UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5165
(C.A. No. 14-01589)

ROGER ARONOFF, *Appellant*,)
)
v.)
)
CENTRAL INTELLIGENCE AGENCY, *et. al., Appellees*.)
)
)

REPLY BRIEF FOR APPELLANT

On Appeal from the United States District Court for the District of Columbia,
Hon. Emmet G. Sullivan and Hon. Loran L. Alokhan, District Judges.

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APPELLANT'S REPLY BRIEF

COMES NOW Appellant, Roger Aronoff and respectfully submits his Reply to the Brief of Appellees Department of Defense, the Central Intelligence Agency, and the Department of Justice.

SUMMARY OF ARGUMENT

DoD. Under Rule 52(a) of the Federal Rules of Civil Procedure, *Findings and Conclusions by the Court; Judgment on Partial Findings*, Appellant (hereinafter "plaintiffs") is entitled to findings of fact that are not clearly erroneous.

Here, the district court found as a fact that the evidence is "entirely consistent with DoD's representations."

The DoD represents that Secretary Panetta gave the order to respond, "by 7:00 p.m.;" that order was belatedly transmitted to at least three Combatant Commands, by telephone, at 8:39 p.m.; and there is no record whatsoever of that order being given, or received, until over six hours later, at 3:00 a.m.

The DoD failed to adhere to its *FOIA Request Processing* regulation by failing to forward the FOIA request for the first alert, or the "OPREP-3." That FOA alert was submitted to the Defense Intelligence Agency, but the DoD failed to forward it to AFRICOM.

Disclosure of assets available to respond, 13 years ago, could not provide adversaries with information that could now be expected to cause serious damage to national security.

CIA. The redaction of information regarding a "stand-down" order from records of the Central Intelligence Agency ("CIA") Inspector General's probe into a whistleblower's complaint is not justified under Exemptions 1, 3, 5, 6 and 7.

FBI. No FOIA Exemption justifies the Department of Justice ("FBI") to redact accounts of the CIA's order to its Quick Reaction Force to remain in place, or to "stand down."

ARGUMENT

1. Plaintiffs do not Challenge the DoD's Declarations Regarding the Order to Respond

The DoD devotes much of its brief to the proposition that the Court should reject plaintiffs' challenges to the adequacy of the search. It argues that plaintiffs have not shown bad faith, and that plaintiffs merely speculate that uncovered documents may exist, which does not undermine the finding that the agency conducted a reasonable search.

But the government is mistaken. Plaintiffs do not challenge the reliability of the DoD's Declaration regarding the search, at least insofar as it produced the first-in-time record of the order to respond.

2. Search for OPREP-3 Improperly Processed

Plaintiffs do challenge the DoD's failure to follow the Department of Defense ("DoD") regulation that requires it to forward a FOIA request to the relevant combatant command. *DoD Freedom of Information Act (FOIA) Program*, 82 FR 1197, *FOIA Request Processing* § 286.7 *General provisions*, subpart (c). *See* Brief for Appellant ("*Pl. Brief*") at 17.

The DoD explains, apparently, that plaintiffs had submitted the request for the first alert, or "OPREP-3," to the Defense Intelligence component, which could not locate it, whereas the record is more likely to be found in the repository of Africa Command records. In lieu of explaining its failure to adhere to its *FOIA Request Processing* regulation, it asserts, incorrectly, that it produced the record:

> Appellant asserts that the Defense Intelligence Agency failed to "[f]orward" his request "to [the] [p]roper [c]omponent." Br. 37. The government's declaration explained, however, that the Defense Intelligence Agency searched for responsive records, JA112, ¶ 9 (*Herrington Decl.*), and AFRICOM "did locate and produce" the redacted OPREP-3 report, JA117 ¶ 24 (*Herrington Decl.*); JA162-63. Appellant does not address these aspects of the government's declaration. *See* Br. 37-38.

Brief for Defendants-Appellees ("*Def. Brief*) at 17 (emphasis added).

But the government is mistaken. The Declaration does not state that the DoD did "'locate and produce' the redacted OPREP-3 report." Rather, it states that

the AFRICOM "did locate and produce Exhibit 10 as part of their response.[1]" Exhibit 10 is an AFRICOM communication that refers to the OPREP-3—it is not the report itself.

