Central Intelligence Agency



Washington, D.C. 20505

30 September 2015

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

Re: F-2015-00060; 14-cv-1589

Dear Mr. Clarke:

This letter is in response to your 1 October 2014 Freedom of Information Act (FOIA) request for:

- "1. Any and all reports, memoranda, correspondence, maps, diagrams, charts, printouts, whether or not recorded electronically, regarding allegations that Executive Branch personnel deleted, destroyed, erased, obliterated, or obscured, records of CIA activities in Libya in the aftermath of the September 11 and 12, 2012 attacks in Benghazi, Libya, including but not limited to records in the possession of the CIA Office of Inspector General.
  - Records of all communications generated in March of 2011 regarding Colonel Muammar Gaddafi's expressed interest in a truce and possible abdication and exile out of Libya, by or to:
    - (a) Head of Qaddafi's personal security General Abdulqader Yusef Dibri;
    - (b) Rear Admiral (ret.) Chuck Kubic;
    - (c) AFRICOM personnel, including but not limited to:
      - (i) General Carter Ham; and
      - (ii) Lieutenant Commander Brian Linvill; and
    - (d) The CIA."

We processed your 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.

With regard to Item 1, we completed a thorough search for records responsive to your request and located twenty (20) documents. Eight (8) documents can be released in segregable form with redactions made on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(c), (b)(7)(d), and (b)(7)(e). In addition, it has been determined that twelve (12) documents must be denied in their entirety on the basis of FOIA exemptions (b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(c), and (b)(7)(d). 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)(l) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1), noted as exemption "(b)(3)NatSecAct" on the enclosed documents.

With regard to Items 2 (a) and (d), in accordance with section 3.6(a) of Executive Order 13526, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of such records is itself currently and properly classified and relates to CIA intelligence sources and methods information that is protected from disclosure by Section 6 of the CIA Act of 1949, 50 U.S.C. § 3507, and Section 102A(i)(l) of the National Security Act of 1947, 50 U.S.C § 3024(i)(1). Therefore, this portion of your request is denied pursuant to FOIA exemptions (b)(1) and (b)(3).

With regard to Items 2 (b) and (c) of your request, as noted in the acceptance letter, the information you seek would fall under the auspices of the Department of Defense.

This concludes our response to the above referenced request.

Sincerely,

Michael Lavergne

Michael Lavergne Information and Privacy Coordinator

Enclosures

Approved for Release: 2015/09/30 C06354620

(b)(3) NatSecAct

NOFORN

-SECRET/

Central Intelligence Agency



Washington, D.C. 20505

(b)(3) CIAAct

3 December 2013

The Honorable Dianne Feinstein Chairman Select Committee on Intelligence United States Senate Washington, D.C. 20510

The Honorable Saxby Chambliss Vice Chairman Select Committee on Intelligence United States Senate Washington, D.C. 20510

Dear Madam Chairman and Mr. Vide Chairman:

1. (U//FOUO) Thank you for your letter of 26 November 2013 regarding information a Central Intelligence Agency officer had asked the Office of Inspecto General (OIG) to provide to the Director, CIA (DCIA) in November 2012, pertaining to the 11 September 2012 attacks in Benghazi, Libya.

2. (U//FOUC) It response to your request, "Please provide any <u>information related</u> the complaint, in its entirety, and any information related to your office's response or investigation of the complaint?" we provide the following documents:

- A) (U//FOUO) A copy of the <u>1 November 2012</u> internal <u>email</u> sent by the CIA officer to my office.
  I have redacted any identifying information regarding the officer in accordance with 50 USC 3517, and because of the officer's specific request for confidentiality.
- B) (U//FOUQ) A copy of my 2 November 2012 internal email to then Director Petraeus forwarding, at the officer's request, concerns raised by the CIA

Upon Removal of Enclosures, This Document is SECRET

(b)(3) NatSecAct

(b)(3) NatSecAct

(b)(3) NatSecAct

The Honorable Dianne Feinstein The Honorable Saxby Chambliss

> officer. Please note that all of the text below my signature was taken directly from the 1 November 2012 internal email sent by the CIA officer to the OIG. In the 1 November 2012 email, the officer's main concern was for the information to be provided to the DCIA for his situational awareness. The officer wanted to remain unidentified and apparently determined that the best way to get the information to the DCIA anonymously was through my office. As you will note, we accomplished that by means of my 2 November 2012 internal email to the DCIA. I informed the DCIA in the email that I was not planning any further inquiry by my office but was prepared to conduct any inquiry into the concerns raised by the CIA officer in the Director so requested. Director Petraeus did not make any such request.

