Security (OUSW(I&S)), which serves as the principal civilian advisor to the Secretary of War on intelligence, counterintelligence, law enforcement and security activities. In this role, my responsibilities include assessing vulnerabilities to the protection and handling of national security information and national defense information, including classified, controlled unclassified, and otherwise sensitive information. In this capacity I possess original classification authority and the authorization to make decisions up to and including TOP SECRET level.
2. (U) Prior to this appointment, I served thirty-five years as an officer in the United States Army. I served as a pilot, flying OH58 helicopters prior to transitioning to special mission aircraft within special operations and the intelligence community. In my final assignment, I served as the Commanding General, United States Army Intelligence and

Security Command (INSCOM), where I first possessed original classification authority up to the TOP SECRET level.

3. (U) The information contained in this declaration is based on my professional experience or on information made available to me in furtherance of my duties.

4. (U) Executive Order 13526 governs the classification of national security information. The E.O. defines information as "any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government." *See* E.O. 13526 § 6.1(t).

5. (U) Section 1.2(a) of the E.O. states that information may be classified at one of three levels: TOP SECRET if its unauthorized disclosure reasonably could be expected to result in *exceptionally grave damage* to the national security of the United States; SECRET if its unauthorized disclosure reasonably could be expected to result in *serious damage* to the national security of the United States; and CONFIDENTIAL if its unauthorized disclosure reasonably could be expected to result in *damage* to the national security of the United States.

6. (U) Judgment as to the degree of damage to the national security of the United States that reasonably could be expected to occur from disclosure of particular classified information depends on a number of factors, including whether exposure could frustrate other intelligence collection efforts; or the extent that disclosure might damage the United States's relationships with its foreign partners.

7. (U) Classified information is not the only type of information that may cause damage to the national security of the United States. Several agencies utilize other information control regimes. The government utilizes controlled unclassified information, commonly

known as CUI. There are over a hundred categories of CUI ranging from trade secrets to proprietary information to export controlled information to critical infrastructure and law enforcement information. This information can expose essential information that could reveal critical details about the United States national security strategy to adversaries.

8. (U) Even information that is not within one of these categories, such as National Defense Information (NDI), can cause significant harm to the national security of the United States. Often adversaries attempt to collect information and may obtain bits and pieces that together may reveal a mosaic of the national security picture that is greater than the sum total of the pieces.

9. (U) The Department of War routinely coordinates with the White House on policy and security matters that affect the Executive Branch. For instance, I am aware that the Executive Office of the President's staff being widely responsible for the management, under the President's supervision, of the entire federal Executive Branch from domestic policy to national security, the information that flows through the White House on a daily basis is especially sensitive. This information includes information that is coordinated by all intelligence agencies.

10. (U) Notably, statements by reporters or others made from the Pentagon, the White House, or other sensitive facilities tend to convey an added appearance of credibility that influence the sensitive considerations about how to respond to such information being released.

11. (U) When classified or sensitive information is exposed, adversaries may gain valuable insights. Those insights can jeopardize lives, sensitive operations, and long-term national security strategies. These concerns are among the reasons that the U.S. controls access to facilities in which classified or sensitive information is present, limits the ability of

individuals not authorized to gain access to certain areas, and requires escorts for individuals not authorized to receive classified or sensitive information when granted access to these facilities. In addition, this is why there are significant restrictions on the individuals with access to such information to discourage them from revealing such information to individuals not authorized to receive it.

12. (U) I am aware that the White House recently took action to limit the access of certain outlets. My understanding is that the White House press office has historically permitted reporters unfettered access to certain areas of the White House, and that the newly announced procedures are intended to limit the potential for classified or sensitive information making its way into the reporting.
13. (U) Limitations that properly balance transparency and security are both prudent and consistent with the protection of national security information and are essential to ensuring the national security of the United States.
14. (U) In my experience, any individual that leaks, publishes, or represents classified or sensitive information without authorization would be subject to immediate suspension of their access to such information or locations. And any instance of such conduct would weigh heavily against that individual reobtaining access to any sensitive or classified information or location. This is due to the sensitivity of such information and the possibility that its continued release could cause continuing and compounding harm to the national security of the United States. Access to such information and locations is, at its core, based on trust instilled by the United States government and the people of the United States. Revealing such information and harming the national security of the United States is a severe violation of that trust.

15. (U) The release or publication of purported national security information – whether accurate, incorrect, or misleading – can cause risk to the national security of the United States. It may signal intentions to adversaries, create potentially catastrophic consequences for sensitive mission coordination, and undermine critical national security objectives. Permitting this information to be broadcast from iconic facilities like the Pentagon or the White House could lend credence to false information, signals veracity (given the proximity to sources with access to classified information), and compounds injuries to national security functions. Moreover, the inappropriate publication of sensitive information can distract United States government personnel from their official duties by considering whether and how to respond, undermine the national security strategy of the United States by misleading and influencing the public and adversaries out of alignment with the national security strategy, and create complicated decision-making relating to adjustment or response to such information.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 22, 2026, at Washington, D.C.

BROWN.TIMOTHY.DENNISON.1138743183

Digitally signed by BROWN.TIMOTHY.DENNISON.1138743183
Date: 2026.09.22 21:10:39 -04'00'

Timothy D. Brown
Director for Defense Intelligence,
Counterintelligence, Law Enforcement & Security