Plaintiffs submitted their FOIA request for the OPREP-3 to the DIA. The *Herrington Decl*. states that "[g]iven that AFRICOM is the combatant command responsible for the area encompassing Libya, it is logical that the OPREP 3 report would come from it." JA 117 ¶ 24. Plaintiffs' opening brief alleges that the DoD did not forward the request to AFRICOM. The DoD does not deny the allegation:

> Did the District Court err in failing to recognize that the DoD component receiving the FOIA request for the initial alert, the "OPREP-3," was required to forward it to other components likely to possess it.

Pl. Brief at 19, Plaintiffs' *Issues Presented* ¶ 6.

3. Findings of Fact

The government appears to question whether a finding of fact can even be reviewed, writing that Appellant "offers no authority in support of his novel

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[1] *Herrington Decl*. JA 117 ¶ 24:
As mentioned above, An OPREP 3 is a report of a specific incident, and a PINNACLE OPREP 3 describes an event of such importance that it needs to be brought to the immediate attention of the National Command Authority, Joint Chiefs of Staff/National Military Command Center, and other national-level leadership. While a request for a PINNACLE OPREP 3 was not sent to AFRICOM by Plaintiff, they did locate and produce Exhibit 10 as part of their response. Given that AFRICOM is the combatant command responsible for the area encompassing Libya, it is logical that the OPREP 3 report would come from it.

contention that he is 'entitled to a meritorious finding of fact upon which that ruling is based.' Br. 20." *Def. Brief* at 16. "The relevant inquiry is not whether the district court failed to make factual findings that accord with appellant's views," in the government's view, "but whether appellant establish the agency had acted in bad faith or not conducted a reasonable search—a question the district court correctly answered in the negative." *Id*. at 15.

Rule 52(a) of the Federal Rules of Civil Procedure, *Findings and Conclusions by the Court; Judgment on Partial Findings*, requires findings of fact when equitable relief is sought, provides that the parties may challenge those findings, and sets forth the standard of review as "clearly erroneous."[2]

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[2] Rule 52. *Findings and Conclusions by the Court; Judgment on Partial Findings*

(a) Findings and Conclusions.

(1) *In General.* In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58.

(2) *For an Interlocutory Injunction.* In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action.

(3) *For a Motion.* The court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.

(4) *Effect of a Master's Findings.* A master's findings, to the extent adopted by the court, must be considered the court's findings.

(5) *Questioning the Evidentiary Support.* A party may later

While this Court reviews the action of the district court in a FOIA case *de novo*, caselaw appears to be inconsistent on whether the proper standard of review of factual findings in FOIA cases is "clear error." Plaintiffs are unaware of this Court having addressed this specific issue. In any event, plaintiffs have met the clearly erroneous standard.

The Supreme Court defined the standard as: "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *United States v. United States Gypsum Co*., 333 U.S. 364, 395 (1948).

The district court concluded that "Plaintiffs' objection fails because the evidence they cite is entirely consistent with DOD's representations." *Mem. Op.* JA 551. Here, plaintiffs aver that a review of the facts in this case will leave the reviewing trier of fact with the definite and firm conviction that this was mistake—clear error.

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question the sufficiency of the evidence supporting the findings, whether or not the party requested findings, objected to them, moved to amend them, or moved for partial findings.

(6) *Setting Aside the Findings.* Findings of fact, whether based on oral or other evidence, must not be set aside unless clearly erroneous, and the reviewing court must give due regard to the trial court's opportunity to judge the witnesses' credibility.

The government opines that plaintiffs proffer their evidence of bad faith on the issue of the sufficiency of the government's search. This is incorrect. Plaintiffs proffer evidence of DoD's bad faith to show that the district court's finding was clear error—on the issue of whether to allow discovery. The DoD observes that this "Court 'overturn[s] the district court's exercise of its broad discretion to manage the scope of discovery only in unusual circumstances," and that "the district court did not abuse its discretion in denying plaintiffs' request to propound an interrogatory to the agency seeking communications within the agency relating to the attacks." *Def. Brief* at 16, 7. Plaintiffs agree. But they are entitled to a meritorious finding of fact upon which that ruling was based.

