

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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From: Michael J. Morell
Deputy Director, CIA
Date: 09/12/2012 06:20 PM
(b)(3) CIAAct

Subject: Re: Fw: [AIN] Libya SVTC TOMORROW 7:15am
To: (b)(3) CIAAct
Cc: (b)(6)

This message is digitally signed

I'll take care of it. Thanks!!

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(b)(3) CIAAct
(b)(6)

UNCLASSIFIED

From: [Redacted]
Date: 09/12/2012 06:16 PM

Subject: Fw: [AIN] Libya SVTC TOMORROW 7:15am
To: Michael J. Morell

Cc: [Redacted] (b)(3) CIAAct
(b)(6)

Sir,

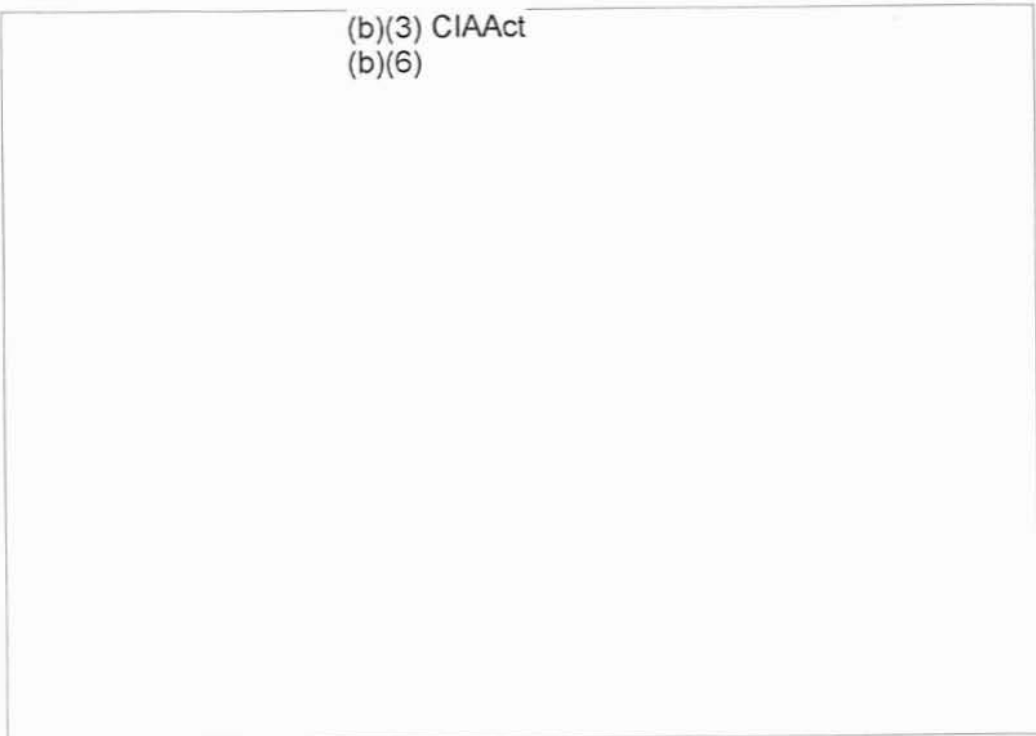
May I please assume you're going to attend this and don't need me there too? If so, I'm happy to participate, of course. Please just let me know.

(b)(3) CIAAct
(b)(6)

Cheers, [Redacted] (b)(3) CIAAct
(b)(6)

--- Forwarded by [Redacted] on 09/12/2012 06:15 PM ---

From: [Redacted] (b)(3) CIAAct
To: [Redacted] (b)(6)



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(b)(3) CIAAct
(b)(6)

Cc:

Date: 09/12/2012 06:07 PM
Subject: [AIN] Libya SVTC TOMORROW 7:15am

CLASSIFICATION: UNCLASSIFIED

(b)(3) NatSecAct

Hello,

As was discussed in today's meeting, we will host another **Libya SVTC TOMORROW 7:15am** (please note the, we will be starting 15 mins later than was said in meeting). The list of invited participants is below. Please confirm your participation and let me know if you have any questions. Thanks very much
- Mehdi

Invited Participants

(b)(5)
(b)(6)

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(b)(5)
(b)(6)

Mehdi K. Alhassani
National Security Council

(b)(6)

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From: Michael J. Morell
Special Representative USA
(b)(3) CIAAct

Subject: Fw: [AIN] RE: Quick level set before we head into tomorrow AM SVTC

(b)(3) CIAAct
(b)(6)

For your information. E-mails that have been going back and forth between deputies.

----- Forwarded by Michael J. Morell/STF/AGENCY on 09/12/2012 01:56 AM -----

From: Winnefeld, James A Jr
ADM USN (US)
Subject: [AIN] RE: Quick level set before we head into tomorrow AM SVTC

To: Rhodes, Benjamin J., McDonough, Denis R., 'ShermanWR@state.gov', Miller, James N HON (US), 'SullivanJJ@state.gov',

(b)(3) CIAAct

(b)(6), Brennan, John O., Blinken, Tony

(b)(6) USN JS DOM (US)", (b)(6)
(b)(6) JS DOM (US)", (b)(6) JSN JS DOM (US)"

Please respond to
"Winnefeld, James A Jr ADM USN (US)"

CLASSIFICATION: UNCLASSIFIED

(b)(3) NatSecAct

First bird may be as early as 1200Z.

