

IN THE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. \_\_\_\_\_

BROWARD BULLDOG, INC., a Florida	)
corporation not for profit, and DAN	)
CHRISTENSEN, founder, operator and editor	)
of the BrowardBulldog.com website,	)
	)
Plaintiffs,	)
	)
v.	)
	)
U.S. DEPARTMENT OF JUSTICE,	)
950 Pennsylvania Avenue, NW	)
Washington, DC 20530, and	)
FEDERAL BUREAU OF INVESTIGATION,	)
935 Pennsylvania Avenue, NW	)
Washington, DC 20535,	)
	)
Defendants.	)
_____	)

Complaint to Enforce the Freedom of Information Act

Plaintiffs, Broward Bulldog, Inc. and Dan Christensen (collectively, “plaintiffs”), bring this suit against the U.S. Department of Justice (“DOJ”) and the Federal Bureau of Investigation (“FBI”), and in support thereof, state as follows:

PRELIMINARY STATEMENT

1. This is an action pursuant the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended by the OPEN Government Act of 2007, and the Declaratory Judgment Act, 28 U.S.C. § 2201, for declaratory and injunctive relief, for attorneys’ fees and expenses, and for other appropriate relief.

2. It seeks the disclosure and release of certain records that the Federal Bureau of

Investigation created or compiled in connection with work that it performed in connection with the 9/11 Review Commission – a panel that Congress directed the FBI to establish in January 2014<sup>1</sup> for the purpose of conducting a “comprehensive external review of the implementation of the recommendations related to the FBI that were proposed by the National Commission on Terrorist Attacks Upon the United States (commonly known as the 9/11 Commission).”<sup>2</sup>

3. The 9/11 Review Commission consisted of Bruce Hoffman, Edwin Meese III & Timothy J. Roemer. The Commission released its report, *The FBI: Protecting the Homeland in the 21<sup>st</sup> Century -- Report of the Congressionally-directed to The Director of the Federal Bureau of Investigation* (hereinafter “The 9/11 Review Commission Report” or “the Report”), in March 2015. A copy of the relevant pages of the Report are attached as Exhibit 1.

4. The complaint is based on three separate, but related, FOIA requests, one dated April 8, 2015, and two others, both of which are dated July 4, 2015, and the responses that the FBI provided to each of the three related requests.

5. The records are sought, in part, to ascertain the basis for and reliability of the 9/11 Review Commission’s findings and recommendations, including its finding that an FBI report dated April 16, 2002, attached as Exhibit 2, was ““poorly written”” and wholly unsubstantiated, even though it found ““many connections”” between a Saudi family that fled Sarasota, Florida

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<sup>1</sup> The legislation establishing the Commission is Title II, Div. B, Consolidated and Further Continuing Appropriations Act, 2013, P.L. 113-6 (Mar. 26, 2013) (Salaries and Expenses, Federal Bureau of Investigation) and accompanying Explanatory Statement, S1287, S1305 (Mar. 11, 2013); Title II, Div. B, Consolidated Appropriations Act, 2014, P.L. 113-76 (January 17, 2014) (Salaries and Expenses, Federal Bureau of Investigation) and accompanying Explanatory Statement, H475, H. 512 (Jan. 15, 2014); Title II, Div. B, Consolidated and Further Continuing Appropriations Act, 2015, P.L. 113-235 (Dec. 16, 2014) (Salaries and Expenses, Federal Bureau of Investigation) and accompanying Explanatory Statement, H9307, H9346 (Dec. 11, 2014).

<sup>2</sup> Explanatory Statement accompanying P.L. 113-6 at S1305 (March 11, 2013).

weeks before September 11, 2001, and ‘individuals associated with the terrorist attacks on 9/11/2001’.” Exhibit 1 at 106.

6. Plaintiffs believe that 9/11 Review Commission’s finding is false, unsupported by credible evidence, and intended to discredit truthful facts that were accurately reported in the April 16, 2002, FBI report.

7. The FBI produced the April 16, 2002, report to the plaintiffs pursuant to a prior Freedom of Information Act request by them, but only after the plaintiffs sued the FBI to compel disclosure of that record and other records of an FBI investigation of the Saudi family that fled from Sarasota. That lawsuit remains pending as *Broward Bulldog, Inc. v. U.S. Department of Justice*, No. 12-61735-Civ-Zloch (S.D. Fla.).

#### JURISDICTION AND VENUE

8. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(4)(E), and 28 U.S.C. §§ 1331 and 2201.

9. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(b)(2).

#### PLAINTIFFS

10. Plaintiff Broward Bulldog, Inc., is a Florida corporation not for profit with its principal place of business in Broward County, Florida. It was established in 2009 to own and operate an Internet website under the name *BrowardBulldog.org*. The name of the website has been changed and is now *FloridaBulldog.com*. Through the website, plaintiff reports on news and public affairs in Florida. Broward Bulldog’s activities include the reporting about persons in Florida associated with the 9/11 attacks. Among other things, the Bulldog has reported about an

FBI investigation of the residents of 4224 Escondito Circle in Sarasota, Florida and their possible involvement in the 9/11 attacks.

11. Plaintiff Dan Christensen is the founder, operator, and editor of the Broward Bulldog. Mr. Christensen is an award-winning investigative reporter formerly affiliated with The Miami Herald and Daily Business Review.

#### DEFENDANTS

12. Defendant DOJ is a department of the Executive Branch of the United States Government, and includes its component entity the Federal Bureau of Investigation (FBI). It is an agency within the meaning of 5 U.S.C. § 552(f)(1).

13. Defendant FBI is a component of DOJ, a Department of the Executive Branch of the United States Government, and an agency within the meaning of 5 U.S.C. § 552(f)(1). The FBI has possession and control of the records requested by plaintiffs.

#### FACTS COMMONS TO ALL COUNTS

14. Plaintiffs learned in 2011 from multiple witnesses of the existence of an FBI investigation of the departure of a Saudi family from Sarasota, Florida shortly before September 11, 2001, under unusual circumstances and that a variety of witnesses claimed that the family had significant connections to individuals who had participated in the terrorist attacks on the United States.

15. The plaintiffs first reported about this FBI investigation in an article published on the Florida Bulldog website on September 8, 2011. The article noted that former U.S. Senator D. Robert Graham, who had co-chaired a Congressional Joint Inquiry regarding 9/11, claimed that the FBI had never disclosed the existence of this investigation to Congress.

16. On September 9, 2011, the day after the Bulldog reported about the investigation,

the FBI publicly admitted that it had conducted the investigation, but also asserted that it had found no connection between the Saudi family and the terrorist attacks on the United States, and that it had disclosed the investigation to Congress.

17. Sen. Graham disputed the FBI's assertion that it had disclosed its investigation to Congress.

18. The conflict between the information provided by witnesses to the plaintiffs and Sen. Graham, and the public statements of the FBI, created the appearance that the FBI might be concealing a matter of great public importance, and this made it imperative for the plaintiffs to attempt to obtain access to any records that the FBI compiled in connection with its investigation.

19. Plaintiffs requested in 2011 that the FBI produced pursuant to the FOIA its records regarding the investigation of the family.

20. After the FBI declined to do so, plaintiffs sued the defendants on September 5, 2012, asserting that the FBI and the Justice Department had violated the Freedom of Information Act by failing to produce records of the Sarasota investigation.

21. After filing that suit, plaintiffs pressed the defendants, through counsel, to admit that they had many records of the Sarasota investigation, confronted them with evidence of the existence of those documents, including the testimony of former Sen. Graham who had served as co-chair of the Congressional Joint Inquiry into 9/11 in 2001 and 2002. The defendants initially insisted, however, that they could not locate any responsive documents.

22. In the meantime, and unbeknownst to the plaintiffs and Sen. Graham, Congress and the FBI began taking steps toward formation of a 9/11 Review Commission which would evaluate, among other things, the plaintiffs' contention that the Sarasota Saudi family had many

connections to the persons who carried out the 9/11 attacks, that the FBI had conducted an extensive investigation of the family, and that the FBI had concealed this investigations and its findings from Congress.

23. Those steps ultimately resulted in appropriation on March 26, 2013, of \$500,000 to the FBI to begin the review process. enactment of P.L. 113-6, 127 Stat. 197, 247 (113<sup>th</sup> Cong., 1<sup>st</sup> Sess., Mar. 26, 2013).

24. Two days after enactment of this legislation, on March 28, 2013, the plaintiffs received from the FBI a supplemental response to their 2011 FOIA requests for documents relating to the Sarasota investigation. The response indicated that the Department suddenly had located 35 pages of responsive documents, that 4 pages were being withheld entirely, and that 31 pages with certain information redacted were being produced.

25. The documents produced included an FBI Report dated April 16, 2002, Exhibit 2 to this complaint, which indicated, contrary to the FBI's public statements, that the FBI had in fact found "many connections" between the Saudi family that left Sarasota shortly before September 11, 2001, and "individuals associated with the terrorist attacks on 9/11/2001." The document confirmed that the family had fled the United States shortly before September 11, 2001, and that a family member had attended a flight training school attended by the terrorists.

26. It seemed highly improbable that the FBI had only 35 pages of records relating to an investigation that had resulted in these findings, so the defendants vigorously continued the prosecution of their FOIA complaint, urging Judge Zloch to rule that the defendants had failed to conduct a good faith search for responsive documents and asking that they be permitted to conduct discovery, including a deposition of the author of the April 16, 2002, FBI report. The defendants opposed any discovery being conducted. .

27. As that litigation continued, on January 15, 2014, Congress appropriated an additional \$1 million to the FBI to continue its 9/11 Review Commission process. P.L. 113-76, H.R. 3547, 128 Stat. 5, 56 (113th Cong., 2d Sess., Jan. 15, 2014). The Commission held no public hearings and at no time contacted the plaintiffs.

28. On April 4, 2014, Judge Zloch granted the plaintiffs' motion to direct the FBI to conduct a more thorough search for responsive documents and this resulted in the FBI producing additional records regarding the Sarasota investigation to the plaintiffs.

29. The FBI also claimed that it had located 23 boxes containing 80,266 pages of additional records in the Tampa Field Office of the FBI which had been placed in its PENTTBOMB investigation file. The defendants asserted that all of these documents had been classified as "Secret" and should not be ordered released.

30. Over the defendants' objections, Judge Zloch directed the defendants to produce all of the records to him for *in camera* inspection. The defendants submitted those records to Judge Zloch in electronic form on May 1, 2014, and began producing paper copies in 4-box groups to Judge Zloch's chambers on that same day. Judge Zloch's review of those records is continuing. He denied, without prejudice, the plaintiffs request to take discovery.

31. While Judge Zloch's review of those documents continued, on December 16, 2014, Congress appropriated an additional \$1 million to the 9/11 Review Commission. P.L. 113-235, H.R. 83, 128 Stat. 2130, 2186-87 (113<sup>th</sup> Cong., 2<sup>nd</sup> Sess., Dec. 16, 2014).

