

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 12-CV-61735-WJZ

BROWARD BULLDOG, INC., a Florida
corporation not for profit, and DAN
CHRISTENSEN, founder, operator and editor
of the BrowardBulldog.com website,

Plaintiffs,

vs.

U.S. DEPARTMENT OF JUSTICE and
FEDERAL BUREAU OF INVESTIGATION,

Defendants.

**BRIEF *AMICI CURIAE* OF THE MIAMI HERALD AND THE SARASOTA
HERALD-TRIBUNE IN SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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CORPORATE DISCLOSURE STATEMENT

Halifax Media Holdings, LLC, d/b/a the *Sarasota Herald-Tribune*, is a privately held company consisting of 36 newspapers and affiliated websites, published in five states in the southeastern United States. Its investment group includes Stephens Capital Partners, JAARSSS Media, and Redding Investments.

The Miami Herald Media Company, d/b/a the *Miami Herald*, is wholly owned by The McClatchy Company. The McClatchy Company is publicly traded on the New York Stock Exchange under the ticker symbol MNI. Contrarius Investment Management Limited owns 10% or more of the common stock of The McClatchy Company.

INTEREST OF AMICI CURIAE

Halifax Media Holdings, LLC, d/b/a the *Sarasota Herald-Tribune* (the “Herald-Tribune”), and The Miami Herald Media Company, d/b/a the *Miami Herald* (the “Herald”) have a direct interest in the outcome of this litigation.¹ Both the Herald and the Herald-Tribune (collectively, “*Amici*”) have reported on, and continue to cover, the underlying Federal Bureau of Investigation (“FBI”) Tampa field office investigation to which the disputed documents in this matter -- and the deficient government search efforts for such documents -- are directly germane. *Amici*’s primary interests stem from the fact that the FBI records at issue relate to potential pre-9/11 terrorist activities in the respective communities that each serves. The *Broward Bulldog* has been and remains a leading source for original reporting on the FBI’s investigation into potential pre-9/11 terrorist activity in Sarasota and related incidents in South Florida. *Amici* recognize the

¹ By Order dated March 19, 2014 (Docket Entry 55), this Court granted the parties’ motions (Docket Entries 50 and 52) for leave to file this *amici curiae* brief jointly.

incredible public interest in the disputed records and the records searches. They join to stress that the outcome of this case is a matter of intense interest to the media and public generally.

Well over a decade later, the events and aftermath of September 11, 2001, continue to resonate and shape our lives. From domestic concerns of balancing homeland security against individual civil liberties, to foreign military and political affairs, 9/11's legacy remains ever present in the national zeitgeist. The communities in which the 9/11 terrorists operated, the public at large, and most importantly, the families of the close to 3,000 victims who perished on that horrible day, deserve to know fully what transpired in the months leading up to the attacks.

The government officials charged with investigating terrorist connections to our state must also be held fully accountable. The *Broward Bulldog* has provided this Court with ample evidence establishing that the FBI could not have possibly conducted adequate searches in response to its federal Freedom of Information Act ("FOIA") request. The stakes are simply too great to accept as a matter of law the government's vague, often second hand conclusions as to the adequacy of its document searches. *Amici*, therefore, file this brief in support of the *Broward Bulldog's* pursuit of greater disclosure to the public and in support of its opposition to the government's motion for summary judgment.

SUMMARY OF ARGUMENT

Amici present two main arguments in this brief. First, *Amici* present this Court with select examples of situations where federal agencies have, upon a subsequent search, uncovered additional documents in response to a FOIA request, often in cases where the agency claimed to have conducted an adequate search for such records. Such examples demonstrate that agencies do on occasion fail to uncover documents that should have been produced under FOIA. In this case, given the weight of evidence suggesting that the FBI should possess a significant trove of

unproduced documents, this Court should not grant the government's motion for summary judgment. As noted in the *Broward Bulldog's* filings in opposition to the government's summary judgment motion, the FBI has yet to adequately explain why it initially produced no documents, made piecemeal productions thereafter and still have not produced any records former Senator Bob Graham has attested to seeing during the course of 9/11 Congressional inquiries. Nor does the FBI provide any explanation for the absence of records Senator Graham believes exists if the FBI did indeed conduct an investigation in Sarasota.

