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April 7, 2014

By Certified Mail -- Return receipt Requested  
Article Number 7013 2630 0000 5121 4915

FOIA REQUEST

Office of Information Programs and Services  
A/GIS/IPS/RL  
US DEPARTMENT OF STATE, SA-2  
Washington, DC 20522-8100

Dear Ladies and Gentlemen:

This is a request for production of records under the Freedom of Information Act, 5 USC § 552, the "FOIA." I write on behalf of Accuracy in Media, Inc., a District of Columbia 501(c)(3) non-profit corporation, as well as the following eight individuals, all of whom serve as members of the "Citizens' Commission on Benghazi," an unincorporated, informal association of individuals, all working with Accuracy in Media. They are (1) Roger Aronoff, (2) Larry Bailey, (3) Kenneth Benway, (4) Dick Brauer, (5) Clare Lopez, (6) James A. Lyons, Jr., (7) Kevin Shipp, and (8) Wayne Simmons.

**FOIA Requests.**

1. Records generated from August 2009, through October of 2011, regarding Secretary of State Clinton's recommendations regarding U.S. support to those seeking to oust forces loyal to Colonel Muammar Gaddafi and his government.
2. Records generated from March of 2011 through September of 2012, regarding Secretary of State Clinton's recommendations to support those seeking to oust forces loyal to the government of Bashar al-Assad.

3. Records of communications sent from, received by, or routed through, Secretary Clinton's office regarding the need for a permanent constituent post" in Benghazi, as well as records regarding Secretary of State Clinton's decision to continue operations in Benghazi, including the extent to which the Benghazi Mission in any way facilitated the existence and operations of the CIA Annex.
4. Records indentifying DoD assets pre-positioned off the coast of Tripoli when Secretary Clinton visited Libya in October of 2011.
5. Records generated from Secretary Clinton's September 11th and 12th, 2012 requests for help for personnel at the Special Mission Compound and the CIA Annex, to:
  - (a) The Libyan government;
  - (b) The Turkish Consulate in Benghazi;
  - (c) The Italian Consulate in Benghazi; and
  - (d) The U.K. Security Team.

**Electronic Format.** Kindly produce these records in electronic format. *See* e-FOIA amendment 5 U.S.C. § 552 (a)(3)(B), as amended, requiring Agency to "provide the record in any form or format requested . . . if the record is readily reproducible by the agency in that form or format." *See generally* FOIA Update Vol. XVII, No. 4, 1996.

**Request for Waiver of Search and Review Fees.** As a representatives of the news media, Accuracy in Media, Inc. ("AIM"), submits that it is entitled to a waiver of any fees associated with the search and review of records responsive to these FOIA Requests, under 5 U.S.C. § 552 (a)(4)(A)(ii)(II). AIM is organized and operated to publish or broadcast news to the public.

Kindly consider the six factors identified in 22 CFR 171.11(o), which, collectively, establish AIM's entitlement to "Representative of the News Media" status. First, the subject matter of the FOIA requests concern the operations or activities of the Department of State. Second, the requested information is not in the public domain.

Third, upon disclosure of the records sought, AIM has concrete plans to make the information public. Its ability and intent to disseminate the information requested, is beyond question. Accuracy in Media Articles on the subject include "The MSM and Benghazi: Will Their Coverage Harm Obama Administration?," "Shameful Media Coverage of Benghazi Scandal and Cover-up," "Media Embrace Obama's Controversial Picks for National Security Team," "New York Times Attempts to Blur Benghazi Scandal," "McClatchy Reporter Changes Tune on Benghazi," "CBS in Damage Control Over Error-Filled Benghazi Report," "'60 Minutes' Reveals Little New in Benghazi Exposé," "The Left's Continued Assault on the Truth About Benghazi," "Media Coverage of Benghazi Leans Toward Political Theater," "Conservative Leaders Call on Speaker Boehner: Form a Select Committee on Benghazi," "Further Proof That Obama Knew the Truth About Benghazi," "Blaming the Victim in BenghaziGate," "Obama and His Media Loyalists Still Spinning Benghazi," and "Does Navy Map Alter the Benghazi Narrative?"

