

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
ACCURACY IN MEDIA, INC., <i>et al.</i>)	
)	Civil Action No.
Plaintiffs,)	14-cv-1589 (EGS)
)	
v.)	
)	
DEPARTMENT OF DEFENSE, <i>et al.</i>)	
)	
Defendants.)	
_____)	

DECLARATION OF MARK H. HERRINGTON

Pursuant to 28 U.S.C. § 1746, I, Mark H. Herrington, hereby declare under penalty of perjury that the following is true and correct:

1. I am an Associate Deputy General Counsel in the Office of General Counsel (“OGC”) of the United States Department of Defense (“DoD”). OGC provides legal advice to the Secretary of Defense and other leaders within the DoD. I am responsible for, among other things, overseeing Freedom of Information Act (“FOIA”) litigation involving DoD. I have held my current position since March 2007. My duties include coordinating searches across DoD to ensure thoroughness, reasonableness, and consistency, and also coordinating productions of responsive documents, including the appropriate redaction of some of those documents.

2. The statements in this declaration are based upon my personal knowledge and upon my review of information available to me in my official capacity. Specifically, I am the OGC counsel currently assigned to this case.

3. I am familiar with the FOIA requests submitted by Plaintiffs to nine DoD components seeking categories of documents related to the attack on United States’ facilities in Benghazi,

Libya, on September 11, 2012, and September 12, 2012.¹ I also understand that with respect to DoD, Plaintiffs intend to challenge only three aspects of DoD's response to Plaintiffs' FOIA request: (a) the search that DoD conducted in response to Plaintiffs' FOIA request seeking initial reports and orders and communications as detailed below; (b) the search that DoD component, Africa Command ("AFRICOM"), conducted for records responsive to Plaintiffs' request for records of Gaddafi's alleged March 2011 interest in truce and abdication; and (c) whether DoD properly withheld in full records reflecting DoD's assets, including maps, personnel, and aircraft. *See* Joint Mot. to Amend Briefing Schedule at 3-4, ECF No. 65.

4. This declaration addresses only the sufficiency of the searches conducted in response to Plaintiffs' request for records reflecting (1) initial orders and communications, and (2) Gaddafi's alleged interest in a truce and abdication.² As explained in detail below, with respect to Plaintiffs' request for records reflecting initial reports and orders, the relevant DoD components conducted a thorough search for records responsive to Plaintiffs' requests seeking initial orders and communications and produced the non-exempt portions of the same. Plaintiffs' claim that DoD failed to conduct a reasonably adequate search for records responsive to those particular

¹ In response to all of the FOIA requests directed at DoD (including nine component agencies), DoD processed over 1,200 pages of records, which were either released in full, released in part, or denied in full. As previously mentioned, from the vast collection of DoD responsive records released to Plaintiffs, Plaintiffs challenge only a small set of documents withheld by the Joint Staff on September 19, 2014, which contain the force posture of the Department of Defense for the EUCOM, Central Command ("CENTCOM"), and AFRICOM areas of responsibility as well as the force posture of Special Operation forces worldwide during the relevant timeframe in September 2012, and a few documents located by DIA. Those withholdings are addressed in separate declarations by Rear Admiral Andrew L. Lewis, United States Navy, of the Joint Staff, and Alesia Williams of DIA.

² While the challenged searches fit into two general categories, initial orders and reports and Gaddafi's alleged March 2011 interest in a truce, those requests appear in letters to five DoD components and detailed in paragraph 6 of this declaration.

request is based solely on Plaintiffs' unsubstantiated speculation that other responsive records exist. They do not.

5. The same is true with respect to Plaintiffs' request for records concerning Gaddafi's alleged March 2011 interest in a truce and abdication. DoD component, AFRICOM, to whom Plaintiffs directed this request, conducted a thorough search for responsive records.

The Scope of the Two Challenged FOIA Requests Directed At DoD

6. Plaintiffs' FOIA requests sought records concerning orders in response to the attack on the United States mission in Benghazi, including "orders to, NAVSTA Rota personnel to get ready to deploy, and if applicable, to deploy" (*See* March 31, 2014 requests to Navy, Marine Corps, and European Command ("EUCOM") attached as Exhibits 1, 2, and 3), "orders [to an airborne special operations unit in Croatia] to deploy to NAS Sigonella" (*See* March 31, 2014 request to EUCOM attached as Exhibit 3), and "orders to, NAS Sigonella personnel to get ready to deploy, and if applicable, to deploy" (*See* March 31, 2014 request to Navy, Marine Corps, and EUCOM attached as Exhibits 1, 2 and 3). In addition, in a May 28, 2014 letter to the Defense Intelligence Agency ("DIA"), Plaintiff requested the "OPREP-3 PINNACLE report(s) used to provide any Department of Defense division (or office or entity) with notification of, or information about, the September 11th and 12th 2012 attacks on U.S. facilities in Benghazi, Libya." (*See* request attached as Exhibit 4).

7. Finally, in an October 1, 2014 letter to AFRICOM, Plaintiff sought "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." (*See* request attached as Exhibit 5).

I. DoD Components' Searches for Records Responsive to Plaintiffs' Requests for Records of Initial Orders and Communications were Sufficient.

A. DIA's Search for Records of Initial Orders and Communications.

8. Plaintiffs directed two letters containing requests to DIA dated April 7 and May 28, 2014.

As relevant here, in the May 28th request, Plaintiff sought records of "OPREP-3 PINNACLE report(s) used to provide any Department of Defense division (or office or entity) with notification of, or information about, the September 11th and 12th 2012 attacks on U.S. facilities in Benghazi, Libya." *See* Exhibit 4. As explained again later in this declaration, DIA would not be the unit responsible for such a report, but rather the combatant command with the area of responsibility for the location of the incident would be responsible for the report. 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.

9. Regardless of this misdirected request, in response to this specific request by Plaintiffs' DIA conducted two searches of its Record Message Traffic ("RMT") database, a proprietary DIA repository for electronic message traffic, which currently holds in excess of 70 million such messages addressed to or originated by DIA, from January 1, 1987, to the present. DIA personnel used boolean logic and key words such as "msgid," "oprep," "pinnacle," and "Benghazi," which would be likely to capture responsive documents. One RMT search covered a three-year date range of January 1, 2012, to May 13, 2015.

B. EUCOM's Search for Records of Initial Orders and Communications.

10. In order to locate records responsive to Plaintiffs' request for records reflecting "personnel to get ready to deploy, and if applicable, to deploy," EUCOM conducted a search of the following directorates: the J2 - Directorate of Intelligence; the J33- EUCOM Plans and Operations Center, Operations Division; and the J5/8 - Directorate of Strategy. The J2executes agile, all-source, multi-disciplined intelligence operations that are fully synchronized and integrated with Theater Component, National and Partner Organizations; the J33 enables US EUCOM planning and execution, and enhances Senior leader decision-making superiority across the entire spectrum of military operations; and the J5/8 is responsible to Commander US EUCOM for formulation and staff direction of the execution of basic military/political policy and planning for command activities involving relations with other U.S. Unified Commands, allied military and international military organizations, and subordinate commands. EUCOM reasonably determined that these three directorates were likely to have records responsive to Plaintiffs' request for initial orders and communications related to the September 11, 2012 attack on the United States mission in Benghazi, Libya.