C) (U//FOUO) The Interver Report dated 8 November 2012 documenting the interview of the CIA officer conducted on 5 November 2012 by OIG investigators and (b)(3) CIAAct I have again mode ted any identifying information regarding the officer.

3. (5) In response to your question, "Why did you decide not to make this complaint into a more formal "full case"?" There were several reasons. First, I was aware that the FBI was conducting a criminal investigation into the attacks. Second, I was aware that the officer's concerns were largely matters that would fall within the purview of issues that would be addressed by the Accountability Review Board, as required under 22 U.S.C. §§4031 et seq. That statutory provision requires the Secretary of State to convene an accountability review board in any case of serious injury, loss of life, or significant destruction of property at a U.S. Government mission abroad. I did not see sufficient value-added for an investigation by my office that would offset the potential disruption an additional parallel investigation might cause to the ongoing FBI and State Department investigations.

4. (S) In response to your question, "Separate from this complaint, did you consider opening an investigation into the attacks in Benghazi? Why or why not?" I did, but elected not

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(b)(3) NatSecAct

The Honorable Dianne Feinstein The Honorable Saxby Chambliss

to, chiefly for the same reasons cited above.

(b)(1) (b)(3) NatSecAct

We included this topic in our Fiscal Year 2014 Work Plan in response to the tragic events in Benghazi as well as the recent shooting at the Washington Navy Yard.

5. (U//FOUO) Lastly, in response to your question, "In our staff's discussions with your office, your staff made several references to a "Director's investigation" or "Director's internal investigation" into Benghazi. What is your understanding of this investigation and who was in charge of it?" The OIG officers that met with your staff members on 20 November 2013 have informed me that they were referring to an interview team then Director Petraeus was putting together to interview Agency personnel I do not have any additional information. A recommend you contact the CIA Office of Congressional Affairs for information regarding any review or investigation that was conducted at the direction of then Director Petraeus or then Acting Director Morell.

(b)(1) (b)(3) NatSecAct

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6.	(U)	If you have any additional the OIG counsel.	questions, please	
contact	me or	the OIG counsel,	(b)(3) CIAAct	

(b)(6)