Fourth, several of the individual requesters have published articles about the matter, demonstrating, *inter alia*, the background, experience, and expertise of the FOIA requesters in the subject area of the requests. *See*, for examples, "Navy SEAL: 'There's guilt in this administration,'" by Captain Larry Bailey, published in WND.com in April of 2013; two articles by Clare Lopez appearing in Pundicity.com in October of 2012, "Benghazi: The Set-Up and the Cover-Up," and "Did Turkey Play a Role in Benghazi Attack?;" and Admiral James Lyons' pieces appearing in the Washington Times, "Obama's Chain of Command Unravels Over Benghazi (October 2012), "Obama needs to come clean on what happened in Benghazi" (October 2012), "The Key Benghazi Questions Still Unanswered" (January 2013), "A hard slog to get Benghazi answers" (January 2013), and "A call to Courage over Benghazi" (May 2013).

Fifth, AIM, as well as the individual FOIA requesters, intend to use the requested information in scholarly or other analytic work, for dissemination. Lastly, neither AIM nor the individuals identified above have any "commercial interest" that would be furthered by the disclosure of the requested information, as that term has been interpreted by the courts under 5 U.S.C. § 552 (a)(4)(A)(ii)(II).

**Public Interest Fee Waiver.** 5 U.S.C. § 552(a)(4)(A)(iii) provides that "[d]ocuments shall be furnished without any charge or at a charge reduced... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Here, the FOIA requesters do not have a commercial interest in the disclosure. Their purpose is to inform the public. The subject of the requested records concerns the operations or activities of the United States Government. The information sought is directed at finding out what information the government has about its failure to timely respond when its facilities came under attack. These FOIA Requests also concern what information the government did not provide to the public, as well as congressional investigators.

Upon disclosure of the records sought, AIM, as well as other several of the individual requesters, has concrete plans to make the information public, in accordance with AIM's news dissemination function. The information sought would be likely to contribute to an understanding of United States Government operations or activities, and disclosure will enhance public understanding of the Benghazi incident as compared with awareness prior to the disclosure. The interest of enhancing the public's understanding of the operations or activities of the U.S. Government is clear, and the records' connection to these government activities is direct.

Release of the information will contribute to an understanding of government operations or activities regarding the Benghazi issue, as compared with awareness prior to the disclosure. Thus, the requesters provide an adequate showing of their concrete plans to disseminate the requested information, and adequately demonstrate how disclosure of the requested documents meets the requirements for a public interest fee waiver.

**Expeditious Handling.** Because the information is urgently needed by an entity primarily engaged in publicizing information, in order to inform the public concerning actual or alleged government activity, the Requesters seek expeditious handling, in accordance with 22 CFR 171.12(b).

**Reply to Accuracy in Media.** If you have any questions about handling this request, please ask via email, to [JohnHClarke@earthlink.net](mailto:JohnHClarke@earthlink.net). Otherwise, kindly respond, and produce records, to Accuracy in Media, 4350 East West Highway, Suite 555, Bethesda, MD 20814-4582.

Sincerely,

John H. Clarke

cc: Accuracy in Media, Inc.  
Roger Aronoff  
Larry Bailey  
Kenneth Benway  
Dick Brauer  
Clare Lopez  
James A. Lyons, Jr.  
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February 21, 2014

By Certified Mail — Return receipt Requested  
Article Number 7010 3090 0000 0316 6505

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**FOIA Requesters.** I write on behalf of my clients, Accuracy in Media, Inc., a District of Columbia 501(c)(3) non-profit corporation, as well as the following seven individuals, all of whom serve as members of the "Citizens' Commission on Benghazi," an unincorporated, informal association of individuals, all working with Accuracy in Media. They are (1) Roger Aronoff, (2) Larry Bailey, (3) Kenneth Benway, (4) Dick Brauer, (4) Clare Lopez, (5) James A. Lyons, Jr., (5) Kevin Shipp, and (7) Wayne Simmons.