11. Personnel in these directorates conducted searches of their paper and electronic media, including searches conducted of safes, which store classified materials, E-mail accounts, and network share drives. In addition, to ensure that the search for records reasonably captured all responsive records, EUCOM's search of its paper and electronic records, included a search at all levels of classification, for which any reasonable records would likely reside. To conduct their electronic search, personnel in the three directorates used search terms such as "Libya," "Benghazi," "FAST," "Marine Force Reconnaissance Team," "Marine Corps Fleet Antiterrorism Security Team," "Naval Station Rota," "NAVSTA Rota," "NASSIG," and "NAS Sigonella."

Personnel in the directorates determined that these terms were sufficiently broad to ensure that they reasonably captured the universe of potentially responsive records.

C. Navy's Search for Records of Initial Orders and Communications.

12. In response to Plaintiffs' request for records reflecting various "personnel to get ready to deploy, and if applicable, to deploy," Navy directed the U.S. Naval Forces Europe-Africa / U.S. 6th Fleet ("CNE-CNA-C6F") to conduct a search for records responsive to this request. Navy selected CNE-CAN-C64 because it is the Navy command with geographic responsibility for, among other countries, Libya. In turn, personnel within CNE-CAN-C64 directed the following offices to conduct a search for responsive records: N21 (collections/ISR-Intelligence Surveillance Reconnaissance), N33 (Current OPS), N35 (Future OPS), Combined Task Force ("CTF") 65, CTF 67, and CTF 68. CNE-CNA-C6F's decision to search these particular divisions and subordinate commands was based on CNE-CNA-C6F's assessment that these particular offices' duties and tasking responsibilities could potentially yield documents responsive to Plaintiffs' request for records reflecting various "personnel to get ready to deploy, and if applicable, to deploy."

13. These particular offices within CNE-CNA-C6F conducted searches of both electronic and paper databases at all levels of classification. CNE-CNA-C6F is a command with high security awareness; therefore, most of the records are stored electronically on shared drives on systems appropriate to the classification of the information. Paper files are kept in secured safes.

D. Marine Corps' Search for Records of Initial Orders and Communications

14. The Marine Corps directed that personnel in the Marine Corps Forces Europe / Africa ("MARFOREUR/AF"), the Marine Corps component within the command of both the EUCOM and AFRICOM Combatant Commands, conduct a search for records reflecting various

“personnel to get ready to deploy, and if applicable, to deploy.” MARFOREUR/AF has geographic responsibility for the region in and around Libya, among other regions, and thus the Marine Corps reasonably concluded that MARFOREUR/AF could potentially have records responsive to this particular request. MARFOREUR/AF searched their combined shared drives and shared portal on both unclassified and unclassified systems.

15. In addition to conducting a search of their electronic and paper files, MARFOREUR/AF personnel also identified and interviewed key personnel who were present at the command in 2012, and tasked those individuals with searching their archived emails and paper files for responsive records. MARFOREUR/AF personnel did not locate any responsive records, likely attributable to the fact that Special-Purpose Marine Air-Ground Task Force Crisis Response-Africa was created in response to the attacks on the 2012 embassy in Benghazi. At the time of the attack, MARFOREUR/AF did not have an embassy support mission, and were not contacted during the attack.

II. DoD’s Release of Records Responsive to Plaintiffs’ Request for Initial Written Orders and OPREP Report(s).

16. As explained in detail above, DoD components DIA, EUCOM, Navy, and Marine Corps each conducted electronic and paper file searches for records responsive to Plaintiffs’ request for initial written orders and communications. In response to this particular request, EUCOM produced a redacted copy of the Execution Order (“EXORD”) dated 0700 Zulu (Greenwich mean time) September 12, 2012. The EXORD is the initial written order directing EUCOM to execute an action in response to the September 11, 2012 attack on the United States mission in Benghazi, Libya. A copy of the EXORD, as produced to Plaintiff, is attached as Exhibit 6.

17. In addition, EUCOM released Fragmentary Orders, which are written orders issued *after* the initial EXORD that delineate changes in the initial EXORD. *See, e.g.*, Exhibit 7 (an example of a FRAGORD released to Plaintiffs).

18. This EXORD that EUCOM produced to Plaintiffs is the first written order. Despite relaying this information, Plaintiffs insist that there must have been earlier written orders. In an effort to assuage Plaintiffs' concern that the DoD production failed to include these alleged earlier written orders, I provided Plaintiffs with a two-page timeline of DoD actions on September 11-12, 2012, which was prepared and provided to Congress for the multiple inquiries into the Benghazi attack. A copy of that timeline is attached as Exhibit 8.

19. As set forth in the timeline, during the timeframe of 6:00 – 8:00 P.M. Eastern Daylight Time (2200 – 2400 Zulu) on September 11, 2012, "Secretary Pennetta directs (provides verbal authorization) the following actions." After listing three units that prepared to deploy based on Secretary Panetta's *verbal* orders, the timeline specifically states that "[d]uring this period, actions are *verbally conveyed* from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization." (emphasis added)

20. In other words, the timeline provided to Plaintiffs demonstrates that the initial orders in response to the September 11, 2012 attack on the United States mission in Benghazi, Libya, were conveyed *verbally*. This timeline of events is further supported by the fact that the EXORD (Exhibit 6), lists a phone conversation at 2228 Zulu on September 11, 2012, as reference A. The subsequent FRAGORD lists the phone conversation as reference A and the EXORD as reference B. *See* Exhibit 7.

21. The fact that the initial orders were conveyed verbally is also supported by a timeline of events that the Navy produced to Plaintiff, attached as Exhibit 9, which specifically references an

initial phone call at 0008 local time in Rota Spain on September 12, 2012 (2208 Zulu Time September 11, 2012), and the EUCOM Exord, issued at 0900 local time (0700 Zulu on September 12, 2012).

22. The EXORD mentioned above and attached is the first *written* order – there are no others.

23. With respect to Plaintiffs' request for OPREP 3 reports, AFRICOM released this report to Plaintiffs. *See* Exhibit 10. As detailed above, Plaintiffs directed their request for "OPREP-3 PINNACLE report(s) used to provide any Department of Defense division (or office or entity) with notification of, or information about, the September 11th and 12th 2012 attacks on U.S. facilities in Benghazi, Libya," to DoD component, DIA. *See supra* ¶¶ 8-9. I have delineated the search that DIA conducted in response to this request.

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.

III. The Search that AFRICOM conducted for Records Regarding Gaddafi's Alleged Abdication Was Reasonable and Adequate.

25. With regard to Plaintiffs' request to AFRICOM for "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," the following offices conducted a thorough search for records in AFRICOM's possession: AFRICOM's J5 Directorate (Strategy,

Engagement, and Programs), The Combined Joint Task Force - Horn of Africa Component, Records Management, the J6 Directorate (Command, Control, Communications and Computer Systems), which searched the AFRICOM portal, and the Office of the Commander. AFRICOM personnel determined that these offices were reasonably likely to have documents responsive to this particular request. In addition, AFRICOM personnel directed COL Brian Linvill to conduct a search of his electronic and paper files because Plaintiffs specifically mentioned him in the request.

26. In order to locate any electronic records responsive to Plaintiffs' request, COL Brian Linvill and personnel in the specific AFRICOM offices tasked with conducting this search, used broad search terms such as "Gaddafi," "Qaddafi," "Dibri," "Kubic," "Ham," and "Linvill," covering the March 2011 time period. The search effort extended to all known spelling variants of the individuals named in this request. These terms were sufficiently broad to encompass the universe of potentially responsive records.

