

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ACCURACY IN MEDIA, INC., et al.,)
)
 Plaintiffs,)
)
 v.)
)
 DEPARTMENT OF DEFENSE, et al.,)
)
 Defendants.)
_____)

Case No. 14-1589 (EGS)

AFFIDAVIT OF ADMIRAL JAMES A. LYONS, JR. USN (Ret)

Admiral James A. Lyons, Jr., USN, (Ret), hereby deposes and says:

1. I am a retired four-star admiral, former Commander-in-Chief of the U.S. Pacific Fleet, father of the Navy Seal Red Cell Program, Senior U.S. Military Representative to the UN, and Deputy Chief of Naval Operations, where I was the principal advisor to the Joint Chiefs of Staff. My commands included the U.S. Second Fleet, the NATO Striking Fleet, the Seventh Fleet Logistic Force, and several ship commands. I have appeared on Fox Business News several times, and have regularly contributed to the Op Ed Section of the Washington Times, where eight of my pieces concerning Benghazi have been published.

2. The sole purpose of this affidavit is to set forth my opinion on the Department of Defense's withholding of maps, on national security grounds, in response to FOIA requests for records of DOD assets available to respond to the September 11, 2012 attacks on U.S. facilities in Benghazi,

3. The DOD withheld 12 pages of maps said to depict assets that could have been dispatched to the Benghazi mission or the CIA annex facility on September 11th and

12th, 2012. Vice Director of Operations for the Joint Staff at the Pentagon, Rear Admiral

James J. Malloy, wrote:

The 12 pages withheld by Joint Staff contain the force posture of the Department of Defense for the European Command, Central Command, and Africa Command areas of responsibility as well as the force posture of Special Operation forces worldwide during the relevant timeframe in September 2012. These documents contain the numbers and locations of ships, submarines, response forces, and aircraft surrounding Benghazi, Libya. They further contain the numbers of military personnel located in particular countries during that time. Finally, they contain the transit time required for each available asset to reach Benghazi.

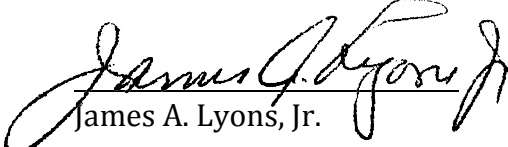
This information is sensitive and classified at the Secret level, because the release of this information reasonably could be expected to cause serious damage to the national security. Even with the passage of time, how DoD's forces are positioned at a particular time could provide potentially damaging and/or threatening insight to adversaries regarding DoD's interests, intent, and potential operations in these volatile regions of the world. Tensions with hostile foreign governments could rise depending on the disclosure of such positioning. Terrorist organizations, violent extremist organizations, or hostile foreign governments could use transit time capability information to plan attacks within windows of perceived vulnerability. It is for this reason that this information is currently and properly classified and must not be released.

4. In my opinion, the locations of ships, submarines, response forces, and aircraft surrounding Benghazi, the locations and numbers of military personnel, and the transit time required for each available asset to reach Benghazi, in September of 2012, could not reasonably be expected to cause damage to the national security.

5. The disposition of our forces in September 2012 is tactical information that is perishable in that immediate time frame. Therefore, to continue to maintain that revealing that tactical information six years later has no basis in fact. Disclosure of this information could not provide adversaries with information that could harm national security. The U.S. deployment in the region almost six years ago could be of no value to an adversary.

Date: June 25, 2018.

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


James A. Lyons, Jr.