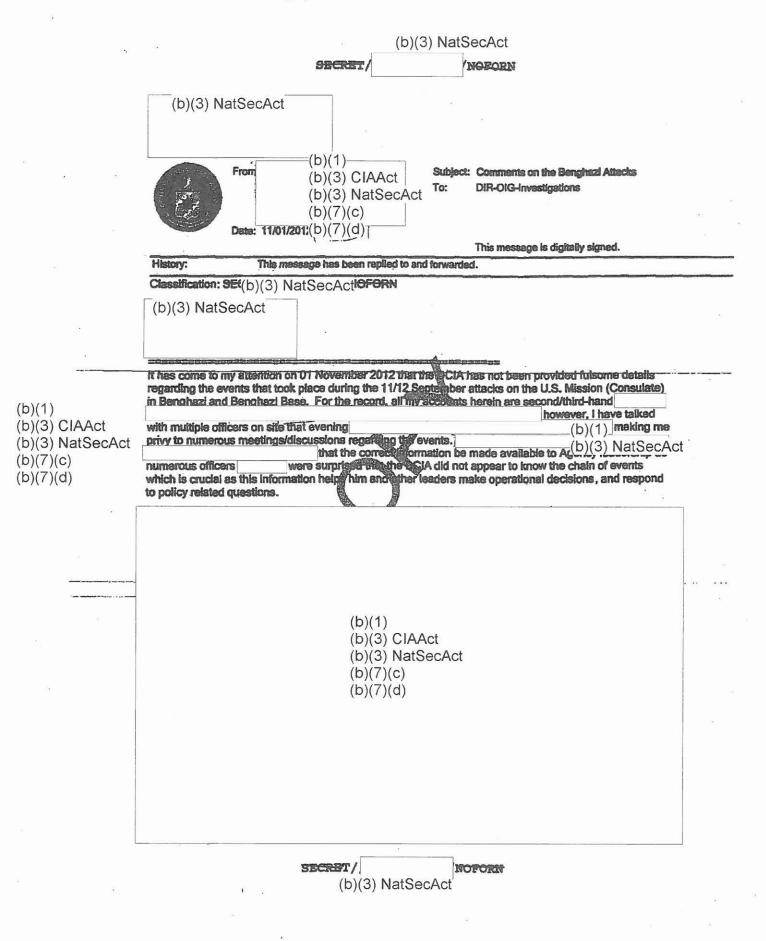
David B. Buckley

Sincerely,

Enclosures: As Stated

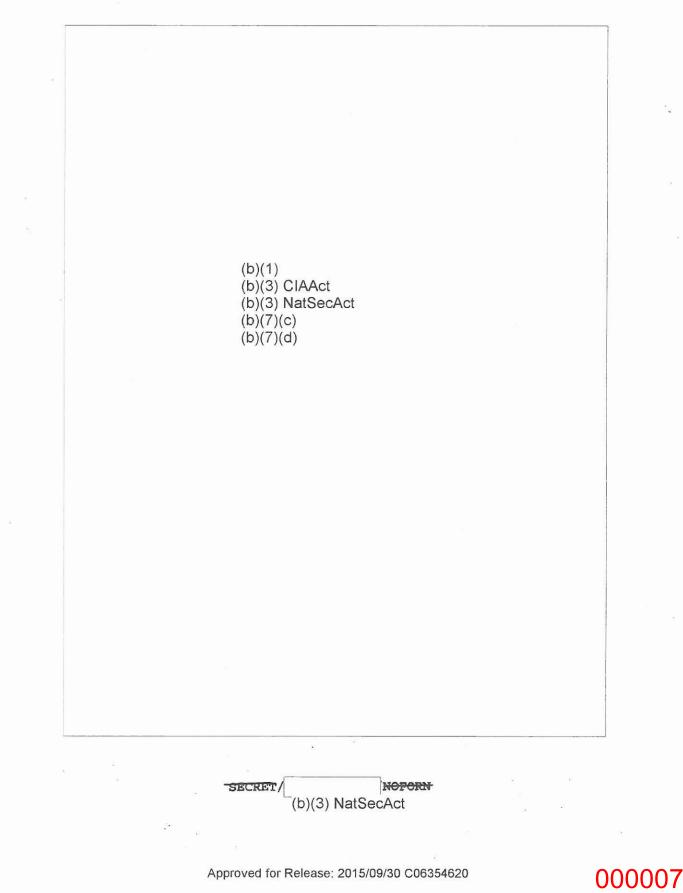
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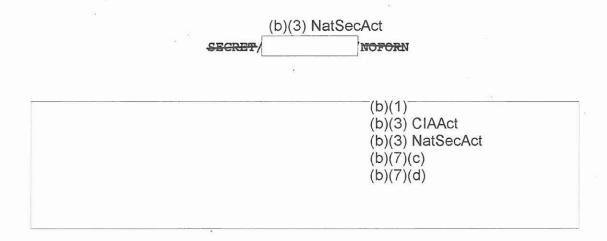


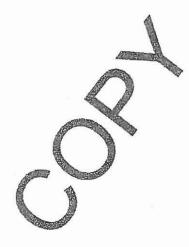
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(b)(3) NatSecAct NOFORN (b)(3) NatSecAct From: David B. Buckley Subject: Allegation pertaining to Benghazi (U) Inspector General To: David H. Petraeus Central Intelligence Agency Michael J. Morell, V. Sue Bromley, Date: 11/02/2012 03:52 PM Bcc: (b)(3) CIAAct David B. Buckley/STF/AGENCY@WMA (b)(3) NatSecAct Classification: SECRET/ NOFORN-(b)(3) NatSecAct (b)(6) Director, (b)(7)(c) (b)(7)(d) IG received an allegation from an officer based on your (b)(1)officers, you may have not been comments made (b)(3) NatSecAct provided with all the details regarding the track in Benghazi and subsequent response. The officer asked that the information below be provided to you . I have redacted . the officer's identity in compliance with 500 SC403q. The officer acknowledges that the importation provided is second and third hand 1 However, given the sensitivities concerning this issue, I am providing this information directly to you for your action as you deem appropriate . I informed DDCIA. The officer calls into question some actions and decisions made by the Chief of Base, Benghazi. While we plan to conduct a preliminary interview of the officer, we are not planning further work on this issue by my office. However, we stand ready to conduct any inquiry you may request, if indicated. Safe travels. David Buckley I request the following information be provided to the DCIA for his situational awareness : SECRET / NOFORN (b)(3) NatSecAct