Conclusion

27. Thus, DoD has not only conducted searches sufficient to locate all information responsive to Plaintiffs requests, but has produced the very documents Plaintiffs claim are lacking. Finally, DoD has provided explanations, backed by documented evidence, as to why earlier orders were not in written format, but conveyed verbally.

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

Executed this 10th day of May, 2018, in Arlington, VA.

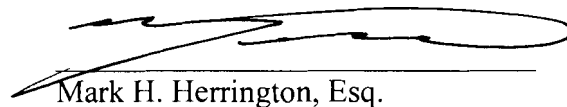

Mark H. Herrington, Esq.

Exhibit 1

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Washington, DC 20006
(202) 332-3030
JohnHClarke@earthlink.net

Also Admitted in Virginia
and Maryland

FAX: (202) 332-3030
CELL: (202) 344-0776

March 31, 2014

Dept Of the Navy (OPNAV) PA/FOIA Policy Office
Freedom Of Information/Privacy Act Request
Date Received: 4/9/14 Statutory due date: 5/14/14
DON PA/FOIA/consult Tracking Number: 2014 004935
Acknowledgement date: _____

By Certified Mail -- Return Receipt Requested
Article Number 7013 2630 0000 5201 4392

FOIA REQUEST

Secretary of the Navy Chief of Naval Operations (SECNAV/CNO)
FOIA Office
Chief of Naval Operations (DNS-36)
2000 Navy Pentagon
Washington, DC 20350-2000

Re: FOIA Requests

Dear Ladies and Gentlemen:

This is a request for production of records under the Freedom of Information Act, 5 USC § 552, the "FOIA." I write on behalf of Accuracy in Media, Inc., a District of Columbia 501(c)(3) non-profit corporation, as well as the following eight individuals, all of whom serve as members of the "Citizens' Commission on Benghazi," an unincorporated, informal association of individuals, all working with Accuracy in Media. They are (1) Roger Aronoff, (2) Larry Bailey, (3) Kenneth Benway, (4) Dick Brauer, (5) Clare Lopez, (6) James A. Lyons, Jr., (7) Kevin Shipp, and (8) Wayne Simmons.

Requests. These FOIA requests are for disclosure of records regarding the attack on US facilities in Benghazi, Libya, on September 11th and 12th, 2012. Specifically, we seek production of:

1. **Signonella.** Records identifying, and concerning, all US aircraft at NATO Base Signonella, Naval Air Station Signonella in Sicily, Italy ("NAS Signonella"), whether transport, cargo, refueling, fighter, attack, or surveillance. Records should include those that disclose the readiness status of:

- Any F-16 and F-18 fighters (a/k/a F/A-18 – Fighter/Attack);
 - C-5, C-9, C-17, C-40 and C-130 transport;
 - C-2 cargo; C-26 passenger/cargo;
 - KC-10 and KC-135 refueling; and
 - P-3 surveillance.
2. Records disclosing the readiness status of the 130-man Marine Force Reconnaissance Team at NAS Sigonella, including:
 - (a) All communications with, and orders to, NAS Sigonella personnel to get ready to deploy, and, if applicable, to deploy, to Benghazi; and
 - (b) All communications from NAS Sigonella personnel notifying command that assets were ready to deploy, and, if applicable, that aircraft was airborne, bound for Benghazi, and, if applicable, orders to abort or turn back.
 3. **Rota.** Records revealing the status of two Marine Corps "Fleet Antiterrorism Security Teams ("FAST"), at the Spanish naval base Naval Station Rota ("NAVSTA Rota"), including:
 - (a) All communications with, and orders to, NAVSTA Rota personnel to get ready to deploy, and, if applicable, to deploy; and
 - (b) All communications from NAVSTA Rota personnel notifying command that assets were ready to deploy, and, if applicable, that aircraft was airborne, bound for Benghazi, and, if applicable, orders to abort or turn back.
 4. **Military assets pre-positioned in October 2011.** In addition to records regarding the attack on US facilities in Benghazi, Libya, on September 11th and 12th, we also seek records identifying DoD assets pre-positioned off the coast of Tripoli on October 18, 2011, when Secretary Clinton visited Libya.

Kindly note that Request No. 1, seeking disclosure of records of aircraft at Sigonella, is also being made to (a) the Department of the Air Force, and (b) the HQ USEUCOM (U.S. European Command). Request No. 2, for records concerning the readiness status of the 130-man Marine Force, is also being made to (a) the Department of the Air Force, (b) HQ USEUCOM (U.S. European Command), and (c) Commandant of the Marine Corps. Request No. 4, for records of military assets pre-positioned in October 2011 off the coast of Tripoli, is also made to (a) HQ U.S. AFRICOM (U.S. Africa Command), as well as (b) OSD/JS (Office of the Secretary of Defense and the Joint Staff).

Expedited Processing. These FOIA requests are subject to expedited processing under DoD Regulation 5400.7-R, "Department of Defense Freedom of Information Act Program," 32 CFR Part 286. Specifically § C1.5.4.3 mandates expedited processing "to a requester after the requester requests such and demonstrates a compelling need for the information." Under § C1.5.4.3.2:

A compelling need also means that the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal Government activity.... Representatives of the news media (see paragraph C6.1.5.7., below) would normally qualify as individuals primarily engaged in disseminating information.

Accuracy in Media, Inc. ("AIM") is a "representatives of the news media," entitling it to a statutory fee waivers, as set forth below. Kindly accept this letter as a certification that the information contained herein is true and correct to the best of the requesters' knowledge, under § C1.5.4.3.3:

A demonstration of compelling need by a requester shall be made by a statement certified by the requester to be true and correct to the best of their knowledge. This statement must accompany the request in order to be considered and responded to within the 10 calendar days required for decisions on expedited access.

Request for Waiver of Search and Review Fees. As a representatives of the news media, AIM submits that it is entitled to a waiver of any fees associated with the search and review of records responsive to these FOIA Requests, under 5 U.S.C. § 552 (a)(4)(A)(ii)(II). *See generally* DoD Regulation 5400.7-R, "Department of Defense Freedom of Information Act Program," 32 CFR Part 286.

AIM is organized and operated to publish or broadcast news to the public, and has been doing so for more than 45 years. It clearly meets the standard of "representative of the news media" status. A "representative of the news media" is "a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Upon disclosure of the records sought, AIM has concrete plans to make the information public. Its ability and intent to disseminate the information requested is beyond question. Accuracy in Media articles on the subject include, "The MSM and Benghazi: Will Their Coverage Harm Obama Administration?," "Shameful Media Coverage of Benghazi Scandal and Cover-up," "Media Embrace Obama's Controversial Picks for National Security Team," "New York Times Attempts to Blur Benghazi Scandal," "McClatchy Reporter Changes Tune on Benghazi," "CBS in Damage Control Over Error-Filled Benghazi Report," "'60 Minutes' Reveals Little New in Benghazi Exposé," "The Left's Continued Assault on the Truth About Benghazi," "Media Coverage of Benghazi Leans Toward Political Theater," "Conservative Leaders Call on Speaker Boehner: Form a Select Committee on Benghazi," "Further Proof That Obama Knew the Truth About Benghazi," "Blaming the Victim in Benghaziigate," "Obama and His Media Loyalists Still Spinning Benghazi," and "Does Navy Map Alter the Benghazi Narrative?"