The 9/11 Review Commission Attempts  
to Discredit the FBI's April 16, 2002, Report

32. In March 2015, the 9/11 Review Commission released the unclassified portions of its report. It publicly disclosed for the first time that the Commission had investigated, among other things, "claims of allegedly new evidence in the press" regarding "a Sarasota family that

was alleged to have suspiciously left the United States shortly before the 9/11 attacks. Exhibit 1 at 100. In a section entitled “Key Points,” the report stated that “suspicions regarding a Saudi family resident in Sarasota before the 9/11 attacks did not hold up under scrutiny.” Exhibit 1 at 101

33. At page 105 of the Report, the Commission specifically noted that “the *Broward Bulldog*, an online local investigative newspaper, reported that the FBI allegedly had ‘found troubling ties between the hijackers and residents in an upscale community’ near Sarasota, Florida,” and that this information had not been “shared with Congress.” Exhibit 1 at 105-06. It further recited that “an FBI document that had been produced pursuant to a Freedom of Information Act request,” reportedly indicated the FBI had found “ ‘many connections’ ” between the family and individuals associated with the 9/11 attacks.

34. The Report then stated: “The FBI told the Review Commission that the FBI Electronic Communication (EC) on which the news article was based was ‘poorly written’ and wholly unsubstantiated. When questioned later by others in the FBI, the special agent who wrote the EC was unable to provide any basis for the contents of the document or explain why he wrote it as he did.”<sup>3</sup> Exhibit 1 at 106. A footnote to this statement, cited as authority for this proposition “Memorandum for the Record, April 30, 2014.” Exhibit 1 at 106 n. 356.

35. The Report also stated that the Review Commission requested and received a briefing regarding the Sarasota allegations, that the Commission “obtained a copy of the case file, copies of documents released through the Freedom of Information Act regarding the matter, and reports of interviews,” and that the FBI told the Commission that “the FBI had in fact “found

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<sup>3</sup> The “Electronic Communication” referenced in the Report appears to be the April 16, 20002, FBI Report, Exhibit 2, which found “many connections” to the Saudi family that fled Sarasota and individuals associated with the September 11, 2001, terrorist attacks.



no evidence that connected the family members in the Miami Herald article to any of the 9/11 hijackers, nor was there any connection found between the family and the 9/11 plot.”<sup>4</sup> Exhibit 1 at 106.

36. The Report stated that “Over several years, the FBI interviewed numerous individuals with direct knowledge of the facts forming the basis of the suspicious activity,” and found the “leads were determined to be covered and no further action was needed.” Exhibit 1 at 106. The Report did not say how “the leads were covered” or why “no further action was necessary.”

37. The Report continued on to say “the statements in the EC were incorrect,” that the “FBI found no evidence of contact, between the hijackers and the family,” that its allegations were “not substantiated,” that the Bulldog reports were “based on inaccurate information and a poorly written and innaccurate [sic] FBI/EC.” Exhibit 1 at 106-06. Again, the Report cited as authority an undisclosed “Memorandum for the Record, April 30, 2014.”

38. In essence, the Report reiterated and emphatically embellished the public statements that the FBI had made immediately following the Bulldog’s publication of its initial article about the FBI’s Sarasota, but did not identify the author of the April 16, 2002, FBI Report or explain either how he or she could have made such a serious error, or recite any evidence to negate the contrary evidence compiled by the plaintiffs during their investigation.

39. Surprised by the Report, Mr. Christensen telephoned Kathryn Denise Bellew, of the FBI National Press Office, on April 3, 2015, to ask whether the Commission had held public hearings. Ms. Bellew responded that it had not. Mr. Christensen followed up this call with an

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<sup>4</sup> The Miami Herald article referenced in the Commission’s report is an article by Dan Christensen originally published on the Bulldog website and then republished by The Herald under license from Broward Bulldog, Inc.

email to her, asking whether the Commission would release to the public transcripts of its meetings and its other records, whether the Commission had subpoena power, whether the Commission had obtained documentation from other agencies, the compensation paid to the three Commissioners, and for other information.

40. Ms. Bellew responded on April 7, 2015, that Mr. Christensen would have to submit a FOIA request for Commission records; the Commission did not have subpoena power; the Commission conducted interviews of other agency officials, but records obtained from them would be available only by making an FOIA request; information for compensation paid to Commissioners should be sought by FOIA request; and the total cost of the Commission's work should be sought by FOIA request.

Count I – The April 8, 2016, Request  
(9/11 Commission Records – Generally)

41. Plaintiffs reallege paragraphs 1 through 40 and incorporate them herein by reference.

42. In order to attempt to understand the basis for the Report's conclusory attacks on the April 16, 2002, FBI Report, the plaintiffs electronically delivered made an FOIA request, Exhibit 3, to the FBI on April 8, 2015, for the following documents:

- Transcripts of Commission Proceedings and Interviews
- Memoranda for the Record;
- Personal Services Contracts with Commissioners and Staff;
- Draft Copies of the Final Report;
- The FBI Briefing, "Overview of the 9/11 Investigation," provided to the Commissioners on April 25, 2014;
- The 2012 FBI Summary Report regarding Fahad Thumairy referenced in Footnote 330;

- An Undated FBI HQ Briefing on the “Sarasota Family”
- The “Sarasota family” case file, including reports of interviews reviewed by the Commission.

43. The FBI acknowledged receipt of the request on April 20, 2015, and assigned it FOIPA Request No. 1326525-000. Exhibit 4.

44. Twenty working days from submission of the request was May 6, 2015, the deadline pursuant to 5 U.S.C. § 552(a)(6), for the FBI to determine whether to comply with the request.

45. The FBI violated 5 U.S.C. § 552(a)(6), by failing to determine whether to comply with the request on May 6, 2015.

46. On May 19, 2015, the FBI advised the plaintiffs, Exhibit 5, that it had determined that “unusual circumstances” apply to the processing of their request for the following reasons:

- There is a need to search for and collect records from field offices and/or other offices There are separate from the FBI Records/Information Dissemination Section (RIDS).
- There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.
- There is a need for consultation with another agency or two or more DOJ components.

47. In violation of 5 U.S.C. § 552(a)(6)(B)(i), the defendants did not set forth in the notice the date on which a determination is expected to be dispatched. The notice therefore was defective and void and did not extend the time for the FBI to determine the request.

48. The May 19, 2015, notice also did not notify the plaintiffs that the request could not be processed with the time limited specified in 5 U.S.C. § 552(a)(6)(A) or provide the plaintiffs an opportunity to limit the scope of the request so that it could be processed within that time limit or an opportunity to arrange with the FBI an alternative time frame for processing the

request or a modified request.

49. Because the FBI failed to comply with the applicable time limit provision in 5 U.S.C. § 552(a)(6), the plaintiffs are deemed to have exhausted their administrative remedies with respect to their April 8, 2015, request.

50. Plaintiffs retained undersigned counsel to bring this claim and have incurred attorneys' fees and expenses in bringing this action.

WHEREFORE, plaintiffs demand the following relief:

A. An order requiring the defendants to submit the requested records to the Court for *in camera* review.

B. An order requiring the defendants to provide the plaintiffs with a *Vaughn* index of the documents showing the author, recipients, date, and subject of each requested document;

C. An order requiring defendants to disclose the requested records in their entirety and to make copies available to Plaintiffs;

D. An order providing expeditious proceedings in this action;

E. An order awarding plaintiffs pursuant to 5 U.S.C. § 552(a)(4)(E) their costs, expenses, and reasonable attorneys' fees incurred in this action;

F. An order pursuant to 5 U.S.C. § 552(a)(4)(F) determining whether the circumstances surrounding the withholding of the records at issue raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding.

G. Such other relief as the Court may deem just and proper.

Count II- The First July 4, 2015, Request  
(9/11 Commission Records – Specific Records)

51. Plaintiffs reallege paragraphs 1 through 40 and incorporate them herein by reference.

52. In light of the defendants' failure to produce the records requested by their April 8, 2015, FOIA request, plaintiffs propounded a second FOIA request, Exhibit 6, on July 4, 2010.

53. This request sought the following records:

- Memorandum for the Record, April 30, 2014, cited in footnotes 356-359 in the review commission's final report, page 105-107.
- Personal Services Contracts between the FBI and the three 9/11 Review commissioners, executive director and three additional staff members, cited in footnote 5, page 4.
- Memorandum for the Record, October 24, 2014, cited in footnote 337, page 103.
- 2012 FBI summary report, cited in footnote 330, page 102.
- Memorandum for the Record, November 10, 2014, cited in footnote 321, page 104.

54. Twenty working days from submission of the request was July 31, 2016.

55. The defendants failed even to acknowledge this request until 38 days later on August 26, 2015. Exhibit 7. The response assigned the request FOIPA Request No. 1335424-000. The response failed to determine whether the FBI would comply with the request. It also made no claim that "unusual circumstances" would require more than 20 working days to determine the request.

56. The defendants have taken no further action on this request.

57. Because the FBI failed to comply with the applicable time limit provision in 5 U.S.C. § 552(a)(6), the plaintiffs are deemed to have exhausted their administrative remedies with respect to their July 4, 2015, request.

58. Plaintiffs retained undersigned counsel to bring this claim and have incurred attorneys' fees and expenses in bringing this action.

WHEREFORE, plaintiffs demand the following relief:

- A. An order requiring the defendants to submit the requested records to the Court for *in camera* review.
- B. An order requiring the defendants to provide the plaintiffs with a *Vaughn* index of the documents showing the author, recipients, date, and subject of each requested document;
- C. An order requiring defendants to disclose the requested records in their entirety and to make copies available to Plaintiffs;
- D. An order providing expeditious proceedings in this action;
- E. An order awarding plaintiffs pursuant to 5 U.S.C. § 552(a)(4)(E) their costs, expenses, and reasonable attorneys' fees incurred in this action;
- F. An order pursuant to 5 U.S.C. § 552(a)(4)(F) determining whether the circumstances surrounding the withholding of the records at issue raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding.
- G. Such other relief as the Court may deem just and proper.

Count III – The Second July 4, 2015, Request  
(Agent Disciplinary Records)

59. Plaintiffs reallege paragraphs 1 through 40 and incorporate them herein by reference.

60. On July 4, 2016, plaintiffs also electronically sent a further FOIA request to the FBI for all documents regarding any disciplinary action taken against the agent who prepared the April 16, 2002, FBI report. Exhibit 8

61. In making this request, plaintiffs hoped to ascertain whether the FBI had taken any action against the agent who authored the document which the 9/11 Review Commission was now labelling as poorly written, wholly unsubstantiated, incorrect, and inaccurate in its

finding of many connections between the Sarasota Saudi family and individuals associated with the attacks on September 11, 2001. If those findings were accurate, it seems probable that disciplinary action would be taken, and if those finding were false, as plaintiffs suspected, it seemed likely that no disciplinary action would have been taken.

62. The defendants promptly acknowledged this request on July 15, 2015, and assigned it FOIAPA Request No. 1332564-000 and, asserting FOIA Exemptions (b)(6) and (b)(7)(C), 5 U.S.C. §§ 552(b)(6) and (b)(7)(C), refused to confirm or deny the existence of any records responsive to the request. Exhibit 9.

63. The defendants' refusal to produce the requested disciplinary records violates the disclosure requirements of FOIA because neither the asserted exemptions nor any other exemptions allow the records to be withheld.

64. Plaintiffs appealed this determination to the Office of Information Policy of the U.S. Department of Justice on August 6, 2015. Exhibit 10.

65. On August 25, 2015, David P. Sobonya, a public information officer with the FBI, contacted Mr. Christensen to ask whether his April 8, 2015, FOIA request and his July 4, 2015, request for disciplinary records could be combined into one request. Mr. Christensen responded on August 25, 2015, that the requests should not be considered the same or combined into one request.