The issue is whether the evidence can support the government's claims that the Secretary of Defense Leon Panetta orally gave the order to respond by 7:00 p.m., that the Pentagon orally transmitted that order around at 8:39 p.m., and that the earliest document reflecting the order was generated six hours later, at 3:00 a.m. Here too the government does not specifically address the issues presented. (All times Eastern Standard.)

See Pl. Brief at 18, *Issues Presented* ¶¶ 1-2:

> Did the District Court erroneously fail to find as fact that the order to respond, known as an EXORD, is, by definition, the first order to respond.

> Did the District Court erroneously fail to find as fact that the EXORD, transmitted at 3:00 a.m. September 12, disproves the DoD's version that the order to respond had been given "by 7:00 p.m." and the *Select Committee's* account that the order had been relayed to forces by 9:00 p.m.

The sole source of the DoD's theory is the closed-door testimony of Secretary Panetta. Mr. Panetta received notice at 4:32 p.m., almost exactly one hour after it began. Within minutes of being notified he and Chairman of the Joint Chiefs General Martin Dempsey drove to the White House and went directly to the Situation Room. They then went to the Oval Office and met with President Obama and National Security Advisor Tom Donelan. After that meeting, they travelled back to the Pentagon and convened a meeting.

An hour or so later—"by 7:00," according to Mr. Panetta and the *Select Committee*, he gave the order to respond. It was not to prepare to go. It was to go.[3]

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[3] *See, e.g., Panetta testimony*, JA 384, 385, 386, 390, 400, 415:

Q. So no one would have been waiting on you to issue a subsequent order.
A. That's correct.
Q. You were clear the first time.
A. Absolutely.
Q. So we can eliminate the President being part of that principal, plural, and your testimony is that there was no ambiguity in terms of what you said you wanted done?
A. That's right.
Q. Your direction was, "Move out as quickly as you can."
A. That's right.

See also id. at 385, 386, 390, 400, 415:

That order to go was, according to the DoD's Timeline, transmitted to forces by telephone only, at 8:39 p.m. This cannot be true.

DoD Procedure for Transmitting Orders. "[S]omebody then types those orders out, in terms of a formal authorization." *Panetta testimony*, JA 391. Of course. It was only in response to this FOIA action that the DoD claims that the order was by telephone.

The DoD has a procedure for transmitting orders. The DoD produced, as its earliest record of any order to deploy, the EXORD, meaning order to go, or to execute. It was issued on September 12, at 3:00 a.m. Ex. 1 to *Clarke Decl*., JA 371-372. The DoD produced around 70 pages of corresponding FRAGORDS, or fragmentary, follow-up, orders. These follow-up orders are necessary because armed conflicts are fluid: the circumstances of the hostilities change and

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> Based on their recommendations, that we have our FAST teams, Marine FAST teams, respond, be prepared to—you know, not only prepare to deploy but deploy… So those were the orders that I gave. And I had the authority to give those orders. And those orders were carried out. But it was very clear: They are to deploy… My directions were very clear; those forces were to be deployed, period… As far as I was concerned, once I issued the orders, they were moving… You know, that is my view, as Secretary, is: I issued the orders. I want those units in place. Do whatever the hell you have to do in order to make it happen… It makes sense to me. But, you know, again, as to the specific timeline, I was not—you know, the Secretary is not really aware of the specific timeline. My view was: Get them going as quickly as you can… You know, the specifics of what they do or do not have, you know, it's not something I'm that familiar with. But, clearly, my viewpoint was: These are elite forces. When you order them to go, they go.

intelligence gathering is ongoing. There are no FRAGORDS between 8:39 p.m., when the DoD claims to have transmitted its order to go, and the 3:00 a.m. EXORD.