Additionally, several of the individual requesters have published a number of articles about the matter. See, for examples, "Navy SEAL: 'There's guilt in this administration,'" by Captain Larry Bailey, published in WND.com in April of 2013; two articles by Clare Lopez appearing in Pundicity.com in October of 2012, "Benghazi: The Set-Up and the Cover-Up," and "Did Turkey Play a Role in Benghazi Attack?;" and Admiral James Lyons' pieces appearing in the Washington Times, "Obama's Chain of Command Unravels Over Benghazi (October 2012), "Obama needs to come clean on what happened in Benghazi" (October 2012), "The Key Benghazi Questions Still Unanswered" (January 2013), "A hard slog to get Benghazi answers" (January 2013), and "A call to Courage over Benghazi" (May 2013).

Public Interest Fee Waiver. 5 U.S.C. § 552(a)(4)(A)(iii) provides that "[d]ocuments shall be furnished without any charge or at a charge reduced... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."

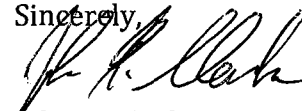
Here, the FOIA requesters do not have a commercial interest in the disclosure. Their purpose is to inform the public. The subject of the requested records concerns the operations or activities of the United States Government. The information sought is directed at finding out what information the government has about its failure to timely respond when its facilities came under attack. These FOIA Requests also concern what information the government did not provide to the public, as well as congressional investigators.

Upon disclosure of the records sought, AIM, as well as other several of the individual requesters, has concrete plans to make the information public, as demonstrated above. The information sought would be likely to contribute to an understanding of United States Government operations or activities, and disclosure will enhance public understanding of the Benghazi incident as compared with awareness prior to the disclosure. The interest of enhancing the public's understanding of the operations or activities of the U.S. Government is clear, and the records' connection to these government activities is direct.

Electronic Format. Kindly produce these records in electronic format. See e-FOIA amendment 5 U.S.C. § 552 (a)(3)(B), as amended, requiring Agency to "provide the record in any form or format requested . . . if the record is readily reproducible by the agency in that form or format." See FOIA Update Vol. XVII, No. 4, 1996.

Reply to Accuracy in Media. If you have any questions about handling this request, please ask via email, to JohnHClarke@earthlink.net. Otherwise, kindly respond, and produce records, to Accuracy in Media, 4350 East West Highway, Suite 555, Bethesda, MD 20814-4582.

Sincerely,



John H. Clarke

cc: Accuracy in Media, Inc.
Roger Aronoff
Larry Bailey
Kenneth Benway
Dick Brauer
Clare Lopez
James A. Lyons, Jr.
Kevin Shipp
Wayne Simmons

Exhibit 2

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March 31, 2014

By Certified Mail -- Return Receipt Requested
Article Number 7013 2630 0000 5201 4378

RECEIVED
CMC (ARSF)

APR 7 2014

HQMC FOIA FILE NO.
()

FOIA REQUEST

Commandant of the Marine Corps
Headquarters US Marine Corps (ARSF)
3000 Marine Corps Pentagon Room 2B289
Washington DC 20350-3000

Re: FOIA Requests

Dear Ladies and Gentlemen:

This is a request for production of records under the Freedom of Information Act, 5 USC § 552, the "FOIA." I write on behalf of Accuracy in Media, Inc., a District of Columbia 501(c)(3) non-profit corporation, as well as the following eight individuals, all of whom serve as members of the "Citizens' Commission on Benghazi," an unincorporated, informal association of individuals, all working with Accuracy in Media. They are (1) Roger Aronoff, (2) Larry Bailey, (3) Kenneth Benway, (4) Dick Brauer, (5) Clare Lopez, (6) James A. Lyons, Jr., (7) Kevin Shipp, and (8) Wayne Simmons.

Requests. These FOIA requests are for disclosure of records regarding the attack on US facilities in Benghazi, Libya, on September 11th and 12th, 2012. Specifically, we seek production of:

1. **Sigonella.** Records disclosing the readiness status of the 130-man Marine Force Reconnaissance Team at NAS Sigonella, including:
 - (a) All communications with, and orders to, NAS Sigonella personnel to get ready to deploy, and, if applicable, to deploy, to Benghazi; and

- (b) All communications from NAS Sigonella personnel notifying command that assets were ready to deploy, and, if applicable, that aircraft was airborne, bound for Benghazi, and, if applicable, orders to abort or turn back.
2. Any records of the Department of Defense seeking help by use of Italian aircraft at NAS Sigonella.
 3. **Rota.** Records revealing the status of two Marine Corps "Fleet Antiterrorism Security Teams ("FAST"), at the Spanish naval base Naval Station Rota ("NAVSTA Rota"), including:
 - (a) All communications with, and orders to, NAVSTA Rota personnel to get ready to deploy, and, if applicable, to deploy; and
 - (b) All communications from NAVSTA Rota personnel notifying command that assets were ready to deploy, and, if applicable, that aircraft was airborne, and, if applicable, orders to abort or turn back.

Kindly note that Request No. 1, for records concerning the readiness status of the 130-man Marine Force at Sigonella, is also being made to (a) the Secretary of the Navy Chief of Naval Operations (SECNAV/CNO), (b) the Department of the Air Force, and (c) HQ USEUCOM (U.S. European Command). Request No. 2, for any records of the Department of Defense seeking help by use of Italian aircraft at NAS Sigonella, is also being made to HQ USEUCOM (U.S. European Command). Request No. 3, for records of the status of the two Marine Corps "FAST" teams at Spanish naval base Naval Station Rota, is also being made to (a) Secretary of the Navy Chief of Naval Operations (SECNAV/CNO), (b) HQ USEUCOM (U.S. European Command), and (c) HQ USSOCOM (Special Operations Command).

Expedited Processing. These FOIA requests are subject to expedited processing under DoD Regulation 5400.7-R, "Department of Defense Freedom of Information Act Program," 32 CFR Part 286. Specifically § C1.5.4.3 mandates expedited processing "to a requester after the requester requests such and demonstrates a compelling need for the information." Under § C1.5.4.3.2:

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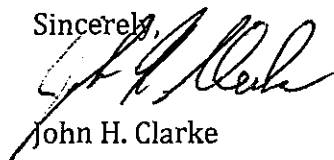
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Sincerely,



John H. Clarke

cc: Accuracy in Media, Inc.
Roger Aronoff
Larry Bailey
Kenneth Benway
Dick Brauer
Clare Lopez
James A. Lyons, Jr.
Kevin Shipp
Wayne Simmons

Exhibit 3

Law Office
John H. Clarke
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JohnHClarke@earthlink.net

Also Admitted in Virginia
and Maryland

FAX: (202) 332-3030
CELL: (202) 344-0776

March 31, 2014

By Certified Mail -- Return Receipt Requested

FOIA REQUEST

HQ USEUCOM (U.S. European Command)
FOIA Requestor Service Center
Unit 30400
APO AE (Army Post Office Army in Europe) 09131

Re: FOIA Requests

Dear Ladies and Gentlemen:

This is a request for production of records under the Freedom of Information Act, 5 USC § 552, the "FOIA." I write on behalf of Accuracy in Media, Inc., a District of Columbia 501(c)(3) non-profit corporation, as well as the following eight individuals, all of whom serve as members of the "Citizens' Commission on Benghazi," an unincorporated, informal association of individuals, all working with Accuracy in Media. They are (1) Roger Aronoff, (2) Larry Bailey, (3) Kenneth Benway, (4) Dick Brauer, (5) Clare Lopez, (6) James A. Lyons, Jr., (7) Kevin Shipp, and (8) Wayne Simmons.