Approved for Release: 2015/09/30 C06354620

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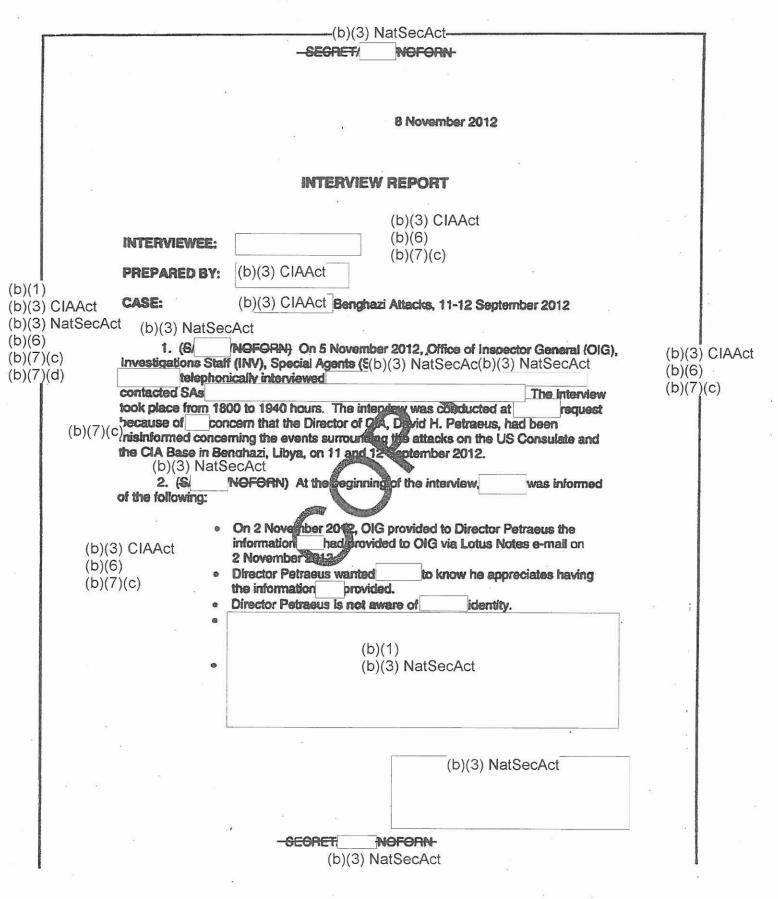
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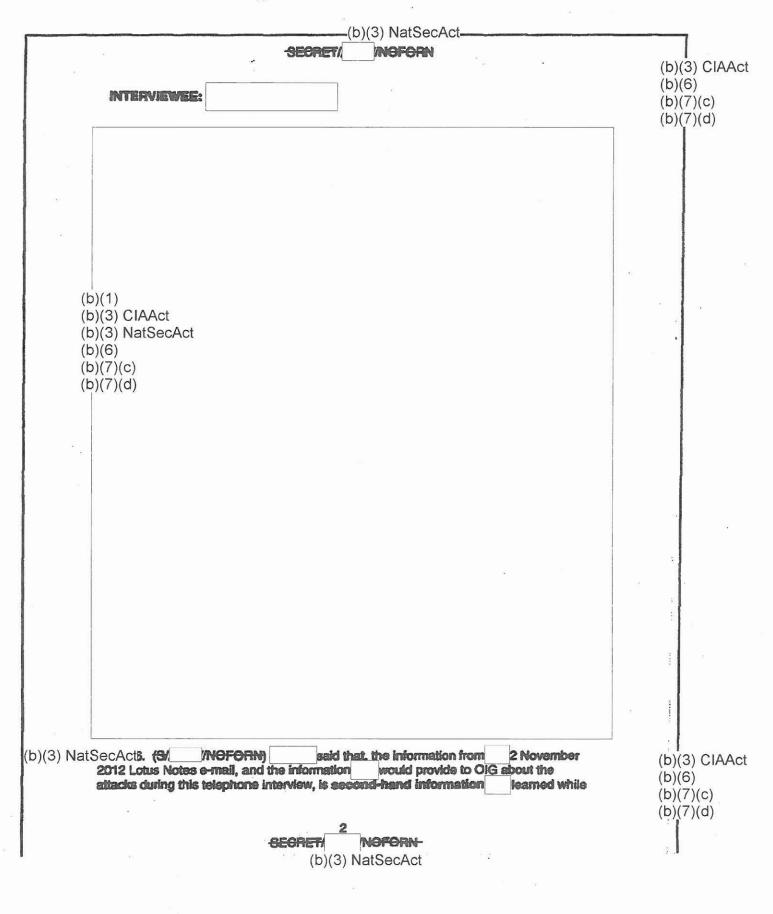
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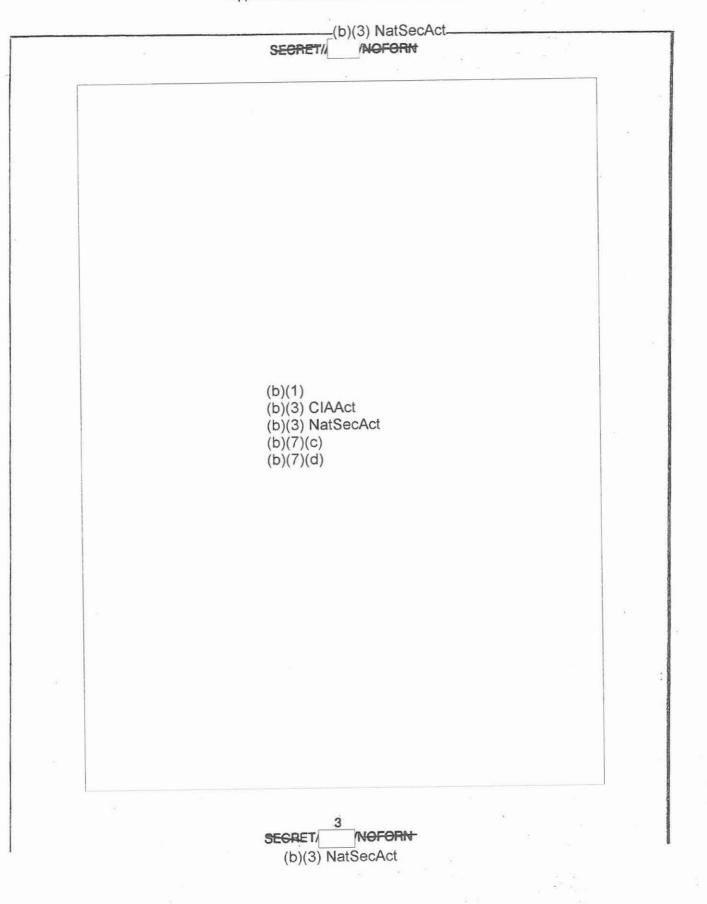
information. Contact the OI(b)(3) CIAAct if yea have any questions or to let us know that you received this email in error.