False Account of Communications with the Joint Chiefs. Mr. Panetta testified that, during the 6:00 p.m. meeting at the Pentagon with General Ham, Admiral Winfield, General Dempsey, General Kelly, and Jeremy Bash, he repeatedly communicated with them to check that his orders were being carried out. "[T]he principals were still kind of talking and continuing to talk to make sure that the steps that I had ordered were taking place." *Panetta testimony*, JA 387. He was asked again:

> Q. After you gave the order to deploy, why did you not check to see what was happening and what was moving?
> A. I did. And, I mean, I continued to talk with General Dempsey and with Admiral Winnefeld and, obviously, General Kelly, my military aide, and continued to ask," "Give me updates," to make sure these people are on the move and ready to deploy. And, you know, they indicated things were moving.
> Q. And so, is that as specific as they were? "Things are moving"?
> A. Yeah, I mean, my whole point as Secretary was to make sure that the units that I had ordered were moving…

Id. at JA 398.

Mr. Panetta's testimony is unequivocally false. Generals Dempsey and Kelly and Admiral Winfield were not assuring him that forces were moving into place when the order had not even been transmitted to forces—allegedly for another two hours and 21 minutes; at 8:39 p.m.

DoD Timeline Undermines Account of Verbal Order. The DoD's Timeline's entry for "6:00 p.m.-8:00 p.m." uses the term "provides verbal authorization." The Timeline's entry for the order to deploy, allegedly given 8:39 p.m., does not state that the order was verbal. *See DoD Timeline*, JA 156-157.

Conflicting Accounts of When Order Given. While the final version of when the order was given was "by 7:00 p.m.," Mr. Panetta testified before the *Senate Intelligence Committee* that he gave the order "immediately" upon his return to the Pentagon, at 6:00 p.m. "We both went back to the Pentagon and immediately I ordered the deployment of these forces into place." *Senate Intelligence Committee* testimony, Feb, 7, 2013 JA 481.

False Account of White House Situation Room Briefing. The State Department Operations Center issued its alert to the White House Situation Room at 4:05 p.m. By the time Mr. Panetta arrived at the Situation Room, that command-and-control office had been fully engaged for almost an hour, as was the State Department, the Pentagon, Africa Command, as well as Secretary Clinton.[4]

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[4] *See* Amended Complaint, Preliminary Statement, JA 24:

> Within minutes, Ambassador Stevens called his second in command, in Tripoli, Deputy Chief of Mission Greg Hicks. "Greg, we're under attack." Hicks immediately called the CIA Chief in Tripoli, the operations Center at the State Department in Washington, and the CIA's Benghazi facility, the "CIA Annex," the Agency's secret headquarters in Benghazi…

Mr. Panetta and General Dempsey visited the Situation Room to gather "additional information… about events in Benghazi." Notwithstanding the ongoing communications, and real-time developments, he stated that they did not learn anything. "I don't think we received any additional intelligence." JA 382.

Memory Lapses. Communications regarding the attack began just minutes after it began, and continued throughout the siege. Secretary Clinton had "briefed" National Security Director Tom Donilon "on developments… at or just after" 4:00 p.m. whereupon the White House "quickly provided" "all possible support." *Senate Committee on Foreign Relations*, *Clarke Decl*. Ex 7., JA 441. But Mr. Panetta could not recall whether Mr. Donilon, or the President, were even aware of the attack. He could not remember who informed him (*Panetta testimony*, JA 404), or where he was when notified (*id.* JA 381), or whether spoke with General Ham. *Id.* 382-83.

Conflicting Accounts of Meeting with the President. Mr. Panetta testified that during the meeting with the President he "did not go into particulars about

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> Henderson stayed in contact, as did Hicks, while the Tripoli Defense Attaché kept African Command and the Joint Chiefs of Staff informed. Word quickly reached Defense Secretary Leon Panetta and chairman of the Joint Chiefs of Staff General Martin Dempsey. Global conference calls included European Command, Central Command, Special Operations Command, Transportation Command, and the Army, Navy, Air Force, and Marines. Thirty-three minutes into the attack, at 4:05 p.m. Washington time, State's Operations Center issued an alert to the White House Situation Room, the FBI, and the Office of the Director of National Intelligence, among other key government and intelligence offices.

what resources would or would not be deployed" (*id*. at 21), while the *Timeline* states, "The leaders discuss potential responses to the emerging situation." JA 373.