Failing to exercise such due oversight would deny the public the opportunity to understand the extent to which 9/11 conspirators planned and executed operations in Florida and how our government went about investigating such activities. Indeed, courts recognize that summary judgment is inappropriate in FOIA cases where the adequacy of a search is at issue when substantial evidence exists indicating that additional documents should have been produced. The Court should therefore deny the government's motion for summary judgment.

Second, *Amici* write to emphasize the widespread public interest in the specific FBI Tampa field office investigation of pre-9/11 potential terrorist activity by Saudi nationals who lived in the Estates at Prestancia community of Sarasota, Florida. *Amici* highlight for the Court not only the significant coverage they have given to the matter but also present a sampling of news reporting from throughout Florida, the United States, and at the international level. Such widespread reporting on this single facet of the 9/11 investigation is clear evidence of its universal public interest and underscores the need for this Court to ensure that the government is held to the strictest standard of compliance when searching for records responsive to the *Broward Bulldog's* FOIA request. The media's coverage and pursuit of the issue has also been applauded by the families of 9/11 victims and victims' right groups.

Making the Estates at Prestancia investigation even more compelling is the fact that it appears to be one chapter in the larger investigation of 9/11 terrorists' connection to Sarasota County and the area's potential role as a terrorist financing base. As we came to learn after 9/11, federal authorities soon determined that three 9/11 hijackers, Mohammed Atta, Marwan al-Shehhi, and Ziad Jarrah, all received flight training classes in nearby Venice, Florida. Atta (who piloted American Airlines Flight 11 into the North Tower of the World Trade Center) and al-Shehhi (who piloted United Airlines Flight 175 into the South Tower) both received flight training at Huffman Aviation in Venice. See Staff Report of the National Commission on Terrorist Attacks Upon the United States, *9/11 and Terrorist Travel*, Aug. 21, 2004, at 6, 12.² Ziad Jarrah (the pilot of United Flight 93 which crashed in Shanksville, Pennsylvania) received flight training at the Florida Flight Training Center, also located in Venice. See id. As discussed below, automobiles registered to Atta and Jarrah visited the subject Prestancia residence in the weeks leading up to 9/11.

ARGUMENT

I. History Suggests That This Court Should Be Naturally Reluctant to Defer to the FBI's Contentions as to Its Search for Responsive Records.

Federal FOIA request processing is far from a perfected system. Records that should be produced in response to a FOIA request can, for a variety of reasons, wind up going undiscovered. This section highlights a few examples where: (1) FOIA request responses were initially insufficient and upon further searches agencies uncovered documents central to the request that shed further light on the government activity at issue; (2) federal agencies responding to a FOIA request stated that a limited number of records existed only to have that

² Available at: http://www.9-11commission.gov/staff_statements/911_TerrTrav_Monograph.pdf.

claim later proven false; and (3) the FBI claimed only select documents existed only to later produce additional documents upon further searches and acknowledge in litigation that it improperly withheld documents that were responsive to a FOIA request. These examples illustrate that where, as here, the facts heavily suggest additional documents should be in the possession of the FBI, a court should not be too quick to simply accept an agency's assertion that it conducted an appropriate search. As the United States Court of Appeals for the District of Columbia has held, even in situations where an agency has produced detailed and non-conclusory affidavits attesting to the adequacy of a search, summary judgment is improper if a requester can present countervailing evidence refuting such a claim so as to place the matter at issue. See Founding Church of Scientology of Wash., D.C. v. Nat'l Sec. Agency, 610 F.2d 824, 836 (D.C. Cir. 1979). This case presents such a scenario.

In 2012, the conservative government watchdog group Judicial Watch filed a FOIA lawsuit over records detailing the Obama Administration's alleged coordination with the producers of the Hollywood film *Zero Dark Thirty* to provide them access to highly sensitive national security records that were otherwise unavailable to the public. See Judicial Watch Obtains Stack of 'Overlooked' CIA Records Detailing Meetings with bin Laden Filmmakers, Aug. 28, 2012.³ The film, which chronicled the military planning and execution of the raid that killed Osama bin Laden, was alleged to be viewed as a political tool by White House strategists to help positively shape public perception of the President heading into the 2012 presidential election. See id. Pursuant to court order, the CIA was to produce responsive records, but it was

³ See Judicial Watch Obtains Stack of 'Overlooked' CIA Records Detailing Meetings with bin Laden Filmmakers, Aug. 28, 2012, available at <http://www.judicialwatch.org/press-room/press-releases/judicial-watch-obtains-4-to-5-inch-stack-of-overlooked-cia-records-detailing-meetings-with-bin-laden-filmmakers/>.

only months later that additional “overlooked” documents were produced that included illuminating correspondence among the White House, the Department of Defense and the CIA suggesting a coordinated effort to provide a heightened level of access to the filmmakers and a desire that the administration be portrayed positively. See id.