3######**#**## Classification: SE(b)(3) NatSecAction

> SECRET NOFORN (b)(3) NatSecAct



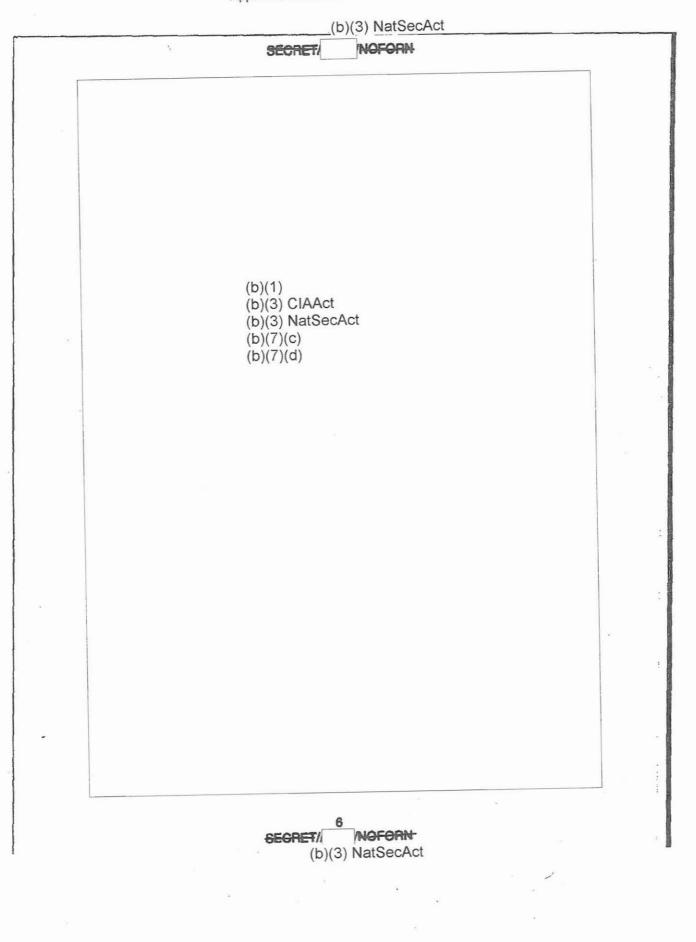




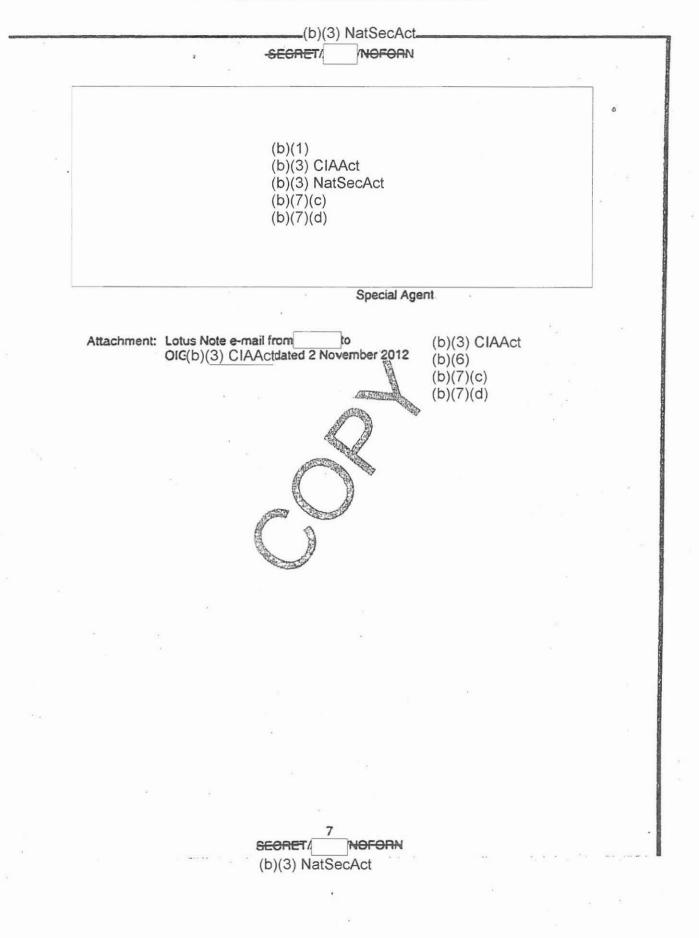