Illogical Response. Mr. Panetta testified that he and General Dempsey "had to get back to the Pentagon in order to determine what steps ought to be taken to try to respond to the situation." *Id.* JA 384. Yet, minutes after being notified, they had left the Pentagon.

4. Maps of Available Assets

Several of plaintiffs' FOIA requests seek identification of available assets, both personnel and aircraft. The DoD withholds, in their entirely "12 pages of maps that contain the posture of forces worldwide during the relevant timeframe in September 2012," the numbers and locations of ships, submarines, response forces, and aircraft surrounding Benghazi, as well as travel times. *Malloy Decl*. JA 96 ¶ 4. The District Court agreed that disclosure could provide adversaries with information that could now be expected to cause serious damage to national security.

The travel times are in the public record.

Plaintiff's expert, Admiral James Lyons, opines that "U.S. deployment in the region almost six years ago could be of no value to an adversary." *Lyons Aff*. ¶ 5 JA 485. It has now been 13 years since the maps were generated.

The DoD decares that Admiral Lyons' opinion is simply an "an unsubstantiated statement in an affidavit from a former military officer." *Def. Brief* at 19. The government argues that "the declarant's opinion about the nature of current or future military assets is limited at best because he is currently retired and does not know [the government's] current national security concerns." *Id*. at 19. While this may be so, plaintiffs do not seek any information related to "current national security concerns."

5. CIA and the Order to Stand Down

This issue is:

> Where CIA Director David Petraeus testified that he was unaware of any "stand down" order having been given by the COB to the QRF, was the redaction of that information from a whistleblower's complaint, and its resultant Report of the CIA Inspector General, justified under Exemptions 1, 3, 5, 6 and 7.

Pl. Brief at 18, *Issues Presented* ¶ 7.

At issue here is the CIA's redactions to its production of records of a complaint to the CIA Inspector General ("IG"). The production reflects that, in the aftermath of the attack, in September of 2012, Director Petraeus spoke to a group of CIA personnel who had been at the Annex. Thereafter, one employee emailed the CIA IG asking that certain information be provided to Mr. Petraeus, anonymously. Plaintiffs argued that the CIA improperly redacted the specific subject matter of the investigation.

Specifically, plaintiffs seek disclosure of the "stand down" order. The production simply reveals that Director Petraeus not been told "fulsome details" of the CIA's response to the attack. What details had been kept from him? Was it the order to stand down? Mr. Petraeus testified that he was unaware of any such order.

While many of the CIA's redactions are undoubtedly proper, its nondisclosure of the substance of the underlying allegation is improper.

6. FBI and the Stand Down Order

Plaintiffs raise the following issues:

> Where plaintiffs seek only those portions of the 302s which recount the COB's stand down order to the QRF, does the FBI have a rational basis to assert that such disclosure "could reasonably be expected to interfere with enforcement proceedings" under Exemption 7(A).
>
> Where plaintiffs seek only those portions of the 302s which recount the COB's stand down order to the QRF, does the FBI's withholding-in-full violate its mandate to release reasonably segregable information.
>
> Where plaintiffs seek records generated twelve years ago, has the FBI met its burden of showing that prosecutions are "pending or reasonably anticipated" under Exemption 7(A).
>
> Where the QRF's accounts of the COB's stand down order is vastly public, and in the Congressional record, did the FBI properly withhold that information from the 302s under privacy Exemptions.
>
> Is the FBI properly withholding, on privacy grounds, the 302 of John Tiegen, notwithstanding its receipt of Mr. Tiegan's written privacy waiver.

Pl. Brief at 18, *Issues Presented* ¶ 78-12.

Plaintiffs seek disclosure of the FBI FD-302 reports and corresponding handwritten notes for interviews conducted on September 15 and 16, 2012, in Germany, containing the narratives of United States personnel who survived the September 11 and 12, 2012 Benghazi attacks on the State Department Mission, and thereafter on the CIA Annex (hereinafter "302s"). The FBI withholds these 302's in their entirety, asserting national security grounds under Exemptions 1 and 3, the deliberative process privilege under Exemption 5, and Exemption 7 law enforcement information that could (1) interfere with enforcement proceedings, or (2) disclose techniques and procedures and risk circumvention of law, or (3) endanger life or physical safety. (Exemptions 7(A), 7(E), and 7(F)).