Author Nathaniel Frank’s 2009 book, *Unfriendly Fire: How the Gay Ban Undermines the Military and Weakens America*, explored the national security threat posed by the military’s former “Don’t Ask, Don’t Tell” policy as it forced the involuntary discharge of hundreds of mission critical servicemen since its inception.⁴ See Nathaniel Frank, *Unfriendly Fire: How the Gay Ban Undermines the Military and Weakens America*, Chapter 1 (Thomas Dunne Books 2009). Of particular import to this case, a gay rights organization had filed a 2004 FOIA request seeking exact numbers on military linguists discharged under “Don’t Ask, Don’t Tell;” the government told the group such figures only existed beginning in 1998. See id. The released documents showed 73 total discharges, including 52 servicemen specializing in strategic defense languages including Arabic, Russian, Persian-Farsi, and Korean. See id. One year later, a 2005 Government Accountability Office report documented data dating back to 1994 and detailed substantially more mission sensitive positions that were eliminated under the policy. See id.

Finally, the FOIA dispute in Islamic Shura Council of Southern California v. FBI is instructive as it demonstrates that the FBI itself has in the past failed to discover all relevant documents responsive to a FOIA search and at times has intentionally concealed such documents from the public and federal courts. See Islamic Shura Council of Southern California v. FBI, 635 F.3d 1160 (9th Cir. 2011). In this case, five citizens and six organizations submitted a joint FOIA request to the FBI regarding government surveillance of their activities. See id. at 1162.

⁴ Chapter 1 of the book is reproduced in full at <http://www.nytimes.com/2009/03/19/books/chapters/chapter-unfriendly-fire.html>.

In response, the FBI initially stated it had no records pertaining to nine of the eleven requesters and produced a total of four pages of documents to the remaining two requesters. See id. When the requesters filed a complaint in district court, the FBI conducted additional searches for nine of the eleven plaintiffs and produced more than 100 hundred pages of heavily redacted documents. See id. at 1162-63.

While defending the legitimacy of the redactions on summary judgment, the FBI later declared through an affidavit by David Hardy, the same individual who supplied an affidavit to the Court here, that the government had identified more additionally responsive documents but never disclosed this fact to the plaintiffs or the court. See id. at 1163. The district court noted that the FBI had misled the court by previously representing that all responsive documents were before the court for consideration. See id. The Islamic Shura Council case clearly illustrates that, while the law affords agencies significant deference when determining whether they have produced or identified all records responsive to a FOIA request, courts must remain vigilant in ensuring that the government is being forthright in complying with legal mandates.

Given that the agency is always the party with the inherent advantage in these situations, it is incumbent upon courts to view representations of adequate FOIA searches with due skepticism when the facts dictate. The intense public interest this case has created further impresses the need for all potentially responsive records to be put before this Court. This is the only way to ensure the public's confidence that the FBI is being forthright in this matter. *Amici* submit that the instant case, where both weighty, contradictory evidence concerning the existence of additional records and great public interest exist, is deserving of such heightened judicial skepticism and supervision. Disputed issues of material fact exist that should not be resolved on summary judgment.

II. Potential 9/11 Links to Sarasota and South Florida are a Matter of Widespread Public Concern, Thereby Requiring the FBI to Conduct Further Searches.

The following examples of media coverage, ranging from *Amici's* own to that of the international press, demonstrates the widespread media coverage the activities underlying this action has garnered and the intertwined public interest in that coverage.

A. *Amici* have both consistently published on this matter.

All told, *Amici* have published no less than nineteen news articles detailing suspected 9/11 conspirators' links to the Estates at Prestancia community and the ongoing controversy over whether the government has disclosed all records related to its investigation. This coverage has included partnering with Mr. Christensen and the *Broward Bulldog*.