Requests. These FOIA requests are for disclosure of records regarding the attack on US facilities in Benghazi, Libya, on September 11th and 12th, 2012. Specifically, we seek production of:

1. **Sigonella.** Records identifying, and concerning, all US aircraft at NATO Base Sigonella, Naval Air Station Sigonella in Sicily, Italy ("NAS Sigonella"), whether transport, cargo, refueling, fighter, attack, or surveillance. Records should include those that disclose the readiness status of:

- Any F-16 and F-18 fighters (a/k/a F/A-18 – Fighter/Attack);
 - C-5, C-9, C-17, C-40 and C-130 transport;
 - C-2 cargo; C-26 passenger/cargo;
 - KC-10 and KC-135 refueling; and
 - P-3 surveillance.
2. Records disclosing the readiness status of the 130-man Marine Force Reconnaissance Team at NAS Sigonella, including:
 - (a) All communications with, and orders to, NAS Sigonella personnel to get ready to deploy, and, if applicable, to deploy, to Benghazi; and
 - (b) All communications from NAS Sigonella personnel notifying command that assets were ready to deploy, and, if applicable, that aircraft was airborne, bound for Benghazi, and, if applicable, orders to abort or turn back.
 3. Any records of the Department of Defense seeking help by use of Italian aircraft at NAS Sigonella.
 4. **Rota.** Records revealing the status of two Marine Corps Fleet Antiterrorism Security Teams ("FAST"), at the Spanish naval base Naval Station Rota ("NAVSTA Rota"), including:
 - (a) All communications with, and orders to, NAVSTA Rota personnel to get ready to deploy, and, if applicable, to deploy; and
 - (b) All communications from NAVSTA Rota personnel notifying command that assets were ready to deploy, and, if applicable, that aircraft was airborne, and, if applicable, orders to abort or turn back.
 5. **Croatia.** Records regarding the readiness status of, and orders given to, airborne special operations unit, "Commanders In-extremis Force" ("CIF"), assigned to the European Command, and in Croatia, including:
 - (a) Orders for the CIF to deploy to NAS Sigonella; and
 - (b) All communications from the CIF notifying command that it was ready to deploy, and, if applicable, that aircraft was airborne, bound for NAS Sigonella, and, if applicable, orders to abort or turn back.

6. **Maps.** Maps depicting all assets that could have been dispatched to the Benghazi mission or the CIA annex facility on September 11th and 12th, 2012, regardless of such maps were created before or after September 11, 2012.

Kindly note that Request No. 1, seeking disclosure of records of aircraft at Sigonella, is also being made to (a) the Secretary of the Navy Chief of Naval Operations (SECNAV/CNO), and (b) the Department of the Air Force. Request No. 2, for records concerning the readiness status of the 130-man Marine Force at Sigonella, is also being made to (a) the Secretary of the Navy Chief of Naval Operations (SECNAV/CNO), (b) the Department of the Air Force, and (c) Commandant of the Marine Corps. Request No. 3, for any records of the Department of Defense seeking help by use of Italian aircraft at NAS Sigonella, is also being made to the Commandant of the Marine Corps. Request No. 4, for records of the status of the two Marine Corps "FAST" teams at Spanish naval base Naval Station Rota, is also being made to (a) the Commandant of the Marine Corps, and (b) HQ USSOCOM (Special Operations Command).

Request No. 5, for records of the readiness status and orders given to airborne "Commanders In-extremis Force," is also being made to (a) the Department of the Army, and (b) HQ USSOCOM (Special Operations Command). Request No. 6, for maps depicting all assets that could have been dispatched to the Benghazi mission or the CIA annex facility, is also being made to (a) United States Central Command CCJ6-RDF (FOIA), (2) HQ U.S. AFRICOM (U.S. Africa Command), and (c) the OSD/JS (Office of the Secretary of Defense and the Joint Staff).

Expedited Processing. These FOIA requests are subject to expedited processing under DoD Regulation 5400.7-R, "Department of Defense Freedom of Information Act Program," 32 CFR Part 286. Specifically § C1.5.4.3 mandates expedited processing "to a requester after the requester requests such and demonstrates a compelling need for the information." Under § C1.5.4.3.2:

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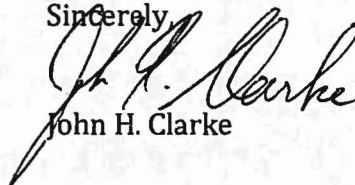
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Exhibit 4

FOIA

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1629 K Street, NW
Suite 300
Washington, DC 20006
(202) 332-3030
JohnHClarke@earthlink.net

JUN 04 2014

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CELL: (202) 344-0776

Also Admitted in Virginia
and Maryland

May 28, 2014

By Certified Mail -- Return Receipt Requested
Article Number 7010 3090 0000 0316 6482

FOIA REQUEST

Defense Intelligence Agency
ATTN: DAN-1A (FOIA)
200 MacDill Blvd
Washington, DC 20340-5100

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Request. This FOIA request is for disclosure of records regarding the attack on US facilities in Benghazi, Libya, on September 11th and 12th, 2012. Specifically, we seek production of:

The requesters seek disclosure of:

1. **Op Rep 3's.** The OPREP-3 PINNACLE report(s) used to provide any Department of Defense division (or office or entity) with notification of, or information about, the September 11th and 12th 2012 attacks on U.S. facilities in Benghazi, Libya.

2. **Orders re readiness status.** For the period of July 1, 2012, through September 30, 2012, records of all directives, orders, and other communications regarding the readiness status of United States armed forces on the anniversary of the September 11th, 2001, attacks on the World Trade center, to or from:

USEUCOM (U.S. European Command);

CENTCOM (United States Central Command);

AFRICOM (U.S. Africa Command);

USSOCOM (Special Operations Command);

OSD/JS (Office of the Secretary of Defense and the Joint Staff);

Naval Air Station Sigonella, Sicily;

Spanish naval base Naval Station Rota, Spain;

Aviano Air Base in northeastern Italy; and

Special Operations Forces in the United States.

Kindly note that I have not submitted these FOIA requests to any other division of the Department of Defense.

Expedited Processing. These FOIA requests are subject to expedited processing under DoD Regulation 5400.7-R, "Department of Defense Freedom of Information Act Program," 32 CFR Part 286. Specifically § C1.5.4.3 mandates expedited processing "to a requester after the requester requests such and demonstrates a compelling need for the information." Under § C1.5.4.3.2:

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"MSNBC Seeks to Discredit Benghazi Investigation," *Accuracy in Media*, May 25, 2014, R. Aronoff.

"Infiltration of the U.S. Government, Part One," *Accuracy in Media*, May 5, 2014, C. Kincaid.

"Media Hits and Misses Covering Benghazi Press Conference," *Accuracy in Media*, April 28, 2014, R. Aronoff.

"Citizens' Commission on Benghazi Releases Interim Report," *Accuracy in Media*, April 24, 2014.

"Material Support to Terrorism: The Case of Libya," *Accuracy in Media*, April 22, 2014, C. Lopez.

- "Protecting Hillary Trumps Benghazi Investigation," *Accuracy in Media*, March 31, 2014, B. Stotts.
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"The Key Benghazi Questions Still Unanswered," *Wash Times*, Jan 11, 2013, J. Lyons.

"Benghazi lies unravel as Obama, Clinton & Rice still deceive America," *Wash Times*, Dec 30, 2103, A. West.

"Did Turkey Play a Role in Benghazi Attack?" *Clarion Project*, Oct 31, 2012, C. Lopez.

"Benghazi: The Set-Up and the Cover-Up," *Pundicity.com*, Oct 30, 2012, C. Lopez.