66. The U.S. Department of Justice thereafter denied the appeal on or about September 4, 2015. Exhibit 11. This exhausted all of the plaintiffs' administrative remedies with respect to the July 4, 2015, request for disciplinary records.

67. Plaintiffs retained undersigned counsel to bring this claim and have incurred attorneys' fees and expenses in bringing this action.

WHEREFORE, plaintiffs demand the following relief:

- A. An order requiring the defendants to submit the requested records to the Court for *in camera* review.
- B. An order requiring the defendants to provide the plaintiffs with a *Vaughn* index of the documents showing the author, recipients, date, and subject of each requested document;
- C. An order requiring defendants to disclose the requested records in their entirety and to make copies available to Plaintiffs;
- D. An order providing expeditious proceedings in this action;
- E. An order awarding plaintiffs pursuant to 5 U.S.C. § 552(a)(4)(E) their costs, expenses, and reasonable attorneys' fees incurred in this action;
- F. An order pursuant to 5 U.S.C. § 552(a)(4)(F) determining whether the circumstances surrounding the withholding of the records at issue raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding.
- G. Such other relief as the Court may deem just and proper.

Hunton & Williams LLP  
Attorneys for Broward Bulldog, Inc. and Dan Christensen


By s/ Thomas R. Julin

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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST indicate All Re-filed Cases Below.**

**I. (a) PLAINTIFFS** BROWARD BULLDOG, INC, a Florida corporation not for Profit, and Dan Christensen,   
**DEFENDANTS** U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530, and

**(b)** County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)  
**County of Residence of First Listed Defendant** (IN U.S. PLAINTIFF CASES ONLY)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
Thomas R. Julin, Hunton & Williams LLP, 1111 Brickell Avenue, Suite 2500, Miami, FL 33131 (305) 810-2500.  
Attorneys (If Known)

**(d)** Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)

☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3
Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed (See VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment ☐ 8 Remanded from Appellate Court

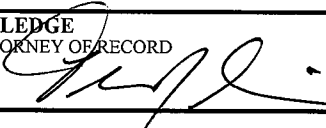
**VI. RELATED/ RE-FILED CASE(S)** (See instructions): a) Re-filed Case ☐ YES ☒ NO b) Related Cases ☒ YES ☐ NO

JUDGE William J. Zloch DOCKET NUMBER 12-61735-Civ-Zloch

**VII. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):  
Violation of 5 USC Sec. 552 (Freedom of Information Act)  
LENGTH OF TRIAL via 3 days estimated (for both sides to try entire case)

**VIII. REQUESTED IN COMPLAINT:** ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** **CHECK YES only if demanded in complaint:**  
**JURY DEMAND:** ☐ Yes ☒ No

ABOVE INFORMATION IS TRUE &amp; CORRECT TO THE BEST OF MY KNOWLEDGE

DATE 6/7/2016 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT #

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# **Exhibit 1**

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***(U) The FBI: Protecting the Homeland  
in the 21<sup>st</sup> Century***

(U) Report of the Congressionally-directed

***(U) 9/11 Review Commission***

To

**(U) The Director of the Federal Bureau of Investigation**

By

(U) Commissioners

Bruce Hoffman  
Edwin Meese III  
Timothy J. Roemer

(U) March 2015

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***(U) The FBI: Protecting the Homeland  
in the 21<sup>st</sup> Century***

(U) Report of the Congressionally-directed

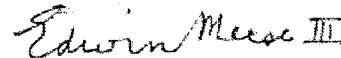
*(U) 9/11 Review Commission*


To

(U) The Director of the Federal Bureau of Investigation

(U) By

  
Bruce Hoffman

  
Edwin Meese III

  
Timothy J. Roemer

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**(U) INTRODUCTION**  
**THE FBI 9/11 REVIEW COMMISSION**

(U) The FBI 9/11 Review Commission was established in January 2014 pursuant to a congressional mandate.<sup>1</sup> The United States Congress directed the Federal Bureau of Investigation (FBI, or the “Bureau”) to create a commission with the expertise and scope to conduct a “comprehensive external review of the implementation of the recommendations related to the FBI that were proposed by the National Commission on Terrorist Attacks Upon the United States (commonly known as the 9/11 Commission).”<sup>2</sup> The Review Commission was tasked specifically to report on:

1. *An assessment of the progress made, and challenges in implementing the recommendations of the 9/11 Commission that are related to the FBI.*
2. *An analysis of the FBI’s response to trends of domestic terror attacks since September 11, 2001, including the influence of domestic radicalization.*
3. *An assessment of any evidence not known to the FBI that was not considered by the 9/11 Commission related to any factors that contributed in any manner to the terrorist attacks of September 11, 2001.*
4. *Any additional recommendations with regard to FBI intelligence sharing and counterterrorism policy.*<sup>3</sup>

(U) The Review Commission was funded by Congress in Fiscal Years 2013, 2014, and 2015 (FY13, FY14, and FY15) budgets that provided for operations for one-year ending with the submission of its review to the Director of the FBI. The enabling legislation also required the FBI Director to report to the Congressional committees of jurisdiction on the findings and recommendations resulting from this review.<sup>4</sup>

(U) In late November 2013, the FBI Director, in consultation with Congress, appointed three commissioners to what became known as the 9/11 Review Commission: former Attorney General Edwin Meese, former Congressman and Ambassador Tim Roemer, and Professor and counterterrorism expert Bruce Hoffman of Georgetown University. In February 2014, the

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1 (U) The relevant legislation includes: Title II, Div. B, *Consolidated and Further Continuing Appropriations Act, 2013*, P.L. 113-6 (March 26, 2013) (Salaries and Expenses, Federal Bureau of Investigation) and accompanying Explanatory Statement, S1287, S1305 (March 11, 2013); Title II, Div. B, *Consolidated Appropriations Act, 2014*, P.L. 113-76 (January 17, 2014) (Salaries and Expenses, Federal Bureau of Investigation) and accompanying Explanatory Statement, H475, H512 (January 15, 2014); Title II, Div. B, *Consolidated and Further Continuing Appropriations Act, 2015*, P.L. 113-235 (December 16, 2014) (Salaries and Expenses, Federal Bureau of Investigation) and accompanying Explanatory Statement, H9307, H9346 (December 11, 2014).

2 (U) Explanatory Statement accompanying P.L. 113-6 at S1305 (March 11, 2013).

3 (U) Ibid.

4 (U) Title II, Div. B, *Consolidated and Further Continuing Appropriations Act, 2013*, P.L. 113-6 (March 26, 2013) (Salaries and Expenses, Federal Bureau of Investigation) and accompanying Explanatory Statement, S1287, S1305 (March 11, 2013).

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commissioners appointed as Executive Director, John Gannon, former Central Intelligence Agency (CIA) Deputy Director for Intelligence and ex-Chairman of the National Intelligence Council.

(U) The Executive Director, working with the commissioners and coordinating with the Bureau, assembled a staff that eventually numbered 12 individuals: two former senior intelligence officers, one former assistant US Attorney (and previously a Senior Counsel on the original 9/11 Commission) detailed from the MITRE Corporation, one trial attorney detailed from the Department of Justice (DOJ), one retired senior Congressional (intelligence committees) staffer, two senior counterterrorism experts detailed from the RAND Corporation, two senior analysts detailed from the Defense Intelligence Agency (DIA), two personnel detailed from the FBI, and one former federal and military prosecutor currently in private practice in Washington.<sup>5</sup>

(U) The Review Commission produced a conceptual framework to guide the staff's review and production of a report fully addressing its legislative mandate. The framework contained five objectives around which four staff teams were organized. The commissioners presented this framework in testimony before the Commerce, Justice, Science, and Related Agencies Subcommittee of the House Appropriations Committee on March 26, 2014.

(U) Four team leaders were identified and assigned to lead the specific lines of inquiry stated in the commissioners' March Congressional testimony: (1) a baseline assessment of where the Bureau is today in its transition to a threat-based, intelligence-driven organization and "the development of an institutional culture imbued with deep expertise in intelligence and national security;" (2) an analysis of institutional lessons learned and practical takeaways from the assessment of five high-profile counterterrorism cases that occurred in the past six years; (3) an evaluation of the FBI's current state of preparedness to address the rapidly evolving, global threat environment of the next decade—including escalating cyber intrusions, proliferating numbers of foreign fighters, and increasingly adaptive terrorist activities; and (4) an examination of the Bureau's current and future need for closer collaboration and information sharing with strategic partners inside and outside government, and with other federal, state, local, tribal, and international counterparts. In addition, the Review Commission produced a fifth chapter summarizing its effort to identify any evidence now known to the FBI that was not considered by the 9/11 Commission related to any factors that contributed in any manner to the terrorist attacks of September 11, 2001.

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<sup>5</sup> (U) The staff, hired over several months, consisted of seven full-time and five part-time employees. Delays in hiring slowed the progress of the review, but never halted it. All staff members reported administratively to the FBI. The three commissioners, the executive director, and three of the staff members worked under personal services contracts (PSCs), three staff members served pursuant to Intergovernmental Personnel Agreements (IPAs), with the remaining staff under rotational or specialized agreements with the FBI. With regard to access, we experienced a "pull system"—we received what we asked for—but the responsiveness and collaborative spirit of our two substantive FBI liaison officers, Elizabeth Callahan and Jacqueline Maguire, provided us invaluable access to key people and relevant data that enabled us to produce an objective, comprehensive, and constructive review. They also conducted, in collaboration with the commission staff, an exhaustive fact-based review of the draft report that improved its accuracy and clarity.

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**(U) Scope of Effort**

(U) The Review Commission received over 60 extensive briefings on a broad range of subjects from the FBI headquarters' divisions. A comprehensive list of the briefing topics can be found in Appendix A.<sup>6</sup> No briefing requests were denied. The Review Commission made numerous document and information requests and in turn generated internal documents and Memoranda for the Record. The Review Commission conducted meetings at the training and science and technology facilities at Quantico, Virginia, to gain firsthand knowledge regarding the changes to the training program as well as developments in the scientific realm.

(U) The Review Commission interviewed over 30 Bureau and United States Intelligence Community (USIC) officials and other experts, including former FBI Director Robert Mueller, Director of National Intelligence (DNI) James Clapper, Director of CIA John Brennan, former DIA Director Lt. Gen. (Ret.) Michael Flynn, former National Counterterrorism Center (NCTC) Directors Michael Leiter and Matthew Olson, Customs and Border Protection (CBP) Commissioner Gil Kerlikowske, Transportation Security Administration (TSA) Administrator John Pistole, and had several meetings with current FBI Director James Comey. A comprehensive list of the interviewees can be found in Appendix B.<sup>7</sup>

(U) The Review Commission traveled to eight field offices (Washington, Boston, Denver, Detroit, Minneapolis, Chicago, San Diego, and New York) interviewing key personnel, including members of counterterrorism squads, analytic units, Joint Terrorism Task Force members, field office leadership, and key external partners such as local police chiefs. The Review Commission also visited six Legal Attaché (LEGAT) posts (Ottawa, Beijing, Manila, Singapore, London, and Madrid) for extensive discussions and meetings with the LEGATs (and members of his or her team), ambassadors, relevant members of the country teams, and participated in outside meetings with the Bureau's key foreign liaison partners.