Here too plaintiffs seek disclosure of the "stand down" order. They have no objection to the FBI's redaction of identifying information of the six categories of individuals that the FBI identified:

(1) FBI Special Agents and Professional Staff;
(2) Personnel from Non-FBI Federal Agencies;
(3) Third Parties Merely Mentioned in the Responsive Records;
(4) Persons of Investigative Interest;
(5) Local Law Enforcement Personnel; and
(6) Individuals who Provided Assistance to the CIA.

Additionally, the FBI claims that "plaintiffs did not dispute [that] the FBI had compiled the records for law enforcement purposes and the government's investigation into the Benghazi attacks remained ongoing. *See* JA 913." *Def. Brief*

at 25. While this was correct six years ago, the circumstances have changed, as the Benghazi attack was now 13 years ago.

Disclosure of the order to "stand down" in the 302's implicates no information sought to be protected by any Exemption.

CONCLUSION

The question of when forces were ordered to respond, and whether there had been any orders not to respond, are central to the controversy over the government's conduct in response to the Benghazi attack.

The claim that the order to respond was only transmitted orally —at 8:39 p.m.—was first asserted in this action.

The district court's finding of fact that plaintiffs' evidence "is entirely consistent with DOD's representations" is clear error. The DoD's account is that Secretary Panetta gave the order to respond to three combatant commands by 7:00 p.m.; the order was belatedly transmitted, only by telephone, to at least three Combatant Commands at 8:39 p.m.; and there is no record whatsoever of that order being given, or received, until over six hours later, at 3:00 a.m. This is not believable.

The *Select Committee* excused two hours of the delay in transmitting the order. It was a bureaucratic snafu. "Several more hours" after the order was transmitted, according to the Committee, forces were moving:

> Yet nearly two more hours elapsed before the Secretary's orders were relayed to those forces. Several more hours elapsed before any of those forces moved. During those crucial hours between the Secretary's order and the actual movement of forces, no one stood watch to steer the Defense Department's bureaucratic behemoth forward to ensure the Secretary's orders were carried out with the urgency demanded by the lives at stake in Benghazi.

Select Committee Report. JA 426.

If the order had been transmitted at 8:39 p.m., and "several more hours elapsed before any of those forces moved," that would mean that forces began moving by 10:39 p.m. They were not enroute until the next day. "These are elite forces. When you order them to go, they go." *Panetta Testimony*. JA 415.

The *Select Committee* chose not to explore this obvious incongruity. Nor was it concerned that the DoD failed to produce the records of the order. It simply reported—at the conclusion of its 31-month probe—"documents relating to orders or commands given to defend against the attacks or rescue Americans in Benghazi is pending production."

Nor did the DoD provide the Select Committee with records of available assets. Here too Mr. Gowdy declined to subpoena the records, writing that the DoD "did not respond to the Committee's request" for records of assets "not identified," and that "it is in the public interest that it do so." *Select Committee* Report, JA 425.

The sole source of when Secretary Panetta gave that order is his thoroughly contradicted, and even nonsensical, testimony. The Joint Chiefs of staff were not telling him that forces were on the move when the order had not even been transmitted.

Given the investigative history of this matter, prosecution of this FOIA case opens up the inner working of not only government agencies, but also of congressional oversight.

After *seven* congressional probes the DoD has yet to provide the information sought:

> State the times of all electronic, verbal, and written, communications, from 3:32 p.m., through 3:00 a.m., by and among all DOD components, the total number of individuals on the communication, their titles and locations, and the substance of that communication. Include in your answer a description of all records, in any form, containing, reflecting, or otherwise corroborating, that communication.

Plaintiffs' proposed Interrogatory, JA 436.

Date: June 12, 2025.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE FRAP 27(d)(2)(A)

The text for this Brief for Appellant was prepared using Times New Roman, 14-point, and contains 4,544 words as counted by Microsoft Word.

/s/ John H. Clarke

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 12, 2025, I have caused the foregoing Appellant's Reply Brief to be served on Appellee's counsel by filing the Certificate on the Court's CM/ECF system. Counsel is a registered user.

/s/ John H. Clarke