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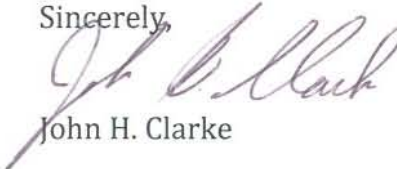
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Exhibit 5

Law Office
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Also Admitted in Virginia
and Maryland

FAX: (202) 332-3030
CELL: (202) 344-0776

October 1, 2014

By Certified Mail—Return Receipt Requested
Article Number 7013 3020 0000 7279 3723

FOIA REQUEST

HQ U.S. AFRICOM (U.S. Africa Command)
FOIA Requester Service Center
Unit 29951
APO AE (Army Post Office Army in Europe) 09751

Re: FOIA Requests

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1. **Records identifying, and concerning, all US aircraft in Djibouti on September 11, 2012, whether at Camp Lemonnier, Ambouli International Airport, and whether detailed or assigned to the Combined Joint Task Force-Horn of Africa (CJTF-HOA). Records should include those that disclose the readiness status of all AC-130 gunships.**

2. 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.

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Accuracy in Media, Inc. ("AIM") is a "representatives of the news media," entitling it to a statutory fee waivers, as set forth below. Kindly accept this letter as a certification that the information contained herein is true and correct to the best of the requesters' knowledge, under § C1.5.4.3.3:

A demonstration of compelling need by a requester shall be made by a statement certified by the requester to be true and correct to the best of their knowledge. This statement must accompany the request in order to be considered and responded to within the 10 calendar days required for decisions on expedited access.

Request for Waiver of Search and Review Fees. As a representatives of the news media, AIM submits that it is entitled to a waiver of any fees associated with the search and review of records responsive to these FOIA Requests, under 5 U.S.C. § 552 (a)(4)(A)(ii)(II). *See generally* DoD Regulation 5400.7-R, "Department of Defense Freedom of Information Act Program," 32 CFR Part 286.

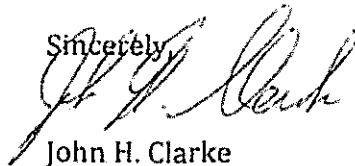
Here, the FOIA requesters do not have a commercial interest in the disclosure. Their purpose is to inform the public. The subject of the requested records concerns the operations or activities of the United States Government. The information sought is directed at finding out what information the government has about its failure to timely respond when its facilities came under attack. These FOIA Requests also concern what information the government did not provide to the public, as well as congressional investigators.

Upon disclosure of the records sought, AIM, as well as other several of the individual requesters, has concrete plans to make the information public, as demonstrated above. The information sought would be likely to contribute to an understanding of United States Government operations or activities, and disclosure will enhance public understanding of the Benghazi incident as compared with awareness prior to the disclosure. The interest of enhancing the public's understanding of the operations or activities of the U.S. Government is clear, and the records' connection to these government activities is direct.

Electronic Format. Kindly produce these records in electronic format. See e-FOIA amendment 5 U.S.C. § 552 (a)(3)(B), as amended, requiring Agency to "provide the record in any form or format requested . . . if the record is readily reproducible by the agency in that form or format." See FOIA Update Vol. XVII, No. 4, 1996.

Reply to Accuracy in Media. If you have any questions about handling this request, please ask via email, to JohnHClarke@earthlink.net. Otherwise, kindly respond, and produce records, to Accuracy in Media, 4350 East West Highway, Suite 555, Bethesda, MD 20814-4582.

Sincerely,



John H. Clarke

cc: Accuracy in Media, Inc.
Roger Aronoff
Larry Bailey
Kenneth Benway
Dick Brauer
Clare Lopez
James A. Lyons, Jr.
Kevin Shipp

Exhibit 6

Subject: USEUCOM EXORD FOR COMMANDERS IN-EXTREMIS FORCE (CIF) DEPLOYMENT

Originator: EUCOM J3 DIRECTORATE(MC)

DTG: 120700Z Sep 12 Precedence: ROUTINE

To: SOCEUR(mc), COMUSNAVEUR NAPLES IT(sc), SOCEUR(mc),
USAFECOMMANTCENTER(mc), USAREUR CG(mc), COMMARFOREUR(mc)

cc: SOCEUR J3 OPERATIONS DIRECTORATE(MC), EUCOM J1 DIRECTORATE(MC), EUCOM J37
Joint Readiness Training and Exercise Div(mc), EUCOM EPOC Antiterrorism
Division(mc), EUCOM J4-Eddoc Eucom Deployment-Distribution Ops Ctr(mc), EUCOM
J5-P Plans Div(mc), EUCOM J4-JLOC(mc), USCENTCOM COMMAND CENTER(mc), USAREUR
G3(mc), EUCOM J2 DIRECTORATE(MC), EUCOM EPOC Operations Div(mc), EUCOM J4
DIRECTORATE(MC), EUCOM J5-J8 Directorate(mc), EUCOM J6 DIRECTORATE(MC), EUCOM
J7 DIRECTORATE(mc), EUCOM J9 DIRECTORATE(mc), EUCOM PA Public Affairs(mc),
EUCOM JA Judge Advocate Directorate(mc)

MSGID/ORDER/CDRUSEUCOM//
REF/A/PHONECON/CDRUSEUCOM/112228ZSEP12//

NARR/+(S) (b)(1) EO 13526 § 1.4(a)

ORDTYP/EXORD/CDRUSEUCOM//
TIMEZONE/Z//

NARR/+(S) (b)(1) EO 13526 § 1.4(a)

GENTEXT/SITUATION/

1. +(S)

(b)(1) EO 13526 § 1.4(a)

GENTEXT/MISSION/

2. +(S)

(b)(1) EO 13526 § 1.4(a)

GENTEXT/EXECUTION/

3. +(S)

(b)(1) EO 13526 § 1.4(a)

3.B. (U) TASKS.

3.B.1. (U) CDR, SOCEUR (CDRSOCEUR).

(b)(1) EO 13526 § 1.4(a)

3.B.1.B. ~~(S)~~ (b)(1) EO 13526 § 1.4(a)

3.B.2. (U) COMMANDER, NAVAL FORCES EUROPE (CDRNAVEUR).

(b)(1) EO 13526 § 1.4(a)

3.B.4. (U) CDR, US ARMY EUROPE (CDRUSAREUR).

3.B.4.A. ~~(S)~~ (b)(1) EO 13526 § 1.4(a)

3.B.5. (U) CDR, US MARINE FORCES EUROPE (CDRUSMARFOREUR).

3.B.5.A. ~~(S)~~ (b)(1) EO 13526 § 1.4(a)

GENTEXT/ADMIN AND LOG/

(b)(1) EO 13526 § 1.4(a)

GENTEXT/COMMAND AND SIGNAL/

5. (U) COMMAND AND SIGNAL//

5.A. (U) COMMAND RELATIONSHIPS. CDRUSAFRICOM IS THE SUPPORTED COMBATANT COMMANDER FOR THIS MISSION. CDRUSEUCOM IS THE SUPPORTING COMBATANT COMMANDER. ALL OTHER COMPONENT COMMANDERS ARE SUPPORTING.

5.B. ~~(S)~~

(b)(1) EO 13526 § 1.4(a)

5.E (U) POINTS OF CONTACT.