(U) The Review Commission and staff selected field office and LEGAT visits based on issues related to the cases reviewed, on significant US border issues, on important internal US and foreign collaborative relationships, and on specific local or regional counterterrorism challenges. The Review Commission also interviewed at Headquarters the LEGATs from Abu Dhabi, Ankara, Hong Kong, Kiev, Nairobi, and Tel Aviv.

(U) The Review Commission received outstanding support from Headquarters divisions, from the field offices, and from the LEGAT posts in response to its extensive requirements. At Headquarters, Elizabeth Callahan and Jacqueline Maguire, who were in daily contact with the staff, deserve special mention for their unfailing positive response to the Review Commission's steady flow of requirements for briefings, meetings, and documents. We are also grateful to Patrick Findlay, who provided guidance on legal, contracts, and logistical issues. The commissioners also wish to thank Sarah Maksoud, a graduate student in the Security Studies Program at Georgetown University, for her generous preparation of exceptionally useful summaries of relevant unclassified reports.

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<sup>6</sup> (U) A complete list of briefings and meetings is contained in Appendix A.

<sup>7</sup> (U) A complete list of interviews conducted is contained in Appendix B.

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(U) It is important to acknowledge the report's limitations. The Review Commission took several months to assemble staff and hire personnel, due to bureaucratic, clearance, and other unpredictable and administrative issues. The staff worked for 11 months to address an extremely broad and challenging mandate from Congress, which required continuous focus on the most challenging issues. In particular, the staff devoted extensive time to the Bureau's intelligence collection and analysis programs, its collaboration and information sharing practices, and its strategic planning and implementation. The staff also derived practical lessons from recent FBI cases.

#### **(U) 9/11 Commission Recommendations**

(U) The Review Commission recognized that its report must move beyond the baseline of 2004, when the country was at the peak of launching reforms to prevent another catastrophic terrorist attack on the Homeland, to a decade later when those enacted reforms have arguably helped to prevent another such attack. Many of the findings and recommendations in this report will not be new to the FBI. The Bureau is already taking steps to address them. In 2015, however, the FBI faces an increasingly complicated and dangerous global threat environment that will demand an accelerated commitment to reform. Everything is moving faster. The box below summarizes the Bureau's response to the recommendations of the 9/11 Commission, a good place to start.

#### **(U) The FBI's Response to the 9/11 Commission's Recommendations<sup>8</sup>**

##### **(U) Overarching Recommendation:**

(U) "A specialized and integrated national security workforce should be established at the FBI consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, rewarded, and retained to ensure the development of an institutional culture imbued with a deep expertise in intelligence and national security."

**(U) Review Commission Finding:** The Bureau has established comprehensive structures, programs, and policies to build an end-to-end intelligence architecture for intelligence requirements, collection, analysis, production, and dissemination. It has assigned analysts, including reports officers, and human intelligence (HUMINT) collectors to the field. It has introduced a well-conceived, entity-wide threat prioritization process. Intelligence support has been prioritized, though it requires faster progress and deeper execution. Its detailees to other agencies, including the NCTC and the National Intelligence Council (NIC), have had a positive impact. Fundamentally, however, the Review Commission's report highlights a significant gap between the articulated principles of the Bureau's intelligence programs and their effectiveness in practice. The Bureau needs to accelerate its pursuit of its stated goals for intelligence as a matter of increased urgency.

##### **(U) Subordinate Recommendations:**

<sup>8</sup> (U) The 9/11 Commission's recommendations quoted from *The 9/11 Review Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission Report)* (US Government Printing Office, Washington, D.C., 2004): 425-427.

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1. (U) "The president, by executive order or directive, should direct the FBI to develop this intelligence cadre."

**(U) Review Commission Finding:** In the aftermath of the events in 9/11, the FBI had already taken steps to improve and expand its intelligence cadre. However, the FBI was first formally directed to create a Directorate of Intelligence through a November 18, 2004, Presidential Memorandum for the Attorney General (titled "Further Strengthening Federal Bureau of Investigation Capabilities").<sup>9</sup> The Bureau has responded with the creation of an Executive Assistant Director for Intelligence.

2. (U) "Recognizing that cross-fertilization between the criminal justice and national security disciplines is vital to the success of both missions, all new agents should receive basic training in both areas. Furthermore, new agents should begin their careers with meaningful assignments in both areas."

**(U) Review Commission Finding:** Subsequent to the 9/11 Commission's recommendations, the FBI re-engineered new agent training to encompass both criminal and national security training and increased the training from 16 weeks to 21 weeks. New agents are required to complete certain developmental tasks that cover foundational skills as well as skills needed for National Security Branch (NSB) and Intelligence functions.

3. (U) "Agents and analysts should then specialize in one of these disciplines and have the option to work such matters for their entire career with the Bureau. Certain advanced training courses and assignments to other intelligence agencies should be required to advance within the national security discipline."

**(U) Review Commission Finding:** Through the Agent Operational Designation Program (AODP), agents are assigned career path designations in order to increase program-specific and intelligence expertise of agents by providing clear guidance for career progression and high quality, job-relevant training, and developmental opportunities. While the option to choose an area of focus exists for intelligence analysts, for some the development of advanced courses and required interagency rotations their progression in the national security field is still a work in progress. The FBI is engaged in the USIC joint duty program and requires USIC joint duty credit experience for all senior executive positions within the FBI's national security and intelligence components. Its personnel are increasingly enrolled in the certificate and degree awarding programs of the National Intelligence University (NIU). These new efforts must be expedited and encouraged.

4. (U) "In the interest of cross-fertilization, all senior FBI managers, including those working on law enforcement matters, should be certified intelligence officers."

**(U) Review Commission Finding:** There is a lack of clarity regarding the qualifications of a "certified" intelligence officer as directed by the original 9/11 Commission. The FBI Intelligence Officer Certification (FIOC) program was established in response to the recommendation; however, it is currently under suspension and review for its effectiveness in promoting the FBI's goals for integrated professional development. To broaden intelligence experience, the FBI is

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<sup>9</sup> (U) "Memorandum for the Attorney General: Further Strengthening Federal Bureau of Investigation Capabilities" November 18, 2004.

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creating intelligence operations training and education for the workforce, scheduled to be rolled out in FY15 and FY16.

5. (U) "The FBI should fully implement a recruiting, hiring, and selection process for agents and analysts that enhances its ability to target and attract individuals with educational and professional backgrounds in intelligence, international relations, language, technology, and other relevant skills."

**(U) Review Commission Finding:** The Bureau has made a concerted effort over the past decade to upgrade its skills-based recruitment for its increasingly complex missions, including cyber. This effort will need to be accelerated to meet the diverse personnel and technology challenges ahead.

6. (U) "The FBI should institute the integration of analysts, agents, linguists, and surveillance personnel in the field so that a dedicated team approach is brought to bear on national security intelligence operations."

**(U) Review Commission Finding:** In response to the need for greater integration of agents and analysts and to provide a firm foundation of working on a team, over the past decade the FBI instituted some shared training for new analysts and agents to integrate them together at the beginning of their FBI careers. Once deployed to the field, many of these analysts have been embedded in operational squads in the field, though their work favors support to tactical and case work at the expense of strategic analysis. The FBI launched a more structured Integrated Curriculum Initiative (ICI) in 2014, with the primary goal to develop a comprehensive basic training program for new agents and analysts that teaches them to operate in a threat-based, intelligence-driven, operationally-focused environment. According to data provided by the FBI, the newly developed curriculum will be the foundation for the FBI's 20-week Basic Field Training Course (BFTC) for new agents and analysts and consist of over 300 hours of integrated training, reinforced with joint practical exercises. The BFTC will be piloted in April 2015, with full implementation to begin in September 2015. Except for the larger field offices, linguists, who are still in short supply, are principally accessed by a virtual system. The Review Commission recognizes this is a challenging process; however, hiring additional linguists and integrating them into operations should be a high priority

7. (U) "Each field office should have an official at the field office's deputy level for national security matters. This individual would have management oversight and ensure that the national priorities are carried out in the field."

**(U) Review Commission Finding:** Each field office has at least one Assistant Special Agent in Charge (ASAC) responsible for the intelligence program and national security matters. The FBI has further instituted changes to ensure national priorities are carried out in the field through systematic mechanisms such as the Threat Review and Prioritization Process (TRP) and Integrated Program Management (IPM); however, it is unclear the extent to which the program metrics are effective or ensure priorities are addressed.

8. (U) "The FBI should align its budget structure according to its four main programs: intelligence, counterterrorism and counterintelligence, criminal, and criminal justice services—to ensure better transparency on program costs, management of resources, and protection of the intelligence program."

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(U) **Review Commission Finding:** In direct response, the FBI adjusted its budget structure to meet the objectives of the recommendation and further consolidated all national security and intelligence programs under the NSB in 2005. In 2014, the FBI further re-aligned its intelligence program by creating the new Intelligence Branch (IB). It is important to note that sequestration in FY14 severely hindered the FBI's intelligence and national security programs.

9. (U) "The FBI should report regularly to Congress in its semiannual program reviews designed to identify whether each field office is appropriately addressing FBI and national program priorities."

(U) **Review Commission Finding:** The FBI, according to the data it provided, reports regularly to Congress on these programs through its meetings, testimony, and general oversight process. For example, during the 111th Congress, the FBI presented 15 briefings and participated in two hearings that addressed issues related to national security and intelligence program priorities. During the 112th Congress, the FBI provided 16 briefings and participated in six hearings that addressed these issues. In addition, Congress must actively perform its oversight responsibilities to ensure the implementation of these Review Commission recommendations.

10. (U) "The FBI should report regularly to Congress in detail on the qualifications, status, and roles of analysts in the field and at headquarters. Congress should ensure that analysts are afforded training and career opportunities on a par with those offered to analysts in other intelligence community agencies."

(U) **Review Commission Finding:** According to data provided to the Review Commission by the FBI, the above-mentioned Congressional briefings and hearings on national security program priorities also addressed issues related to the intelligence program, to include the qualifications, status, and roles of analysts in the field and at headquarters. The Review Commission found that the training and professional status of analysts has improved in recent years. The Intelligence Community Analysis Training and Education Council (ICATEC) in December 2014 found that the FBI's analytic training was on par with CIA, DIA, National Geospatial-Intelligence Agency (NGA), and National Security Agency (NSA). The Review Commission found, however, that access to continuous FBI training, to external education, and to developmental career opportunities lags behind other USIC agencies.

11. (U) "The Congress should make sure funding is available to accelerate the expansion of secure facilities in FBI field offices so as to increase their ability to use secure e-mail systems and classified intelligence product exchanges. The Congress should monitor whether the FBI's information-sharing principles are implemented in practice."

(U) **Review Commission Finding:** The FBI continues to make progress in acquiring adequate secure facilities for its field offices and LEGAT posts, though it is still behind where it needs to be. It also is investing in IT infrastructure improvements to enhance communications with the USIC and state and local partners. The Review Commission found that the FBI's information sharing practices have progressed markedly, with continuing room for improvement with local law enforcement.