**FOIA Requests.** These requests are for the following records of activities in Libya, in the care, custody or control of the State Department, regardless of the source of the records:

1. All records of whatsoever nature regarding (1) the Benghazi consulate and (2) its CIA Annex, for the time period of January 1st, 2011, through September 30th, 2012. This request is all-inclusive for all records, however recorded, including emails, reports, memoranda, correspondence, teletypes, telephone calls, text messages, and audio and video recordings, regarding all uses of the Benghazi consulate and CIA Annex. Responsive records include those that disclose:

- (1) The comings and goings of all persons, whether civilian, military, American or foreign, including any non-US personnel questioned, interrogated, detained, or transported through, the CIA Annex and Benghazi consulate;
  - (2) The descriptions and inventories of all weapons brought into the Annex;
  - (3) The sources of all such weapons;
  - (4) The descriptions and inventories of all weapons removed from the Annex,
  - (5) The intended destinations and recipients of all such weaponry, including
    - (i) All transfers of arms and equipment to Libyan resistance fighters, both before or after the United Nations recognized the National Transitional Council as the legal representative of Libya;
    - (ii) Transportation of arms and equipment from Libya into Turkey; and
    - (iii) US Government supply of weapons into Syria.
  - (6) All communication and cryptographic equipment at the CIA Annex and Benghazi consulate;
  - (7) The weaponry, communication, and cryptographic equipment, that may have been left in the Annex and Benghazi consulate when US personnel abandoned these facilities on September 11th and 12th, 2012;
  - (8) Information about the weapons recovered from fallen attackers at the Ambassador's compound as well as the CIA Annex during and after the attacks;
  - (9) Information about the identities and affiliations of any of those fallen fighters as well as the disposition of their bodies, alive or dead; and
  - (10) CIA situation reports, or "sitreps," sent, including on September 11th, 12th, and 13th.
2. Any and all videos depicting the United States Consulate in Benghazi, Libya (including the Special Mission Compound and the Annex) between September 10, 2012 and September 12, 2012. This request includes, but is not limited to (1) all videos and photographs obtained, transmitted, or recorded via any unmanned aerial vehicles (UAVs), and (2) video of closed-circuit television monitor at the Benghazi Mission facility's Tactical Operations Center on September 11th and 12th, 2013.

3. All records generated between September 11, 2012 and the present, by survivors of the September 11th and 12th attacks on the Benghazi mission and the Benghazi CIA Annex, or by any person regarding the survivors' accounts of the attack.
4. All records of radio communications emanating from the Compound's Tactical Operations Center (TOC), on September 11th and 12th, 2012, whether made by Regional Security Officer (RSO) Alec Henderson or any other person.
5. All records of Secretary Panetta's actions and communications for the 24-hour period beginning when first notified that the Benghazi Consulate was under attack. Responsive records include:
  - (1) All records generated by Secretary Panetta, including all emails, memoranda, or notes;
  - (2) Telephone logs or bills or other statements of all of his telephone calls placed or received; and
  - (3) All records generated by anyone about the Secretary's actions and communications
6. All records of Secretary Clinton's actions and communications for the 24-hour period beginning when first notified that the Benghazi Consulate was under attack. Responsive records include:
  - (1) All records generated by Secretary Clinton, including all emails, memoranda, or notes;
  - (2) Telephone logs or bills or other statements of all of her telephone calls placed or received; and
  - (3) All records generated by anyone about the Secretary's actions and communications.
7. Any records reflecting the time, and substance, of the President's first notification that the Benghazi Consulate was under attack, and his actions, and communications, for the next 24 hours.
8. All calendars, day books, journals, notes, memoranda, or other records reflecting Ambassador Stevens' schedule on September 11, 2012, including the Ambassador's diary, and all correspondence to or from the Ambassador regarding his meetings that day, including with the Turkish Consul General.
9. All records of the purpose of Ambassador Stevens' meetings on September 11, 2012, including analysis or assessments of those meetings, whether written before or after September 11, 2012.