-----Original Message-----

From: Winnefeld, James A Jr ADM USN (US)
Sent: Wednesday, September 12, 2012 1:40 AM
To: 'Rhodes, Benjamin J.'; McDonough, Denis R.; 'ShermanWR@state.gov'; Miller, James N HON (US); 'SullivanJJ@state.gov'; (b)(3) CIAAct
(b)(6); Brennan, John O.; Blinken, Tony;
(b)(6)
Cc: (b)(6) USN JS DOM (US); (b)(6) USN JS DOM (US)

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Subject: RE: Quick level set before we head into tomorrow AM SVTC

Aircrews are on the ramp at Ramstein. Two C-130s will move to Rota then Tripoli. One departs at 0600Z, the other at 0700Z. 3+40 transit time to Rota, 1 hour load time. Estimated arrival at Tripoli is 1300Z. We now have country clearances for Spain and Libya. Working to expedite movement (for example, faster load time than one hour), but not sure we can go faster now that aircrews are on the ramp.

My best,
Sandy

-----Original Message-----

From: Rhodes, Benjamin J. [mailto: (b)(6)]
Sent: Wednesday, September 12, 2012 1:20 AM
To: Winnefeld, James A Jr ADM USN (US); McDonough, Denis R.; 'ShermanWR@state.gov'; Miller, James N HON (US); 'SullivanJJ@state.gov'; (b)(3) CIAAct (b)(6); Brennan, John O.; Blinken, Tony; (b)(6)
Cc: (b)(6) JS DOM (US)
Subject: Re: Quick level set before we head into tomorrow AM SVTC

Thanks. Will also take your guidance on how we should (or should not) discuss publicly

----- Original Message -----

From: Winnefeld, James A Jr ADM USN (US) [mailto: (b)(6)]
Sent: Wednesday, September 12, 2012 01:19 AM
To: McDonough, Denis R.; 'Sherman, Wendy R' <ShermanWR@state.gov>; Miller, James N HON (US) (b)(6); SullivanJJ@state.gov <SullivanJJ@state.gov>. (b)(3) CIAAct (b)(6); Brennan, John O.; Blinken, Tony; Rhodes, Benjamin J.; 'Bash, Jeremy CIV SD' (b)(6)
Cc: (b)(6) JS DOM (US) (b)(6)
Subject: RE: Quick level set before we head into tomorrow AM SVTC

Understand we now have dip clearance for the FAST platoon into Tripoli. Working to accelerate the airlift; have spoken personally with the USAFE commander; will advise if it can be accelerated. We are also working the issue of ground transport from the Tripoli airport to the embassy (the platoon is capable, but it's light, and does not bring its own transportation), as well as the issue of how to (and whether we need to) help recover the COM's and the communication officer's remains.

My best,
Sandy

-----Original Message-----

From: McDonough, Denis R. [mailto: (b)(6)]
Sent: Tuesday, September 11, 2012 11:45 PM
To: 'Sherman, Wendy R'; Miller, James N HON (US); Winnefeld, James A Jr ADM USN (US); SullivanJJ@state.gov; Winnefeld, James A Jr ADM USN (US); (b)(3) CIAAct (b)(6); Brennan, John O.; Blinken, Tony; Rhodes, Benjamin J.; 'Bash, Jeremy CIV SD'
Subject: Quick level set before we head into tomorrow AM SVTC

PLEASE DON'T FORWARD

Team,

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Sending on this system a very cursory - and where necessary cryptic - update, now about an hour old. But in advance of our 0700 SVTC on this topic, I just wanted to make sure we all were at least temporarily on the same page.

First, Wendy, Michael, Jim, Jeremy and Sandy, please know how much we appreciate all you and your teams do for the country. This is a sad reminder of the risks your teams are living through every day. Please let them know we are pulling for and praying for them.

The situation in Benghazi remains fluid. Amb. Chris Stevens remains unaccounted for; one State Department officer is confirmed dead (next of kin notification is complete); five State Department officers are accounted for and at another USG compound in Benghazi, which had been taking fire earlier in the evening (until at least 2030 EDT). The February 17 Brigade, contracted to help provide security at both this compound and the Diplomatic Mission compound (which was attacked), provided support throughout the day. The Diplomatic Mission compound has been cleared, although the primary safe haven that we believe Amb. Stevens and the deceased State officer used is still on fire. Five DOD personnel arrived in Benghazi about an hour ago from Tripoli to reinforce security there.

The situation in Tripoli is reportedly calm. There are unconfirmed reports of threats against Embassy Tripoli on social media websites. The State Department is working to enhance security in Embassy Tripoli and is considering consolidating all USG personnel (Embassy, other government agencies, etc) at the Embassy, which is in a much more secure location. We have a sizable country team in Tripoli of 15-20 officers plus 15-20 support personnel and diplomatic security staff. State has concerns about the quality of the police force and is working to supplement its security with local contractors.

On our people in Libya, the Joint Staff is deploying three sets of teams into the region appropriate to the mission(s).

On securing our embassies around the world, Sec. Clinton has sent out a notice to each mission around the world, directing that they review security procedures. John Allen is on heightened alert in Afghanistan - where day is just breaking - against potential reprisals there. And State is in touch with the Brits and other key allies and partners overseas.

And on getting the video(s) in question taken down, I reached to YouTube to ask them to take down two videos: one that was not developed by Pastor Jones but which he is promoting, and another - of him burning the Prophet in effigy - that he did film. Sec. Panetta also reached out to Pastor Jones to ask him to pull down his video, knowing that even if YouTube takes the video down, Pastor Jones can put it up somewhere else. Even if we are successful with

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YouTube and Jones, this will not get rid of all downloads of this hateful stuff, but it will have some benefit in limiting propagation. We are also in touch with Muslim and Christian leaders here and abroad to ask them to make clear that the United States government is not associated with either of these films. According to some reports, an Egyptian American Coptic Christian is also associated with the production of one of the films, so we are asking other Copts to reach him to ask him to stop these efforts since they may incite Muslim-Christian violence in Egypt.

See you at 0700.

Thanks,
Denis

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