(b)(3) 10USC 130b (b)(6)

Derived From: MULTIPLE SOURCES

Declassify On: 120700Z Sep 22

Date of Source: 010001Z Aug 08

Exhibit 7

~~SECRET//NONE~~

Subject: FRAGORD 001 TO USEUCOM EXORD FOR COMMANDERS IN-EXTREMIS FORCE (CIF) DEPLOYMENT

Originator: EUCOM J3 DIRECTORATE (MC)

DTG: 131935Z Sep 12

To: COMSOCEUR(mc), COMUSNAVEUR NAPLES IT(mc); COMUSAFE(sc); COMUSAREUR(mc); COMUSMARFOREUR(mc)

Cc: SOCEUR J3 OPERATIONS DIRECTORATE(mc); EUCOM J1 Directorate(mc), EUCOM J37 JOINT READINESS TRAINING AND EXERCISE DIV(MC), EUCOM EPOC ANTITERRORISM DIVISION(MC), EUCOM J4-EDDOC EUCOM DEPLOYMENT-DISTRIBUTION OPS CTR(MC), EUCOM J5-P PLANS DIV(MC), EUCOM J4-JLOC(mc), USCENTCOM COMMAND CENTER(mc), USAREUR G3(mc), EUCOM J2 Directorate(mc), EUCOM EPOC Operations Div(mc), EUCOM J4 Directorate(mc), EUCOM J5-J8 Directorate(mc), EUCOM J6 Directorate(mc), EUCOM J7 DIRECTORATE(mc), EUCOM J9 DIRECTORATE(mc), EUCOM PA PUBLIC AFFAIRS(mc), EUCOM JA JUDGE ADVOCATE DIRECTORATE(mc)

~~SECRET//NONE~~

MSGID/ORDER/CDRUSEUCOM//
REF/A/PHONECON/CDRUSEUCOM/112228ZSEP12//
REF/B/ORDER/CDRUSEUCOM/120700ZSEP12//
REF/C/VOCO/CDRUSEUCOM/131135ZSEP12//
REF/D/CJCS/DEPORD/120541ZSEP12//

NARR/~~(S)~~ REF A

(b)(1) EO 13526 § 1.4(a)

ORDTYP/EXORD/CDRUSEUCOM//
TIMEZONE/Z//

NARR/~~(S)~~
(b)(1) EO 13526 § 1.4(a)

GENTEXT/SITUATION/

1. ~~(S)~~ **(b)(1) EO 13526 § 1.4(a)**

EO 13526 § 1.4a

GENTEXT/MISSION/

2. ~~(S)~~

(b)(1) EO 13526 § 1.4(a)

GENTEXT/EXECUTION/

3. (U) EXECUTION.

~~SECRET//NONE~~

3.A. (U) CONCEPT OF OPERATION.

3.A.1. ~~(S)~~

(b)(1) EO 13526 § 1.4(a)

3.B. (U) TASKS.

3.B.1. (U) SPECIAL OPERATIONS COMMAND EUROPE (SOCEUR).

3.B.1.A. ~~(S)~~ ~~(b)(1) EO 13526 § 1.4(a)~~

3.B.2. (U) UNITED STATES NAVAL FORCES EUROPE (USNAVEUR).

3.B.2.A. (U) NO CHANGE.

3.B.2.B. ~~(S)~~

(b)(1) EO 13526 § 1.4(a)

3.B.4. (U) UNITED STATES ARMY IN EUROPE (USAREUR).

3.B.4.A. ~~(S)~~ ~~(b)(1) EO 13526 § 1.4(a)~~

3.B.5. (U) MARINE FORCES EUROPE (MARFOREUR).

3.B.5.A. ~~(S)~~ ~~(b)(1) EO 13526 § 1.4(a)~~

GENTEXT/ADMIN AND LOG/

4. (U) ADMIN AND LOG. NO CHANGE.//

GENTEXT/COMMAND AND SIGNAL/

5. (U) COMMAND AND SIGNAL.

5.A. (U) - 5.D. ~~(S)~~ NO CHANGE.

5.E. (U) POINTS OF CONTACT.

(b)(3) 10USC 130b (b)(6)

DERIVED FROM: MULTIPLE SOURCES

DECLASSIFY ON: 131935Z SEP 22

DATE OF SOURCE: 010001Z AUG 08

Exhibit 8

Timeline of Department of Defense Actions on September 11-12, 2012

All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012

EDT // EET

- ~3:42 pm // 9:42 pm The incident starts at the facility in Benghazi.
- 3:59 pm // 9:59 pm An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility.
- 4:32 pm // 10:32pm The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey.
- 5:00 pm // 11:00pm Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation.
- 5:10 pm // 11:10 pm The diverted surveillance aircraft arrives on station over the Benghazi facility.
- ~5:30 pm // 11:30 pm All surviving American personnel have departed the facility.
- 6:00-8:00 pm //
12:00-2:00 am Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a. During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions:
- 1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli.
 - 2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe.
 - 3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe.
- During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization.
- ~6:30 pm // 12:30 am A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi.

- ~7:30 pm // 1:30 am The American security team from Tripoli lands in Benghazi.
- ~8:30pm // 2:30 am The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.
- 8:39pm // 2:39 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe.
- 8:53pm // 2:53 am As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe.
- ~11:00 pm // 5:00 am A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi.
- ~11:15 pm // 5:15 am The second facility in Benghazi comes under mortar and rocket propelled grenade fire.

Wednesday, September 12, 2012

- 12:05 am // 6:05am AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.
- ~1:40 am // 7:40 am The first wave of American personnel depart Benghazi for Tripoli via airplane.
- ~4:00 am // 10:00 am The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane.
- 8:15 am // 2:15 pm The C-17 departs Germany en route Tripoli to evacuate Americans.
- 1:17 pm // 7:17 pm The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.
- 1:57 pm // 7:57 pm The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe.
- 2:56 pm // 8:56 pm The FAST platoon, and associated equipment, arrives in Tripoli.
- 3:28 pm // 9:28 pm The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe.
- 4:19 pm // 10:19 pm The C-17 arrives in Ramstein, Germany.

Exhibit 9

12 September 2012

0008- Received initial phonecall from SDO

0234- From BWC: EUCOM JOC Team chief passed a VOCO order for the EUCOM FAST PLT to be prepared to deploy to the US Embassy in Libya will possible follow on to the US Consulate in Benghazi.

0236- FAST alerted

0546- Commodore Martin provided info to C6F: FAST will initially provide a platoon of Marine infantry + command element (65 personnel) trained specifically for fixed site defense for up to ten days without resupply. They have crew-served weapons, personal weapons, and non-lethal capability. They have C2 capability and can communicate back, although the principal paths will be unclassified. They do NOT have ground mobility and will have to have it provided. CTF 68 can provide such a package from other units but it will require more airlift than currently provided. The ROE unless otherwise specified would be JCS ROE. They will exercise the inherent right of self defense and will protect US citizens and property. However, they are trained in escalation of force. If the embassy has other desires with respect to ROE, we will need to work that out in the next several hours.

0600- Info: 1x C-130 will arrive at 0945Z and 1xC-130 will arrive at 1000Z to transport your FAST team to Tripoli.

0811- C-130 (Herky-656) Departed Ramstein

0900- EUCOM EXORD released

0942- C-130 (Herky-655) Departed Ramstein

1043- Supplemental ROE received

1204- C-130 (Herky-656) Arrived at Rota

1351- C-130 (Herky-655) Arrived Rota

1332- BWC sends: "DoS, DoD, HN have approved and provided all authorities for this mission" - Leidig

1438- Received from BWC: Final word from VADM Leidig is below. UNIFORMS ARE AUTHORIZED for FAST.