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**(U) COMMISSIONERS****(U) EDWIN "ED" MEESE III**

(U) Ed Meese is currently associated with the Heritage Foundation as the leading think tank's Ronald Reagan Distinguished Fellow Emeritus. In that capacity, Meese oversees special projects and acts as an ambassador for Heritage within the conservative movement. He is also a distinguished visiting fellow at the Hoover Institution at Stanford University in California and lectures, writes, and consults throughout the United States on a variety of subjects. From 1977 to 1981, Meese was a law professor at the University of San Diego, where he also directed the Center for Criminal Justice Policy and Management. From January 1981 to February 1985, Meese held the position of counselor to the President—and functioned as President Reagan's chief policy adviser. Meese then served as Attorney General under President Reagan from 1985-1988. In May 2006, Meese was named a member of the Iraq Study Group and co-authored the group's final December 2006 report. Meese also served on the National War Powers Commission and the Commission for the Evaluation of the National Institute of Justice. Meese has authored several books, including *Leadership, Ethics and Policing*, *Making America Safer*, and *With Reagan: The Inside Story*. Meese is a retired Colonel in the United States Army Reserve, where he served in the military intelligence and civil affairs branches.

**(U) TIM ROEMER**

(U) Tim Roemer, former six-term US representative for Indiana's 3rd congressional district, most recently served as US ambassador to India. He has a strong background in international trade and investment, education policy, and national security.

(U) During his tenure as the lead diplomat in India, Ambassador Roemer was charged with leading one of America's largest diplomatic missions. Under the leadership of President Obama and Secretary of State Hillary Clinton, he was responsible for broadening and deepening the US-India partnership. He oversaw the implementation of several key policies and initiatives, including increasing cooperation, technology transfer and commercial sales in the defense and space industries; signing the Counterterrorism Cooperation Initiative to further expand cooperation in areas such as intelligence and homeland security, border security, money laundering and terrorist financing; and working with the United States to assist India on its Global Center for Nuclear Energy Partnership. He also emphasized commerce and exports, helping move India from America's 25th-largest trading partner to 12th.

(U) Prior to his diplomatic appointment, Ambassador Roemer served for 12 years in the US House of Representatives, where he was deeply engaged in efforts to improve access, standards, and achievement for American education. He was a member of the 9/11 Commission and one of the first members of Congress to advocate for a more dynamic and entrepreneurial Department

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of Homeland Security. He also served on the Washington Institute's Presidential Task Force on Combating the Ideology of Radical Extremism. Additionally, Ambassador Roemer has served on national commissions and advisory panels and on the board of directors for Oshkosh Corporation.

(U) Known as a consensus-builder and problem-solver, Ambassador Roemer was also president of the Center for National Policy, where he brought together experts and policy-makers to facilitate political cooperation to address critical national security challenges.

(U) Ambassador Roemer has served as a distinguished scholar at George Mason University and has taught at Harvard University's Institute of Politics. He earned a BA degree from the University of California at San Diego and his M.A. and Ph.D. in American government from the University of Notre Dame. He has received distinguished alumnus awards from both schools.

**(U) BRUCE HOFFMAN**



(U) Professor Bruce Hoffman has been studying terrorism and insurgency for nearly four decades. He is a professor in Georgetown University's Edmund A. Walsh School of Foreign Service where he is also the Director of both the Center for Security Studies and of the Security Studies Program. Professor Hoffman is also a visiting Professor of Terrorism Studies at St. Andrews University, Scotland. He previously held the Corporate Chair in Counterterrorism and Counterinsurgency at the RAND Corporation and was also Director of RAND's Washington, D.C. office. He was Scholar-in-Residence for Counterterrorism at the Central Intelligence Agency between 2004 and 2006; an adviser on counterterrorism to the Office of National Security Affairs, Coalition Provisional Authority, Baghdad, Iraq, in 2004; and from 2004-2005 an adviser on counterinsurgency to the Strategy, Plans, and Analysis Office at Multi-National Forces-Iraq Headquarters, Baghdad. Professor Hoffman was also an adviser to the Iraq Study Group. He is the author of *Inside Terrorism* (2006). His most recent book is *The Evolution of the Global Terrorist Threat: From 9/11 to Osama bin Laden's Death* (2014). *Anonymous Soldiers: The Struggle for Israel, 1917-1947* will be published in 2015.

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**(U) COMMISSION STAFF****(U) EXECUTIVE DIRECTOR**

**(U) John Gannon** served as CIA's Director of European Analysis (1992-1995), as Deputy Director for Intelligence (1995-1997), Assistant Director of Central Intelligence for Analysis and Production (1998-2001), and as Chairman of the National Intelligence Council (1997-2001). After his retirement from CIA in 2001, he served in the White House as the head of the intelligence team standing up the Department of Homeland Security (2002-2003) and later on the Hill as the staff director of the House Select Committee on Homeland Security (2003-2005). In 2004, President George W. Bush awarded him the National Security Medal, the nation's highest intelligence award. Gannon retired from BAE Systems (2005-2012) as President of the Intelligence and Security Sector. He is an adjunct professor at Georgetown University in the Security Studies Program. Gannon is a member of the Board of Visitors of the National Intelligence University. He is a member of the Board of Directors of Voices of September 11th (9/11 families), of the Homeland Security Project, of the National Academies of Science (NAS) Division Committee on Engineering and Physical Sciences, and of the Council on Foreign Relations. Gannon earned his BA in psychology at Holy Cross College, and his M.A. and Ph.D. in history at Washington University in St. Louis. He is a former Naval Officer (retired captain) and Vietnam veteran. He was an elected member of the city council and Chairman of the Planning Commission in his home town of Falls Church, Virginia.

**(Staff Members in Alphabetical Order)**

**(U) Kim Cragin, MPP, Ph.D.**, is a senior political scientist at the RAND Corporation focusing on terrorism-related issues. She has taught as an adjunct professor at Georgetown University and the University of Maryland. In spring 2008, she spent three months on General David Petraeus's (Ret.) staff in Baghdad. Cragin also has conducted fieldwork in Pakistan, Yemen, Egypt, northwest China, Indonesia, the Philippines, and Sri Lanka, among others. She is the author of *Women as Terrorists: Mothers, Recruiters, and Martyrs* (Praeger, 2009), and her RAND publications include a contribution to *The Long Shadow of 9/11: America's Response to Terrorism; Social Science for Counterterrorism*; and *Sharing the Dragon's Teeth: Terrorist Groups and the Exchange of New Technologies*. Cragin also has published in such journals as *Terrorism and Political Violence*, *Studies in Conflict and Terrorism*, and the *Historical Journal*.

**(U) William Giannetti** is a Senior Intelligence Analyst from DIA. His 18-year career spans time as a civil servant, Philadelphia cop and military intelligence officer. He served two tours in Afghanistan and has a M.A. in Criminal Justice from St. Joseph's University.

**(U) Barbara A. Grewe** is a Principal Policy Advisor for the MITRE Corporation where she serves as a trusted advisor to senior government leaders and has been responsible for leading interagency efforts to address high priority issues. She previously served as a Senior Counsel on the 9/11 Commission where she was responsible for investigating several key areas. She has also served as an Associate General Counsel in the Government Accountability Office and as an Assistant United States Attorney for the District of Columbia. She has a J.D. from the University of Michigan Law School, an M.A. (Oxon.) from the University of Oxford (where she was a Rhodes Scholar), and a B.A. from Wellesley College.

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(U) **Christine “Chris” Healey** served as the top legal advisor to the Senate Select Committee on Intelligence. She worked for the Government Affairs Committee on the landmark legislation that reformed the intelligence community and created the position of the Director of National Intelligence. Healey also served as a Senior Counsel and team leader on the 9/11 Commission. Prior to that, she was on the House Permanent Select Committee on Intelligence, including as staff director.

(U) **Seth G. Jones** is director of the International Security and Defense Policy Center at the RAND Corporation, as well as an adjunct professor at Johns Hopkins University's School for Advanced International Studies (SAIS). He served in numerous positions in US Special Operations Command, including as an advisor to the commanding general in Afghanistan. He is the author of *Hunting in the Shadows: The Pursuit of al Qaeda after 9/11* (W.W. Norton, 2012), and received his M.A. and Ph.D. from the University of Chicago.

(U) **Johanna Keena** is a Staff Operations Specialist for the FBI focusing on counterterrorism. She previously served at a legal and lobbying firm. Keena has received an M.S. in Intelligence Management from the University of Maryland University College.

(U) **Joseph Moreno** is a former federal prosecutor with the United States Department of Justice in the National Security Division. Currently a Major in the United States Army Reserve Judge Advocate General Corps, Joseph is a two-time combat veteran of Operations Iraqi Freedom and Enduring Freedom, and recipient of the Bronze Star Medal for his service in Iraq. He currently works in private practice at the law firm Cadwalader, Wickersham & Taft LLP in Washington DC. Moreno has a B.A. from Stony Brook University, a J.D./M.B.A. from St. John's University, and is a certified public accountant.

(U) **Jamie Pirko** is a Security and Intelligence Analyst, in the area of National Security for US government agencies including the DOD, FBI, and the Congressional Commission on the Prevention of Weapons of Mass Destruction. Before joining the Commission, she served as an Intelligence Analyst in the FBI's Weapons of Mass Destruction Domain Awareness program.

(U) **Elisabeth Poteat** is an attorney with the National Security Division's Counterterrorism Section in US Department of Justice, where she has served on the National Security Cyber Specialists Network and the Antiterrorism Advisory Council. She is a former organized crime prosecutor at the US Attorney's Office for Washington, D.C., and a former Deputy Public Defender for Los Angeles. She is the author of two recent works on classified information: “Discovering the Artichoke: How Omissions Have Blurred the Enabling Intent of the Classified Information Procedures Act” (*Journal of National Security Law and Policy* Vol. 7); and a chapter, “How Classified Information is Handled in Leak Cases,” in the book *Whistleblowers, Leaks, and the Media: The First Amendment and National Security*, ABA, 2014.

(U) **William Richardson** served 32 years at CIA, where he held numerous senior leadership positions in the Directorate of Intelligence at CIA Headquarters and overseas. He also served as the DNI's National Intelligence Manager for South Asia, and as the intelligence briefer to President Barack Obama and Vice President Al Gore.

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(U) **Amy Buening Sturm** is an analyst for US Special Operations Command and has eight years of government and non-profit experience focused on counterterrorism and national security issues. She is a Ph.D. student at University of Maryland's School of Public Policy and earned an M.A. in Security Studies from Georgetown University in 2010. Sturm is a Truman Scholar and a former Herbert Scoville Jr. Peace Fellow.

(U) **Caryn Wagner** is a former Under Secretary of Intelligence and Analysis at the Department of Homeland Security. Prior to that, she was a 30-year intelligence professional who began her career as a Signals Intelligence officer in the United States Army. Wagner spent seven years at DIA, where she served as the Deputy Director for Analysis and Production, and on the staff of the House Permanent Select Committee on Intelligence, and as Budget Director. She also served as Director of the IC Community Management Staff, the Assistant Deputy Director of National Intelligence for Management, and as first Chief Financial Officer for the National Intelligence Program.

