

Central Intelligence Agency



Washington, D.C. 20505

3 March 2017

John H. Clarke
1629 K Street, NW
Suite 300
Washington, DC 20006

Re: F-2014-00953; 14-cv-01589

Dear Mr. Clarke:

This letter is a follow-up response to your 24 February 2014 Freedom of Information Act (FOIA) request that you submitted on behalf of your client, Accuracy in Media, Inc., that was most recently narrowed in the Motion filed on 22 July 2016 to the following items:

“• Survivor’s accounts. Complaint ¶ 136:

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.

This request is narrowed to specify identify only Memorandum for the Record, prepared by the Deputy Chief of Base "Events of 11-12 SEP 2012 at Benghazi Base, Libya," September 19, 2012. That record is cited on page 5, footnote 13, of the January 15, 2014. U.S. Senate Select Committee on Intelligence Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012:

According to informal notes obtained from the CIA, the security team left for the Annex [sic] without the formal approval of the Chief of Base, see attachments to e-mail from CIA staff [redacted] to CIA staff [redacted] September 23, 2012. However, a Memorandum for the Record prepared by the Deputy Chief of Base specifically states that the Chief "authorized the move" and the Chief told the Committee: "We launched QRF [Quick Reaction Force] as soon as possible down to the State [Department] compound." Memorandum for the Record, "Events of 11 - 12 SEP 2012 at Benghazi Base, Libya," September 19, 2012, p. 1

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- Contemporaneous records generated by CIA Director and Deputy Director.
Complaint ¶ 136:

5, 6. All records of CIA Director David Petraeus" [and Deputy CIA Director Michael Morell's actions and communications for the 24-hour period beginning when first notified that the Benghazi Mission was under attack. Responsive records include:

- (1) All records generated by Director Petraeus, [and Deputy Director Morell] 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 CIA Director's [and Deputy Director's] actions and communications.

These two items are narrowed to omit "telephone logs or bills" and "records generated by anyone about" the actions and communications.

Fourth item at issue

- Non-Disclosure Agreements. Complaint ¶ 136:

16. Non-Disclosure Agreements signed by survivors of the Benghazi attacks, including employees or contractors of the CIA or DOD."

We processed the request in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the National Security Act, 50 U.S.C. § 3141, as amended.

We completed a thorough search for records responsive to the request and located sixty nine (69) responsive documents. On 28 February 2017, we produced forty four (44) documents in segregable form and denied twenty three (23) documents in their entirety. At this time, two (2) remaining documents can be released in segregable form with redactions made on the basis of FOIA exemptions (b)(3), (b)(5), and (b)(6). Exemption (b)(3) pertains to Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 3507, noted as exemption "(b)(3)CIAAct" on the enclosed documents, and/or Section 102A(i)(1) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1), noted as exemption "(b)(3)NatSecAct" on the enclosed documents.

This concludes our response to the above referenced request.

Sincerely,



Allison Fong
Acting Information and Privacy Coordinator

Enclosures

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