1542- Received from BWC: Per AFRICOM direction, civilian attire for the FAST Team.

1555- C-130 (Herky-656) Wheels up

1617- Lack of status protections received from JAG

1700- Wheels up for C-130 (Herky-655)

1845- BWC notified that 2nd Platoon is set on 6 hour PTDO

(Flight time to Tripoli is 3:50)

14-L-0683/Navy/46

2028- Notified BWC, 1st A/C on deck (from Capt Drexler)

2100- Notified BWC, 2nd A/C on deck

2202- Commodore sent to wide distro: Just spoke with Major Cobb, CO FASTEUR. Both sticks are on the ground and linked. FAST has established a solid connection with the embassy and is working through the details of the next 24 hours. We were not a secure line and did not discuss details. However, one detachment is moving to a secure compound now. Another detachment will stay with the aircraft and unload the material, then move to this compound. We will report when unloading and movements are complete. CO is satisfied with provided FP and support.

2225- Received NAVAF Libya TASKORD

13 September 2012

0943- Commodore sent fol to RDML Roegge: "To amplify FASTEUR's status, FASTEUR A6 and HQ element are on a 6-hr PTDO, consisting of 55 pax (includes 2 EOD from EODMU8) and 8x 463L pallets. This is the ready platoon's normal status and it can be maintained indefinitely. Personnel on PTDO don't get liberty and that is really the only major limitation. There is no ground mobility associated with this, so, as with Tripoli, this will have to be provided. If organic mobility options are desired, we can provide this from other CTF 68 units. However, this will take more lift than two C-130s.

As of 13Sept12 1000Z, embarkation and ammunition preparation will be complete for a 3-hr ready to move timeline. Factors that could cause actual delay in departure are mission planning and potential delays uploading aircraft at the flight line. FAST will be looking at possible reinforcement sites and develop mission plans for each to help mitigate the first issue. We will work with the air crews and Rota base operations to minimize aircraft loading delays. Having the aircraft at Rota will help significantly. We are also providing load-planner personnel from other units in CTF 68.

FAST can sustain a 3-hour PTDO for an extended period. The only limitations are the requirement to keep personnel on a very short tether - minimal chow, PT, personal errand breaks. We offer two weeks at 3-hours continuously, then mitigated by a week of 6-hour PTDO to reset. This is adjustable, and there's no doctrinal requirement for any break. We can align the down-times with aircrew rest to allow more predictability."

0955- VOCO received to send FAST Plt to Souda Bay ASAP. EUCOM J4 tasked to ensure availability for beddown/logistical support.

1022- VOCO received to hold FAST in Rota.

1325- VOCO received to send FAST Plt to Souda.

1800 1st A/C Departs for Souda Bay

1830 2nd A/C Departs for Souda Bay

Exhibit 10

Subject: JUKEBOX LOTUS
Originator: AFRICOM OPS LOG(MC)
DTG: 212247Z Jan 12 **Precedence:** IMMEDIATE**DAC:**
To: NMCC WASHINGTON DC, CJCS WASHINGTON DC, CDR USCENTCOM(MC), EUCOM CDR(MC), JOINT STAFF J31(MC), COMBATANT CDR USNORTHCOM(SC), CDR USPACOM HONOLULU HI(SC), CDR USSOCOM(MC), CDR USSTRATCOM(SC), CDR USTRANSCOM(SC), DIRNSA FT GEORGE G MEADE MD, JWAC DAHLGREN VA
Cc: WHITE HOUSE SITUATION ROOM WASHINGTON DC, SECSTATE WASHINGTON DC, CSAF WASHINGTON DC, CSA(SC), CNO WASHINGTON DC(SC), CMC WASHINGTON DC(SC), DISA WASHINGTON DC(SC), NGA HQ BETHESDA MD, DIA WASHINGTON DC, HQ DLA FORT BELVOIR VA(SC), NCTC WASHINGTON DC, USCYBERCOM FT GEORGE G MEADE MD, DEPT OF JUSTICE COMMAND CENTER WASHINGTON DC, DEA HQS WASHINGTON DC(MC), COMSC WASHINGTON DC(SC), COMDT COGARD WASHINGTON DC, HQ USASETAF(MC), COMUSNAVEUR COMUSNAF NAPLES IT(SC), COMMARFORAF(MC), 17AF COS(MC), SOCAFROA ROD JOC(MC), CJTF HOA COMMANDER(MC), JAC MOLESWORTH RAF MOLESWORTH UK, COMJSOC FT BRAGG NC, CDR ZTW WASHINGTON DC, AMEMBASSY NAIROBI, JCSE MACDILL AFB FL(SC)

~~SECRET//NOFORN~~

MSGID/OPREP-3/CDRUSAFRICOM/002//

REF/A/DESC: INITIAL VOICE OPREP-3 REPORT/AFRICOM JOC EA CELL/12HHHHZSEP12/-//

REF/B/DESC: INITIAL OPREP-3 REPORT/AFRICOM JOC TO JS VIA JABBER/12HHHHZSEP12/-//

REF/C/DESC: PROTOCOL FOR USEUCOM CIF ISO USAFRICOM CRISIS RESPONSE FY12 /251500ZMAY12/-//

1. ~~(S//NF)~~ AFRICOM OPREP-3/ ATTACK AGAINST US CONSULATE IN BENGHAZI.

2. ~~(U)~~ CURRENT SITUATION: REF B/

2.A ~~(S//NF)~~ CDRUSAFRICOM RECEIVED AN INITIAL REPORT OF AN ATTACK AGAINST THE US CONSULATE IN BENGHAZI, LIBY [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

2.B ~~(S)~~ [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

2.B.1. ~~(U)~~ [redacted] (b)(3)/(b)(6)

[redacted] (b)(3)/(b)(6)

2.B.2. ~~(U)~~ [redacted] (b)(3)/(b)(6)

[redacted] (b)(3)/(b)(6)

2.B.3. ~~(U)~~ [redacted] (b)(3)/(b)(6)

[redacted] (b)(3)/(b)(6)

2.B.4. ~~(U)~~ INFORMATION MANAGEMENT.

2.B.4.A. ~~(S//NF)~~ [redacted] (b)(1)1.4a

[redacted] (b)(1)1.4a

(b)(1)1.4a

2.B.4.B. ~~(S)~~ (b)(1)1.4a

(b)(1)1.4a

HTTPS://PORTAL.AFRICOM.SMIL.MIL (b)(6)

2.B.4.C. ~~(S)~~ PRIMARY COORDINATION WILL BE CONDUCTED VIA JWICS VTC.

2.B.4.D. ~~(U)~~

2.B.4.E. ~~(U)~~

2.B.4.F. ~~(U)~~

2.B.4.G. ~~(U)~~

2.B.4.H. ~~(U)~~

2.B.4.I. ~~(U)~~

2.B.4.J. ~~(U)~~

(b)(3)/(b)(6)

2.B.5. ~~(S//NF)~~ (b)(1)1.4a

(b)(1)1.4a

2.B.5.1. ~~(S//NF)~~ (b)(1)1.4a

(b)(1)1.4a

2.B.5.2. ~~(S//NF)~~ (b)(1)1.4a

(b)(1)1.4a

3. ~~(S)~~ (b)(1)1.4a(b)(3)/(b)(6)

(b)(1)1.4a

CLASSIFIED BY: (b)(3)/(b)(6) J3, USAFRICOM

REASON: 1.4A

DECLASSIFY ON: 12HHHHZSEP12