The newsworthiness of this story was immediately recognized and *Amici* began publishing contemporaneously with the *Broward Bulldog's* breaking of the story. See Anthony Summers and Dan Christensen, *Link to 9/11 Hijackers Found in Sarasota, FBI Found Ties Between Hijackers and Saudis in Sarasota But Never Revealed Findings*, Miami Herald, Sept. 7, 2011, 2011 WLNR 17710438;⁵ Anthony Summers and Dan Christensen, *FBI Investigated Sarasota Saudis in 9/11 Attacks*, Sarasota Herald-Tribune, Sept. 8, 2011.⁶

In the ensuing days and weeks, *Amici* continued to cover developments both in fact-based and editorial form. See Zac Anderson, *Sarasota-9/11 Link Spurs Call for New Look Into Saudis*, Sarasota Herald-Tribune, Sept. 10, 2011, 2011 WLNR 18028447; Dan Christensen, *Lawmaker: Investigate Sarasota Link to 9/11*, Miami Herald, Sept. 12, 2011, 2011 WLNR 18077286;

⁵ To facilitate access to secondary sources, "WLNR," or Westlaw NewsRoom, citations are provided whenever possible.

⁶ Available at <http://www.heraldtribune.com/article/20110908/wire/110909636>.

Explore Saudi-Sarasota Link, Sarasota Herald-Tribune, Sept. 14, 2011, 2011 WLNR 18270253; Dan Christensen, *FBI: No Link Between Sarasota Family and 9/11 Plot*, Miami Herald, Sept. 15, 2011, 2011 WLNR 18396511; *Public Deserves Answers About Sarasota Connection*, Miami Herald, Sept. 15, 2011, 2011 WLNR 18392936; Dan Christensen, *Graham: Still No FBI Records on Sarasota 9/11 Probe*, Miami Herald, Nov. 10, 2011, 2011 WLNR 23258035.

This coverage continued throughout 2013 as FBI documents released only after the *Broward Bulldog* filed this lawsuit appeared to contradict prior agency statements and point to a much deeper investigation than what was previously publicly acknowledged. The released documents, however, often raised more questions than answers. For example, as the *Herald-Tribune* reported, FBI records indicated that license plates registered to 9/11 hijackers Mohamed Atta and Ziad Jarrah were recorded entering the Prestancia community in the months leading up to 9/11, but released FBI records indicated it appeared the agency did not obtain vehicle entry records during its investigation. See Michael Pollick, *New Hints of Deeper Sarasota Ties to 9/11*, Sarasota Herald-Tribune, Apr. 17, 2013, 2013 WLNR 9444715; see also Dan Christensen and Anthony Summers, *FBI Report: Florida Family Had Ties to People Linked to 9/11 Attacks*, Miami Herald, Apr. 16, 2013, 2013 WLNR 9262329. The FBI's conclusion that it did not confiscate community gatekeeping records has been disputed by a former Prestancia Homeowners Association director who stated that community visitor logs indeed have gaps during relevant time frames, suggesting they were turned over to authorities. See Michael Pollick, *Shrouded in Secrecy*, Sarasota Herald-Tribune, Sept. 11, 2013, 2103 WLNR 22701143.

Mr. Pollick's April 17, 2013 article also details the connections between the family of interest who lived in Prestancia and their connections to the Bin Laden group and the Saudi royal family. As further substantiation of possible Saudi government backing of 9/11, the U.S. Court

of Appeals for the Second Circuit recently restored Saudi Arabia as a defendant in a lawsuit brought by 9/11 victims and their families. See Dan Christensen, *Saudi Arabia Added to 9/11 Lawsuit*, Miami Herald, Dec. 24, 2013, 2013 WLNR 32090484.