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**CHAPTER V**  
**(U) NEW INFORMATION RELATED TO THE 9/11 ATTACKS**

(U) The 9/11 Commission noted in its final report that it had “endeavored to provide the most complete account of the events of September 11” but conceded nonetheless that “[n]ew information will inevitably come to light.”<sup>326</sup> Consistent with this, the Review Commission’s congressional mandate included an “assessment of any evidence now known to the FBI that was not considered by the 9/11 Commission related to any factors that contributed in any manner to the terrorist attacks of September 11, 2001.”<sup>327</sup>

(U) To fulfill this mandate, the Review Commission conducted multiple interviews of key personnel at FBI Headquarters and in the field to identify any new information related to the 9/11 attacks, with a special emphasis on identifying any previously unknown co-conspirators. The Review Commission traveled to the New York and San Diego field offices to speak with FBI personnel who have continued to investigate the 9/11 attacks and received briefings at FBI Headquarters from several of the lead investigators and analysts on new evidence that has come to light since the 9/11 Commission’s 2004 report. Finally, the Review Commission made requests for information specifically on possible links between the San Diego-based hijackers, Nawaf al-Hazmi and Khalid al-Mihdhar, as well as the pre-9/11 activities of Anwar al-Aulaqi. Given the time and resources available, it was beyond the scope of the Review Commission’s activities to re-interview every witness or to review all of the documents related to the FBI’s investigation of the 9/11 attacks. The FBI’s investigation since 9/11 has involved over 500,000 leads, over 167,000 interviews, and millions of pages of documents.<sup>328</sup>

(U) The Review Commission found that the FBI, to its credit, still has the 9/11 attacks and any potential conspiracy surrounding them, under active investigation. The Review Commission also investigated two claims of allegedly new evidence reported in the press—an FBI source with purported access to Usama bin Laden (UBL) in the early 1990s and a Sarasota family that was alleged to have suspiciously left the United States shortly before the 9/11 attacks. This chapter captures and reviews the results of the Review Commission’s inquiry into these four topics.

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326 (U) *The 9/11 Commission Report*, xvii.

327 (U) Public Law 113-6 and 113-76. (2013-2014); statement of Chairman Barbara Mikulski, *Congressional Record*, March 11, 2013: S1305.

328 (U) FBI Briefing, *Overview of 9/11 Investigation*, April 25, 2014.

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**(U) Key Points**

- (U) Based on the available information obtained and considered, the Review Commission concludes that there is no new information to date that would alter the original findings of the 9/11 Commission regarding the individuals responsible for the 9/11 attacks or for supporting those responsible for the attacks.
- (U) There is new evidence, however, that confirms and strengthens the cases against previously known co-conspirators who are awaiting trial.
- (U) The Review Commission also concludes that media reports regarding a possible FBI source with access to UBL in the early 1990s or suspicions regarding a Saudi family resident in Sarasota before the 9/11 attacks did not hold up under scrutiny.
- (U) The Review Commission commends the FBI for continuing its active investigation into the 9/11 attacks.

**(U) FBI Investigations**

(U) The FBI's initial investigation into the 9/11 attacks was named PENTTBOM. This effort remains open and active. Subsequent to the initial 9/11 Commission report, the FBI opened a subfile within this investigation to sharpen the focus on the lingering allegations that the circle of 9/11 conspirators may be wider. The 9/11 Review Commission reviewed the status of both the PENTTBOM and subfile teams.

**(U) Key Individuals In This Chapter**

**Nawaf al-Hazmi:** 9/11 hijacker on Flight 77 who spent time in San Diego in 2000.

**Khalid al-Mihdhar:** 9/11 hijacker on Flight 77 who spent time in San Diego in 2000.

**Omar al-Bayoumi:** Manager of Kurdish Community Islamic Center (KCIC). Assisted al-Hazmi and al-Mihdhar as well as al-Sadhan and al-Sudairy during their respective times in San Diego.

**Fahad al-Thumairy:** Imam at the King Fahad mosque near Los Angeles and accredited diplomat at the Saudi consulate in Los Angeles who met al-Hazmi and al-Mihdhar.

**Mohdhar Abdullah:** Befriended and provided assistance to al-Hazmi and al-Mihdhar during their time in San Diego.

**Khalid Sheik Mohammed (KSM):** Mastermind of the 9/11 attacks.

(U) The 9/11 Commission detailed how al-Hazmi and al-Mihdhar arrived in Los Angeles in January 2000, but evidence regarding their initial activities was still incomplete. The 9/11 Commission inquired into whether Fahad al Thumairy—an imam at the King Fahad mosque in

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Los Angeles and an accredited diplomat at the Saudi Arabian consulate from 1996 until 2003—“may have played a role in helping the hijackers establish themselves on their arrival in Los Angeles.”<sup>329</sup> Based on the evidence available at the time, the 9/11 Commission concluded that there was no evidence that al-Thumairy provided assistance to al-Hazmi and al-Mihdhar.<sup>330</sup>

(U) The 9/11 Commission further considered the support that Omar al-Bayoumi provided to the hijackers and the circumstances of their meeting on February 1, 2000, at a restaurant in Culver City, a few blocks from the King Fahad mosque.<sup>331</sup> Despite a number of questions regarding al-Bayoumi’s version of the events that day—particularly that he accidentally encountered al-Hazmi and al-Mihdhar in the restaurant after overhearing their Gulf Arabic accents—coupled with his assistance to the hijackers after they moved to San Diego at his suggestion, the 9/11 Commission nonetheless concluded that al-Bayoumi was “an unlikely candidate for clandestine involvement with Islamist extremists.”<sup>332</sup>

(U) In a July 2004 summary of its investigation into al-Bayoumi the FBI similarly determined that “evidence and intelligence do not indicate that al-Bayoumi had advance knowledge of the terrorist attacks of 9/11/2001 or knowledge of al-Hazmi’s and/or al-Mihdhar’s status as Al Qaeda operatives” or “that the assistance provided by al-Bayoumi to al-Hazmi and al-Mihdhar was witting.”

(U) The 9/11 Commission also detailed that Mohdar Abdullah was a close associate of al-Hazmi and al-Mihdhar when they lived in San Diego. Abdullah denied knowing of the attacks in advance but the 9/11 Commission reported that Abdullah was aware of al-Hazmi and al-Mihdhar’s extremist views and al-Mihdhar’s involvement with the Islamic Army of Aden. Abdullah himself sympathized with those views.<sup>333</sup> In May 2004, the 9/11 Commission learned that Abdullah had reportedly bragged to fellow inmates that he had known in advance of al-Hazmi and al-Mihdhar’s plans to conduct a terrorist attack.<sup>334</sup> There are various accounts of the alleged bragging and neither the FBI nor the 9/11 Commission was able to confirm the veracity of this new information.<sup>335</sup> The 9/11 Commission heard some speculation that al-Hazmi had called Abdullah in late August 2001 and leaked information that “something big was going to happen.”<sup>336</sup> The 9/11 Commission did not in the end identify Abdullah as a witting supporter of the hijackers.

(U) The subfile team began its review of several individuals of interest in 2007. In describing its work to the Review Commission, the team identified the collection of information it had

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329 (U) *The 9/11 Commission Report*, 216.

330 (U) *Ibid.*, 217. A 2012 FBI summary of the status of the effort reported, however, that al-Thumairy “immediately assigned an individual to take care of al-Hazmi and al-Mihdhar during their time in the Los Angeles area.”

331 (U) *The 9/11 Commission Report*, 217.

332 (U) *The 9/11 Commission Report*, 217-18.

333 (U) *The 9/11 Commission Report*, 218.

334 (U) Abdullah was detained in an immigration facility after pleading guilty to immigration charges for fraudulently claiming he was a Somali asylee.

335 (U) *The 9/11 Commission Report*, 218-19.

336 (U) *The 9/11 Commission Report*, 249.

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reviewed. The majority of the materials, including those obtained from a New Scotland Yard search of al-Bayoumi's London apartment in late 2001, had been received by the FBI before the 9/11 Commission issued its report. The only new evidence came from re-interviews of specific individuals. For example, the FBI had interviewed Mohdar Abdullah on several occasions prior to the 9/11 Commission's 2004 report and then in 2007 and 2008. During a 2011 interview Abdullah confirmed that he had provided on his own accord various types of assistance to the hijackers in San Diego. He also reiterated that he had discussions with al-Hazmi regarding the latter's jihadist beliefs but said he did not believe that al-Hazmi was saying they should be terrorists. Abdullah also denied telling his cellmates that he had advance knowledge of the 9/11 attacks. The Review Commission did not discover anything new in the post-9/11 Commission interviews of Abdullah that would definitively change the 9/11 Commission's conclusions regarding Abdullah's pre-9/11 activities.

**(U) Finding:** The Review Commission finds that this new information is not sufficient to change the 9/11 Commission's original findings regarding the presence of witting assistance to al-Hazmi and al-Mihdhar. The Review Commission notes that there is ongoing internal debate within the FBI between the original PENTTBOM team and the subfile team regarding the potential significance of some of this information. The Review Commission recognizes the importance of strong internal engagement between the PENTTBOM and the subfile teams. The Review Commission recommends that the FBI leadership review both perspectives and continue the investigation accordingly.

#### **(U) Guantanamo Bay Trial Preparation**

(U) The second effort devoted to uncovering new evidence involves the trial preparations for the al-Qa'ida defendants currently held at Guantanamo Bay. This effort focuses on examination of materials obtained both pre- and post-2004, including materials from the Abbottabad raid, search warrants, and the recorded conversations of key individuals. None of this evidence identifies any additional participants in the planning or carrying out of the 9/11 attacks. This evidence does strengthen and enhance the cases against existing plotters.<sup>337</sup>

**(U) Finding:** The Review Commission finds that this new evidence further substantiates and strengthens previously known connections between hijackers and other plotters and reinforces the cases against them.<sup>338</sup>

#### **(U) Alleged FBI Source with Access to Usama bin Laden**

(U) On February 25, 2014, the *Washington Times* reported that the FBI had "placed a human source in direct contact with Osama bin Laden in 1993 and ascertained that the al Qaeda leader was looking to finance terrorist attacks in the United States."<sup>339</sup> The article claimed to be

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337 (U) Memorandum for the Record, October 24, 2014.

338 (U) Ibid.

339 (U) Guy Taylor and John Solomon, "EXCLUSIVE: FBI had human source in contact with bin Laden as far back as 1993," *Washington Times*, February 25, 2014, <http://www.washingtontimes.com/news/2014/feb/25/fbi-source-had-contact-with-osama-bin-laden-in-1993> (accessed on November 19, 2014).