10. All correspondence to or from Ambassador Stevens on September 10th and 11th, 2012.
11. All notes, memoranda, and correspondence generated between January of 2007 and September 11, 2012, regarding meetings between Christopher Stevens or any other Tripoli Embassy official, and one or more of the following individuals:
  - **Ahmed Abu Khattala**, a commander of the Libyan Ansar al-Shariah militia group
  - **Mustafa Abdul Jalil**, Chairman of the Libyan National Transitional Council from 5 March 2011-8 August 2012
  - **Mahmoud Jibril**, Interim Prime Minister of Libya and Chair of the Executive Board of the National Transitional Council from 5\ March-23 October 2011
  - **Wissam bin Hamid**, a Libya Shield Brigade commander, supporter of the Libyan Muslim Brotherhood Justice & Construction Party, and veteran jihad fighter of Iraq & Afghanistan, who provided security for US representatives in Benghazi and was tentatively identified by the Library of Congress as the head of al-Qa'eda in Libya
  - **Abdelhakim Belhadj** (aka Abdallah al Sadeq), veteran jihad fighter of Iraq & Afghanistan, commander of the AQ franchise militia, Libyan Islamic Fighting Group (LIFG) (aka Libyan Islamic Movement for Change), post-revolution military commander of Tripoli, and Libyan delegation leader to the Syrian Free Army in late 2011
  - **Ismael al-Sallabi** (brother of Ali), commander of the Al-Qa'eda-linked al-Sahati Brigade during the revolution, and Benghazi Military Council commander afterwards, close ally of Abdelhakim Belhadj and Mustafa Jalil
  - **Ali al-Sallabi** (brother of Ismael), called the 'spiritual leader' of the Libyan revolution, Muslim Brotherhood links, led effort with Seif al-Qaddafi and US Embassy Tripoli to gain release of jihadi detainees from Libyan jails
  - **Mohammad al-Sallabi**, father of Ali and Ismael, among the founders of the Libyan Muslim Brotherhood in the 1960s
  - **Abu Sufian bin Qumu**, veteran jihad fighter in Afghanistan from Derna, Libya, captured in 2001, detained at GITMO, sent back to Libyan jail, released in 2010, led jihad vs Qaddafi in 2011, and led Benghazi Mission attack in Sep 2012.

12. For the period of February 15th, 2011, through December 31st, 2012, all DOD and CIA or other intelligence community records, shared with members of Congress, regarding collection, storage, transportation of arms and equipment in Libya.
13. For the period of February 15th, 2011, through December 31st, 2012, all DOD and CIA or other intelligence community records of Congressional approval for CIA transport of arms to Syrian rebel forces.
14. All records regarding Deputy National Security Adviser for Homeland Security and Counter-terrorism John Brennan's recommendations regarding the overthrow of Libyan leader Muammar Gaddafi.
15. Records of the names, and titles, of individuals identified only as "Senior State Department Official Number One" and "Senior State Department Official Number Two" during the October 9, 2012, Background Briefing on Libya, given by the Office of the Spokesperson, the transcript of which was publicly disclosed, titled, "Background Conference Call With Senior State Department Officials."

**Electronic Format.** Kindly produce these records in electronic format. *See* e-FOIA amendment 5 U.S.C. § 552 (a)(3)(B), as amended, requiring Agency to "provide the record in any form or format requested . . . if the record is readily reproducible by the agency in that form or format." *See generally* FOIA Update Vol. XVII, No. 4, 1996.

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