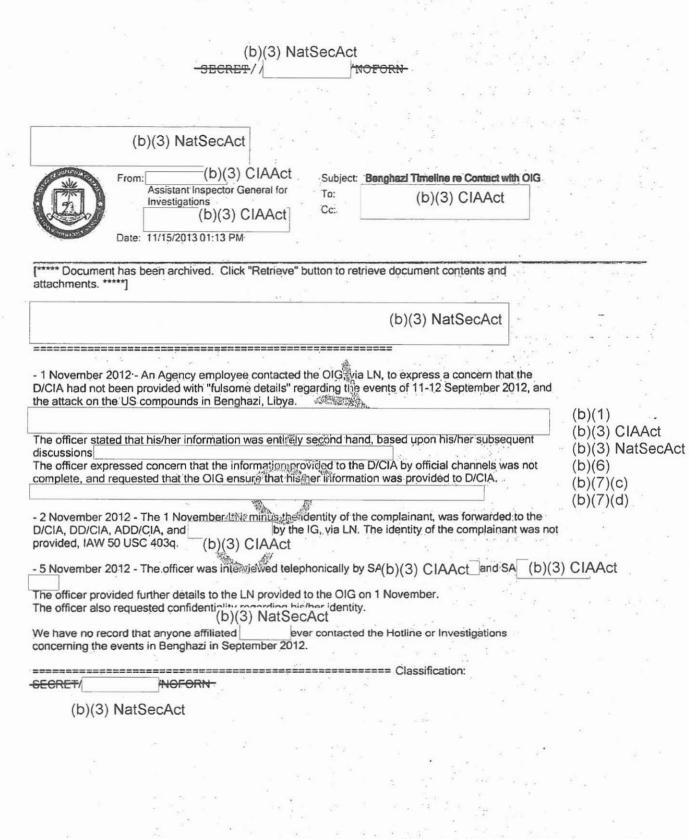
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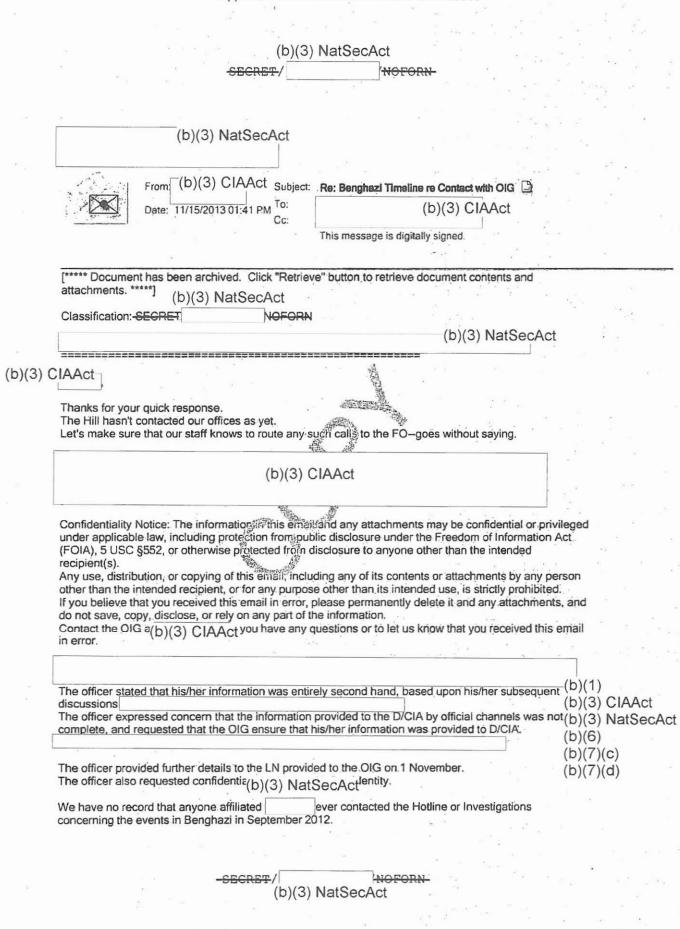