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derived from the courtroom testimony of a Supervisory Special Agent, who in the 1990s was in charge of a counterterrorism squad in the Los Angeles Field Office, on which Special Agent Bassem Youssef worked. Youssef had developed the confidential source referenced in the *Washington Times* article. According to the witness, Youssef's source was close with Omar Abdel-Rahman, a radical Egyptian cleric living in the United States known as the "Blind Sheik," who was subsequently convicted on terrorist charges arising from the 1993 bombing of New York City's World Trade Center. The *Washington Times* reported that the witness, Youssef's former supervisor, testified that Youssef arranged to have the source travel overseas to meet personally with UBL and that UBL "had a target [a Masonic lodge] picked out for an explosion in the Los Angeles area."<sup>340</sup>

(U) The Review Commission interviewed Youssef. He said that "99 percent of the story was accurate."<sup>341</sup> He explained that from late 1992 to early 1993, Abdel-Rahman was "spewing anti-Egypt stuff at the mosque" but was not calling for attacks in or against the United States. In 1993, Youssef identified an individual, the aforementioned confidential source, who was in frequent contact with Abdel-Rahman—but not directly with UBL. Youssef learned from the source's wife and from two other informants about a plot to bomb a Masonic Lodge in Los Angeles "because it was frequented by Jews."<sup>342</sup> The plotters had sought Abdel-Rahman's approval who, in granting it, had mentioned in passing that "when they wanted to do something overseas," they should "talk to Usama" in order to obtain financing.<sup>343</sup> At the time, Abdel-Rahman was one of UBL's spiritual advisers. According to Youssef, he reported to FBI Headquarters in 1994 that "UBL is building an Islamic army, has a lot of money, and is charismatic" but, according to Youssef, UBL was not at that stage known to be "a criminal or a terrorist."<sup>344</sup> This is consistent with other, contemporaneous, USIC assessments.<sup>345</sup> With respect to the plot against the Masonic Lodge, Youssef stated that it had nothing to do with either UBL or al-Qa'ida and, in any event, never materialized. Moreover, the source in question was in fact in direct contact with Abdel-Rahman, and not directly with UBL. Youssef said that the source was killed while fighting in Chechnya in 1995.<sup>346</sup>

(U) The Review Commission also reviewed an affidavit dated March 11, 2014, provided for the same trial that was described in the *Washington Times* account. The affiant, a Supervisory Special Agent currently assigned to the Los Angeles Field Office, stated that he had recently reviewed Youssef's source files from the 1990s. The affidavit confirmed that Youssef first met the confidential source in June 1993 and recruited him as a source two months later. The

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340 (U) Ibid. The actual testimony is less clear. The Supervisory Special Agent actually testified, "[Youssef] was able to develop two sources that were directly involved with Abdel Rahman. ... [T]he one source came back, had direct contact with Osama bin Laden. He had indicated to Abdel Rahman that he had a target picked out for an explosion in the Los Angeles area, I believe it was a Masonic lodge. Abdel Rahman went and told him to go get money from Usama back in the Middle East." See Testimony of Edward Curran, *Bassam Youssef vs. Federal Bureau of Investigation, et. al.*, CA No. 03-1551 (September 15, 2010). It is unclear to whom the term "he" refers.

341 (U) Memorandum for the Record, November 10, 2014.

342 (U) Ibid.

343 (U) Ibid.

344 (U) Ibid.

345 (U) John Miller and Michael Stone, *The Cell* (New York: Hyperion, 2002): 137-138.

346 (U) Memorandum for the Record, November 10, 2014.

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affidavit states that “There is no evidence in any of the files that Youssef’s source had direct contact with Osama bin Laden. Nor is there any evidence that Youssef’s source directly implicated Osama bin Laden in funding and planning a terrorist attack in Los Angeles or elsewhere in the United States.” He further recounted how the source underwent two polygraphs, both of which indicated deception. Furthermore, Youssef had documented in the file that the source was unreliable. The affidavit also confirmed that Youssef had lost contact with the source in July 1994 and never was in communication with him again. He further confirmed that there was no information in the source file regarding al-Qa’ida and that Youssef had specifically recorded in the file that the source was not within al-Qa’ida.<sup>347</sup>

(U) There appear to be small inconsistencies between Youssef’s recollection of events from two decades ago and the more recent affidavit but Youssef confirmed that the source had not in fact been in direct contact with UBL. Even if the source had actually been in direct contact with UBL in the less than a year he was an FBI intelligence asset, any information the source may or may not have had regarding UBL would certainly have provided no indication of the September 11, 2001, plot—the planning of which did not commence until late 1998 or early 1999.<sup>348</sup> In any event, it was not until the 1998 attacks on the US embassies in Africa that the United States would see an attack “planned, directed, and executed by al Qaeda, under the direct supervision of bin Laden and his chief aides” and the 9/11 Commission concluded that UBL’s involvement in the 1993 World Trade Center bombing was “at best cloudy.”<sup>349</sup>

(U) It should also be noted that the FBI case against UBL was opened in October 1995, a year after Youssef had lost contact with the confidential source and apparently after the source was already dead.<sup>350</sup> Moreover, based on the affidavit, there was apparently nothing in the source file that would have led the New York special agents investigating UBL to believe that Youssef’s source might be of interest to their investigation.<sup>351</sup>

**(U) Finding:** The Commission finds that the existence of an FBI confidential source who may or may not have had the ability to contact UBL directly in 1993-94 has no relevance to the 9/11 Commission’s final conclusions on the 9/11 attacks.

### **(U) The Sarasota Family**

(U) On September 8, 2011, the *Broward Bulldog*, an online local investigative newspaper, reported that the FBI allegedly had “found troubling ties between the hijackers and residents in an upscale community” near Sarasota, Florida. The article claimed that two weeks before the 9/11 attacks, members of a Saudi family “abruptly left their luxury home” leaving behind their cars, furniture, a refrigerator full of food, clothes, and other goods.<sup>352</sup> An unidentified

347 (U) Declaration Of Christopher Castillo (Castillo Declaration) submitted in the case of *Bassem Youssef vs. Eric Holder, Jr. Attorney General*, Case No. 03-CV-1551 (March 11, 2014).

348 (U) *The 9/11 Commission Report*, 154.

349 (U) *Ibid.*, 59 and 67.

350 (U) *The Cell*: 148.

351 (U) *Castillo Declaration*.

352 (U) Anthony Summers and Dan Christensen, “FBI Found Direct Ties Between 911 Hijackers and Saudis Living in Florida; Congress Kept in Dark,” *The Broward Bulldog*, September, 2011.

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“counterterrorism officer” was quoted as saying that phone records and the community gate records “linked the house on Escondito Circle to the hijackers.”<sup>353</sup> The article purported that this information had not been shared with Congress or mentioned in the 9/11 Commission Report.<sup>354</sup>

(U) A subsequent article in the *Miami Herald*, referring to an FBI document that had been produced pursuant to a Freedom of Information Act request, reported that the FBI document indicated that “[a] Saudi family who ‘fled’ their Sarasota area home weeks before 9/11 had ‘many connections’ to ‘individuals associated with the terrorist attacks on 9/11/2001’.”<sup>355</sup> The FBI told the Review Commission that the FBI Electronic Communication (EC) on which the news article was based was “poorly written” and wholly unsubstantiated. When questioned later by others in the FBI, the special agent who wrote the EC was unable to provide any basis for the contents of the document or explain why he wrote it as he did.<sup>356</sup>

(U) The Review Commission requested and received a briefing regarding the press allegations. The Review Commission also obtained a copy of the case file, copies of documents released through the Freedom of Information Act regarding the matter, and reports of interviews.

(U) The FBI informed the Review Commission that contrary to the contents of the original EC cited by the *Miami Herald*, the FBI had in fact “found no evidence that connected the family members in the *Miami Herald* article to any of the 9/11 hijackers, nor was there any connection found between the family and the 9/11 plot.”<sup>357</sup> The FBI explained to the Review Commission that following the 9/11 attacks the Bureau received numerous calls from the public to report suspicious activity.

(U) The FBI followed up on these initial leads in September 2001. Over several years, the FBI interviewed numerous individuals with direct knowledge of the facts forming the basis of the reports of suspicious activity. These individuals included all of the relevant family members and local individuals who claimed to have, or the FBI believed might have, pertinent information. The FBI also conducted an extensive review of records which might have contained pertinent information. The FBI found that the alleged derogatory information was unsubstantiated. The leads were determined to be covered and no further action was needed.

(U) The FBI told the Review Commission that the EC was apparently based solely on unsubstantiated reports from others and there was no documentation supporting its allegations.

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<http://www.browardbulldog.org/2011/09/fbi-found-direct-ties-between-911-hijackers-and-Saudis-living-in-Florida-congress-kept-in-dark> (accessed on December 12, 2014).

353 (U) Ibid.

354 (U) Ibid.

355 (U) Anthony Summers and Dan Christensen, “FBI Report: Florida Family Had Ties to People Linked to 9/11 Attacks,” *The Miami Herald*, April 17, 2011 <http://miamiherald.com/incoming/article1950334.html> (accessed on May 1, 2014). See also, April 16, 2002.

356 (U) Memorandum for the Record, April 30, 2014.

357 (U) Ibid.

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After further investigation, the FBI determined that the statements in the EC were incorrect.<sup>358</sup>  
The FBI found no evidence of contact, between the hijackers and the family.<sup>359</sup>

**(U) Finding:** The allegations that the family was connected to the hijackers and/or the 9/11 plot were not substantiated. A review of the complete record demonstrated that the newspaper articles were based on inaccurate information and a poorly written and innaccurate FBI EC.

**(U) Overall Finding:** The FBI has continued to investigate the 9/11 attacks; however, no new information obtained since the 9/11 Commission 2004 report would change the 9/11 Commission's findings regarding responsibilities for the 9/11 attacks. And contrary to media reports, the FBI did not have a source in the early 1990s with direct access to UBL nor was there credible evidence linking the Sarasota, Florida, family to the hijackers.

**(U) Recommendation:** The 9/11 Review Commission recommends the FBI continue its thorough investigation into the 9/11 attacks and, after the trials of the conspirators conclude, capture the lessons learned through the investigation, and provide detailed briefings to Director Comey and the relevant congressional oversight committees.

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358 (U) Memorandum for the Record, April 30, 2014.

359 (U) Memorandum for the Record, April 30, 2014.

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# **Exhibit 2**

(Rev. 03-28-2000)

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 04/16/2002

To: Tampa

From: Tampa

SQ 6/Ft. Myers RA

Contact: [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED] slw\*

b6  
b7C  
b7E(U) Case ID #: ~~(SECRET)~~ [REDACTED] (Pending)(U) Title: ~~(SECRET)~~ [REDACTED](U) Synopsis: ~~(X)~~ To request a [REDACTED] be opened.(U) ~~(SECRET)~~ Derived From: G-3  
Declassify On: X1

(U) ~~(X)~~ Pursuant to the investigation into the 09/11/01 terrorist attacks, the Federal Bureau of Investigation in Tampa Division became aware of [REDACTED] is allegedly a wealthy and successful international businessman. [REDACTED] and his family resided in a \$530,000.00 in an affluent section of Sarasota, Florida. On or about 08/27/2001, the [REDACTED] fled their home.

b6  
b7C

(U) ~~(X)~~ Based upon repeated citizen calls following September 11, the FBI and the Southwest Florida Domestic Security Task Force became aware of the [REDACTED] family. Following an inspection of their home by agents of the Southwest Florida Domestic Security Task Force, it was discovered that the [REDACTED] left their residence quickly and suddenly. They left behind valuable items, clothing, jewelry, and food in a manner that indicated they fled unexpectedly without prior preparation or knowledge.

b6  
b7C

(U) ~~(X)~~ Further investigation of the [REDACTED] family revealed many connections between the [REDACTED] and individuals associated with the terrorist attacks on 09/11/2001. More specifically, a [REDACTED] family member, [REDACTED] also

b6  
b7C~~SECRET~~

DATE: 03-14-2013  
CLASSIFIED BY NSICG F54M93K42  
REASON: 1.4 (c)  
DECLASSIFY ON: 03-14-2038

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

SARASOTA-5

~~SECRET~~

(U) To: Tampa From: Tampa  
Re: ~~(SECRET)~~ [REDACTED] 04/16/2002

b7E

known as, [REDACTED] DOB [REDACTED] last  
known address [REDACTED] Florida, b6  
was a flight student at Huffman Aviation. b7C

(U) ~~(S)~~ Additionally, [REDACTED] DOB [REDACTED]  
last known address [REDACTED]  
Florida, was also a flight student at Huffman Aviation.