Amici have also chronicled former Florida Senator Bob Graham's continuing assertions that the FBI has not been forthcoming and that it is simply illogical that it does not possess significantly more records related to its Sarasota investigation. See, e.g., Dan Christensen and Anthony Summers, *Graham: FBI Report Raises Questions About Who Helped 9/11 Terrorists*, Miami Herald, Apr. 18, 2013, 2013 WLNR 9467587; Dan Christensen and Anthony Summers, *Graham: FBI Hindered Congress's 9/11 Inquiry, Withheld Reports About Sarasota Saudis*, Miami Herald, June 5, 2013, 2013 WLNR 13799271. *Amici* also continue to keep the public informed about this litigation itself and the numerous discrepancies the documentary record has thus far revealed. See, e.g., Dan Christensen and Anthony Summers, *Mystery of Sarasota Saudis Deepens as Justice Moves to End Lawsuit Citing National Security*, Miami Herald, June 3, 2013, 2013 WLNR 13617416; Michael Pollick, *H-T Can Join Suit Over 9/11 Documents*, Sarasota Herald-Tribune, Mar. 21, 2014, 2014 WLNR 7733265. The newsworthiness of *Amici's* coverage and the importance of this litigation have been affirmed by those most directly impacted by 9/11, victims and their families. In the wake of *Amicis'* reporting, a survivors' rights group has called upon the FBI to be more transparent about its Sarasota investigation and are deeply vested in the outcome of the instant case. See Dan Christensen and Anthony Summers, *9/11 Family Members Demand FBI 'Come Clean' About Sarasota Saudis*, Miami Herald, June 7, 2013, 2013 WLNR 14041276; Michael Pollick, *9/11 Victims' Group Applauds Media Suit*, Sarasota Herald-Tribune, Oct. 3, 2013, 2013 WLNR 24833114. See also, *Sarasota, Saudis and 9/11: FBI Needs to*

Account for a Family's Reported Ties to Terrorists, Sarasota Herald-Tribune, Sept. 12, 2013, 2013 WLNR 22957863.

B. Media Throughout Florida and the United States Continue to Report on the FBI's 9/11 Sarasota Investigation.

To be sure, the FBI's investigation into 9/11 links in Sarasota is not simply a local concern. Media throughout Florida and the United States published stories stemming from the Broward Bulldog's initial reporting. *Amici* here further reinforce that state and national media also see the importance of this case and naturally have an interest in ensuring the FBI's search for responsive records under FOIA is as thorough as possible.

Florida media statewide have devoted coverage to this story. *Amici's* reporting was also published in sister newspapers in the state, including the *Lakeland Ledger* and the *Bradenton Herald*. See Michael Pollick, *Miami Herald Joins Lawsuit Asking FBI for 9/11 Documents*, Lakeland Ledger, Sept. 30, 2013;⁷ Dan Christensen and Anthony Summers, *FBI 9/11 Connection Probe Coverup Has Tampa Hub*, Bradenton Herald, 2013 WLNR 22588103.⁸

Florida citizens have also taken notice, submitting letters to editors urging a more thorough investigation of the Sarasota link to 9/11. See, e.g., Joseph Doodian, *Keep Probing 9/11*, Stuart News, Mar. 19, 2012, 2012 WLNR 6017178.

In addition, the *Tampa Bay Times*, for example, wrote at least three such stories in 2011, crediting the *Broward Bulldog* for breaking stories. See Stephen Nohlgren and Susan Taylor Martin, *Before Sept. 11, Saudis Vanished*, Tampa Bay Times, Sept. 10, 2011, 2011 WLNR

⁷ Available at <http://www.theledger.com/article/20130930/news/130939973>.

⁸ The *Bradenton Herald* also published certain stories appearing in the Herald that were previously cited in this brief. See 2013 WLNR 9432322; 2013 WLNR 1363528; 2013 WLNR 13840898.

18052071;⁹ Susan Taylor Martin and Stephen Nohlgren, *FBI Says Saudi Family Not Connected to 9/11*, Sept. 16, 2011, 2011 WLNR 18455310; Susan Taylor Martin and Stephen Nohlgren, *Questions Over Saudis' Abrupt Exit Still Linger*, Sept. 25, 2011, 2011 WLNR 19542119. The *South Florida Business Journal* has also reported on the matter. See Paul Brinkman, *Local Journalist Sues FBI Over 9/11 Records*, Sept. 6, 2012.¹⁰