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#### Approved for Release: 2015/09/30 C06354616





(b)(3) CIAAct

From: Sent:	David Buckley
To:	Thursday, January 16, 2014 1:22 PM
	(b)(3) CIAAct
Cc:	
Subject:	Immediate Action: Alleged Complaints related Benghazi
mportance:	High

#### Classification: UNCLASSIFIED

All,

The Vice Chairman of the Senate Select Committee on Intelligence, along with several other Senators, included in their "Additional Views†of the SSCI Report on the Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya, September 11-12, 2012, dated January 15, 2014:

 $\hat{a}\in [.\hat{a}\in \mathbb{C}$ At the same time, the Committee has learned that the CIA Inspector General did not investigate complaints relating to the Benghazi attacks from CIA whistleblowers. Whether these complaints are ultimately substantiated or dismissed is irrelevant. On a matter of this magnitude involving the deaths of four Americans, the Inspector General has a singular obligation to take seriously and fully investigate any allegation of wrongdoing. His failure to do so raises significant questions that we believe the Committee must explore more fully. $\hat{a}\in$ 

Since the attack, I have repeatedly inquired of Investigations and the Hotline of the receipt of any such complaints. And, in preparation for a response to a SSCI inquiry in November 2013, we again searched the INV and Hotline files regarding the receipt of any Benghazi related complaint or issues that have been made to the OIG. There was one identified matter. I replied to the SSCI on December 3, 2013 regarding that one issue. Notwithstanding that response, however, the Reportâ€<sup>™</sup>s Additional Views contained the statement above.

Accordingly, in further due diligence, I am requiring you all to check your files for any such complaints.

Double check your records and identify to me any and all "complaints relating to the Benghazi attacks.†Please conduct the records check immediately and report the results to me in writing as soon as possible but no later than tomorrow, COB.

Thank you,

David

David B. Buckley

Inspector General

Confidentiality Notice: The information in this email and any attachments may be confidential or privileged under applicable law, including protection from public disclosure under the Freedom of Information Act (FOIA), 5 USC §552, or otherwise protected from disclosure to anyone other than the intended recipient(s): Any use, distribution, or copying of this email, including any of its contents or attachments by any person other than the intended recipient, or for any purpose other than its intended use, is strictly prohibited. If you believe that you received this email in error, please permanently delete it and any attachments, and do not save, copy, disclose, or rely on any part of the information. Contact the OIG at if you have any questions or to let us know that you received

this email in error

(b)(3) CIAAct

Classification: UNCLASSIFIED

I searched my Lotus Notes and have 9 emails dated between 2 Nov 2012 and 14 Nov 2012 related to an allegation INV received concerning the Benghazi attack on 11-12 Sep 2012. They are related to INV case \_\_\_\_\_, and INV should have the complete case file. Please let me know if you would like me to forward my LNs.

From: To: Cc: Date: 01/22/2014 12:32 PM Subject: RE: Benghazi documents

Classification: SECRET

(b)(3) NatSecAct

What the IG is looking for specifically is complaints made by officers about the Benghazi events. I hope this will narrow down the search.

From: (b)(3) CIAAct Sent: Wednesday, January 22, 2014 10:13 AM To: (b)(3) CIAAct Cc: Subject: Fw: Benghazi documents

Classification: SECRET

(b)(3) NatSecAct

In response to your request for Benghazi materials, I had sent the the note below to in regard to information

I will check my records for any other materials and get back to you by the 2pm. due date.

----- Forwarded by (b)(3) CIAAct on 01/22/2014 10:09 AM

(b)(3) CIAAct

(b)(1) (b)(3) NatSecAct (b)(7)(e)

SECRET

From: (b)(3) CIAAct Date: 01/16/2014 04:38 PM Subject: Fw: Benghazi documents To:

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(b)(3) CIAAct

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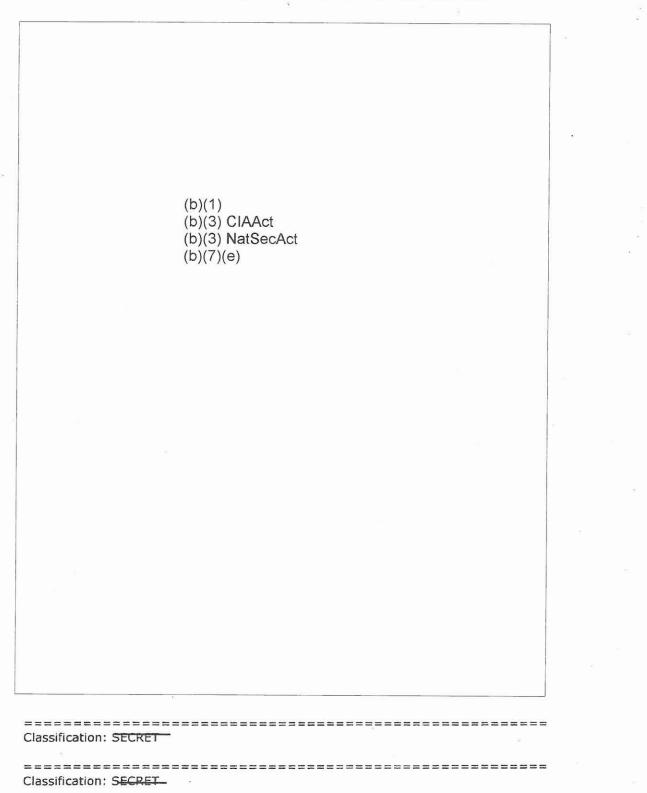
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have that g	- The list below been collected		Benghazi documents that cessary to search with r LNs on Friday to see if	(b)(1) (b)(3) Na (b)(7)(e)	itSecAct
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Ð	From: (b)(3) CIAAct Chief of Staff (b)(3) CIAAct Office of Inspector General Date: 11/27/2013 08:51 AM		URGENT ACTION: SSCI QFRs re Ben response due 12N TODAY	ıghazi - draft
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[***** Documer attachments. *	nt has been archived. Click "Retrieve" t	outton to rel	rieve document contents and	
Classification:	UNCLASSIFIED/ <del>/AIUO-</del>		===== Good Morning	
To recap, the I questions re a	to document the urgent action cited abo G received a memo dated 26Nov13 sig complaint received by OIG on or aroun 2012 terrorist attacks in Benghazi, Liby	ned by SSC d 1 Novemb	CI Chair/Vice Chair with the following	
complaint, in it complaint?	e any information related to the complain s entirety, and any information related to ecide not to make this complaint into a t	o your office	e's response or investigation of the	

Why did you Separate from this complaint, did you consider opening an investigation into the attacks on Benghazi? Why or why not?

In our staff's discussion with your office, your staff made several references to a "Director's investigation" or "Director's internal investigation" into Benchazi or "Director's internal investigation" into Benghazi:

What is your understanding of this investigation and who was in charge of it?

While written response is requested no later than Wednesday, 4 December -- Dave would like to see a draft response by 12 noon today. Thank you!

(b)(3) CIAAct

Chief of Staff Office of Inspector General

(b)(3) CIAAct

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(b)(3) CIAAct

============ Classification: UNCLASSIFIED/#AIUO

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