Major national media outlets have also covered this matter. See, e.g., Tom Jackman, *Did Arlington Have a More Ominous Link to 9-11?*, Washington Post, Sept. 12, 2011;¹¹ *Unanswered: What Was Saudis' Role?*, Investor's Business Daily, Sept. 12, 2011, 2011 WLNR 17930367; Corky Siemaszko, *9/11 Terrorists Connection to Saudis is Being Hidden, Says Former Commission Chief*, New York Daily News, Mar. 13, 2012;¹² Jamie Reno, *Was the Saudi Government Involved in the 9/11 Terror Attacks?*, The Daily Beast, Mar. 13, 2012;¹³ Bob Graham and Sharon Premoli, *Re-Open the 9/11 Investigation Now*, Huffington Post, Sept. 11, 2012;¹⁴ Further, the *Broward Bulldog's* reporting was picked up by other major news outlets such as the *Seattle Times* and *NBC*. See Dan Christensen and Anthony Summers, *FBI Report:*

⁹ An abridged version of this story also ran in the September 12, 2011 edition of the *Orlando Sentinel*. See 2011 WLNR 18045858.

¹⁰ Available at <http://www.bizjournals.com/southflorida/blog/2012/09/local-journalist-sues-fbi-over-911.html>.

¹¹ Available at http://www.washingtonpost.com/blogs/the-state-of-nova/post/did-arlington-have-a-more-ominous-link-to-9-11/2011/09/12/gIQASuBCNK_blog.html.

¹² Available at <http://www.nydailynews.com/news/national/9-11-terrorists-connection-saudis-hidden-commission-chief-article-1.1038044>.

¹³ Available at <http://www.thedailybeast.com/articles/2012/03/13/was-the-saudi-government-involved-in-the-9-11-terror-attacks.html>.

¹⁴ Available at http://www.huffingtonpost.com/bob-graham/911-saudi-arabia_b_1868863.html.

Florida Family Had Ties to People Linked to 9/11 Attacks, *Seattle Times*, Apr. 16, 2013;¹⁵ Dan Christensen and Anthony Summers, *Saudi Who Left Fla. Before 9/11 Considered Bin Laden a 'Hero,' Informant told FBI in '04*, *NBC News*, Mar. 12, 2012.¹⁶

C. International Media Have Also Reported on the FBI's 9/11 Sarasota Investigation.

Finally, it bears noting that the international press has also found the Sarasota investigation newsworthy. The investigation was of particular interest to UK publications given Abdulaziz al-Hijji's (Esam Ghazzawi's son-in-law who lived in Mr. Ghazzawi's Sarasota home with his wife, Anoud Ghazzawi) subsequent employment with a London-based subsidiary of Saudi Aramco, the Saudi state oil company. See Anthony Summers, Neil Tweedie and Dan Christensen, *City Oil Executive and Mystery Link to 9/11 Attackers*, *Daily Telegraph (UK)*, Feb. 18, 2012, 2012 WLNR 3565416; *A Saudi Family, a Florida Villa and the Al-Qaeda Death Squad*, *Daily Telegraph (UK)*, Feb 18, 2012, 2012 WLNR 3565417. See also *Mystery Surrounds the Ritzy Florida Home Linked to 9/11 Terrorists – and Why the FBI Didn't Tell Congressional Committee About It*, *Daily Mail (UK)*, Sept. 8, 2011.¹⁷

¹⁵ Available at http://seattletimes.com/html/nationworld/2020793881_911familyxml.html.

¹⁶ Available at http://investigations.nbcnews.com/_news/2012/03/12/10626973-saudi-who-left-fla-before-911-considered-bin-laden-a-hero-informant-told-fbi-in-04. MSNBC has also given this matter television news coverage. See *Saudi Couple in Fla. Part of 9/11? FBI Says No, Others Raise Questions*, Sept. 13, 2011. Available at http://investigations.nbcnews.com/_news/2011/09/13/7747417-saudi-couple-in-fla-part-of-911-fbi-says-no-others-raise-questions (embedded MSNBC video within).

¹⁷ Available at <http://www.dailymail.co.uk/news/article-2035199/Mystery-surrounds-posh-Florida-home-linked-9-11-terrorists--FBI-failed-report-it.html>.

CONCLUSION

For the above-stated reasons, this Court should deny the Defendants' Motion for Summary Judgment in its entirety.

Dated: March 25, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 25, 2014, I electronically filed with the Clerk of the Court using CM/ECF, The Miami Herald's and The Sarasota Herald Tribune's Brief *Amici Curiae* dated March 25, 2014. I also certify that the same document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Carol Jean LoCicero
Attorney