(U) ~~(S)~~ Additionally, [REDACTED] also known  
as, [REDACTED] DOB [REDACTED] last known address [REDACTED] b6  
[REDACTED] Florida, was arrested b7C  
numerous times by Sarasota County Sheriff's Office.  
lived with flight students at Huffman Aviation. [REDACTED]

(S)

b1  
b3  
b6  
b7C

~~SECRET~~

# **Exhibit 3**

Dan Christensen  
c/o Florida Bulldog  
P.O. Box 23763  
Fort Lauderdale, Fl. 33307  
April 8, 2015

Federal Bureau of Investigation  
Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, Va. 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act for documents pertaining to the FBI 9/11 Review Commission. The commission issued its final report on March 25, 2015.

Specifically, I request copies, electronic if possible, of all: Transcripts of commission proceedings and interviews, Memorandums for the Record, Personal Services Contracts with commissioners and staff and draft copies of the final report.

Additionally, I request copies of the FBI Briefing, "Overview of the 9/11 Investigation," provided to commissioners on April 25, 2014; the 2012 FBI summary report regarding Fahad al Thumairy (see footnote 330 of the report), Memorandum for the Record, April 30, 2014; an undated FBI HQ briefing on the "Sarasota Family" and the "Sarasota family" case file, including reports of interviews, reviewed by the Commission.

Finally, please identify how many pages of the 9/11 Review Commission's final report were classified in their entirety and not included in the final, unclassified report. Please also cite the FOIA exemptions under which these records are being withheld from release.

If any of the above documents are denied in whole or in part, please cite the appropriate exemption.

I request a fee waiver. I operate the nonprofit news site, [www.floridabulldog.org](http://www.floridabulldog.org) and we are a member of the Institute for Nonprofit News. I also am a contract reporter for The Miami Herald.

I have written a number of stories about 9/11 and intend to publish additional stories about it. Those stories generated enormous public interest and have been picked up by other media across the U.S. and around the world. As such, the material I seek "is likely to contribute significantly to public understanding of the operations or activities of government," specifically the findings and conclusions of the 9/11 Review Commission.

I can be reached by cell phone, 954-242-2822. Please call rather than write if there are any questions or if you need additional clarification from me.

I expect a response to this request within 10 (ten) working days, as provided for in the Freedom of Information Act.

Sincerely,

Dan Christensen  
FloridaBulldog.org

# **Exhibit 4**



U.S. Department of Justice



Federal Bureau of Investigation  
Washington, D.C. 20535

April 20, 2015

MR. DAN CHRISTENSEN  
FLORIDA BULLDOG  
POST OFFICE BOX 23763  
FORT LAUDERDALE, FL 33307

FOIPA Request No.: 1326525-000  
Subject: FBI 9/11 REVIEW COMMISSION  
(DOCUMENTS RELATED TO THE ISSUING  
OF THE FINAL REPORT ON MARCH 25,  
2015)

Dear Mr. Christensen:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI.

- ☒ Your request has been received at FBI Headquarters for processing.
- ☐ Your request has been received at the [\_\_\_\_\_] Resident Agency / [\_\_\_\_\_] Field Office] and forwarded to FBI Headquarters for processing.
- ☒ We are searching the indices to our Central Records System for the information responsive to this request. We will inform you of the results in future correspondence.
- ☒ Your request for a fee waiver is being considered and you will be advised of the decision at a later date.
- ☐ The subject of your request is currently being processed for public release. Documents will be released to you upon completion.
- ☒ Please check for the status of your FOIPA request at [www.fbi.gov/foia](http://www.fbi.gov/foia) by clicking on **Check the Status of Your FOIPA Request** under **Records Available Now** located on the right side of the page. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be "D. H. 3", is located below the "Sincerely," text.

# **Exhibit 5**



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

May 19, 2015

MR. DAN CHRISTENSEN  
FLORIDA BULLDOG  
POST OFFICE BOX 23763  
FORT LAUDERDALE, FL 33307

FOIPA Request No. 1326525-000  
Subject: FBI 9/11 REVIEW COMMISSION  
(DOCUMENTS RELATED TO THE ISSUING  
OF THE FINAL REPORT ON MARCH 25,  
2015)

Dear Mr. Christensen:

Please be advised that we have determined "unusual circumstances" apply to the processing of your request. See 5 U.S.C. § 552 (a)(6)(B)(iii). "Unusual circumstances" include the following scenarios:

There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI Record/Information Dissemination Section (RIDS).

There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.

There is a need for consultation with another agency or two or more DOJ components.

These "unusual circumstances" will delay our ability to make a determination on your request. Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii).

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over the word "Sincerely,".

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

# **Exhibit 6**

Dan Christensen  
c/o Florida Bulldog  
P.O. Box 23763  
Fort Lauderdale, Fl. 33307  
July 4, 2015

Federal Bureau of Investigation  
Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, Va. 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act for documents pertaining to the FBI 9/11 Review Commission. The commission issued its final report on March 25, 2015.

Specifically, I request copies, electronic if possible, of these documents cited in the report in the following order:

1. Memorandum for the Record, April 30, 2014, cited in footnotes 356-359 in the review commission's final report, page 105-107.
2. Personal Services Contracts between the FBI and the three 9/11 Review commissioners, executive director and three additional staff members, cited in footnote 5, page 4.
3. Memorandum for the Record, October 24, 2014, cited in footnote 337, page 103.
4. 2012 FBI summary report, cited in footnote 330, page 102.
5. Memorandum for the Record, November 10, 2014, cited in footnote 321, page 104.

Should these documents total more than 500 pages, please provide me with only the first 500 pages, beginning with item 1 and ending with item 5.

If any of the above documents are denied in whole or in part, please cite the appropriate exemption.

I request a fee waiver. I operate [www.floridabulldog.org](http://www.floridabulldog.org), a nonprofit news site. The Florida Bulldog is a member of the Institute for Nonprofit News. I also am a contract reporter for The Miami Herald.

I have written a number of stories about 9/11 and intend to publish additional stories about it. The stories generated enormous public interest and have been picked up by other media across the U.S. and around the world. As such, the material I seek "is likely to contribute significantly to public understanding of the operations or activities of government," specifically the findings and conclusions of the 9/11 Review Commission.

**I ask that you communicate with m via return email, not U.S. mail as that is more costly and slower.** I can also be reached by cell phone, 954-242-2822. Please call rather than write if there are any questions or if you need additional clarification from me.

I expect a response to this request within 10 (ten) working days, as provided for in the Freedom of Information Act.

Sincerely,

Dan Christensen  
FloridaBulldog.org

# **Exhibit 7**





U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

August 26, 2015

MR. DAN CHRISTENSEN  
FLORIDA BULLDOG  
POST OFFICE BOX 23763  
FORT LAUDERDALE, FL 33307

FOIPA Request No.: 1335424-000  
Subject: SPECIFIC DOCUMENTS/MFRS  
PERTAINING TO THE FBI 9/11 REVIEW  
COMMISSION  
(RELATING TO THE FINAL REPORT  
ISSUED ON MARCH 25, 2015)

Dear Mr. Christensen:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI.

- ☒ Your request has been received at FBI Headquarters for processing.
- ☐ Your request has been received at the \_\_\_\_\_ Resident Agency / \_\_\_\_\_ Field Office and forwarded to FBI Headquarters for processing.
- ☒ We are searching the indices to our Central Records System for the information responsive to this request. We will inform you of the results in future correspondence.
- ☐ The subject of your request is currently being processed for public release. Documents will be released to you upon completion.
- ☒ Your request for a fee waiver is being considered and you will be advised of the decision at a later date.
- ☒ In the event your fee waiver is denied and for the purpose of assessing fees, we have made the following determination:
  - ☐ As a commercial use requester, you will be charged applicable search, duplication, and review fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - ☒ As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - ☐ As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check for the status of your FOIPA request at [www.fbi.gov/foia](http://www.fbi.gov/foia) by clicking on **Check the Status of Your FOIPA Request** under **Records Available Now** located on the right side of the page. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

Should you disagree with any determination referenced in this letter, you may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish or number "3".

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

# **Exhibit 8**

Dan Christensen  
C/O Florida Bulldog  
P.O. Box 23763  
Fort Lauderdale, Fl. 33307  
July 4, 2015

Federal Bureau of Investigation  
Record/Information Dissemination Section  
Attn: FOIPA Request  
170 Marcel Drive  
Winchester, Va. 22602-4843

Dear FOIA Officer:

This is a request under the Freedom of Information Act for documents pertaining to the FBI 9/11 Review Commission. The commission issued its final report on March 25, 2015.

Page 105 of the report discusses the FBI's findings regarding a special agent who wrote an FBI electronic communication (EC) dated April 16, 2002. The report says the FBI informed the commission the EC was "wholly unsubstantiated" and that when questioned later by others in the FBI, the agent was "unable to provide any basis for the document or explain why he wrote it as he did."

Please provide me with copies of all documents regarding any disciplinary action taken against the agent as a result of this matter.

If any document is denied in whole or in part, please cite the appropriate exemption.

I request a fee waiver. I operate the nonprofit news site, [www.floridabulldog.org](http://www.floridabulldog.org) and we are a member of the Institute for Nonprofit News. I also am a contract reporter for The Miami Herald.

I have written a number of stories about 9/11 and intend to publish additional stories about it. Those stories generated enormous public interest and have been picked up by other media across the U.S. and around the world. As such, the material I seek "is likely to contribute significantly to public understanding of the operations or activities of government," specifically the findings and conclusions of the 9/11 Review Commission.

Please communicate via email instead of the U.S. Mail as it is less costly and quicker. I can be reached by cell phone, 954-242-2822. Please call rather than write if there are any questions or if you need additional clarification from me.

I expect a response to this request within 10 (ten) working days, as provided for in the Freedom of Information Act.

Sincerely,

Dan Christensen  
FloridaBulldog.org

# **Exhibit 9**





Federal Bureau of Investigation  
Washington, D.C. 20535

July 15, 2015

MR. DAN CHRISTENSEN  
POST OFFICE BOX 23763  
FORT LAUDERDALE, FL 33307

FOIPA Request No.: 1332564-000  
Subject: DISCIPLINARY ACTION TAKEN  
AGAINST AN FBI AGENT WHO WROTE  
AN EC (MARCH 2015 9/11 COMMISSION,  
PAGE 105)

Dear Mr. Christensen:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI. The FOIPA number listed above has been assigned to your request.

You have requested records concerning one or more third party individuals. The FBI recognizes an important privacy interest in the requested information. You may receive greater access to these records if they exist by providing one of the following: (1) an authorization and consent from the individual(s) (*i.e.*, express authorization and consent of the third party); (2) proof of death (*i.e.*, proof that your subject is deceased); or (3) a justification that the public interest in disclosure outweighs personal privacy (*i.e.*, a clear demonstration that the public interest in disclosure outweighs personal privacy interests). In the absence of such information, the FBI can neither confirm nor deny the existence of any records responsive to your request, which, if they were to exist, would be exempt from disclosure pursuant to FOIA Exemptions (b)(6) and (b)(7)(C), 5 U.S.C. §§ 552 (b)(6) and (b)(7)(C).

Express authorization and consent. If you seek disclosure of any existing records on this basis, enclosed is a Certification of Identity form. You may make additional copies of this form if you are requesting information on more than one individual. The subject of your request should complete this form and then sign it. Alternatively, the subject may prepare a document containing the required descriptive data and have it notarized. The original certification of identity or notarized authorization with the descriptive information must contain a legible, original signature before FBI can conduct an accurate search of our records.

Proof of death. If you seek disclosure of any existing records on this basis, proof of death can be a copy of a death certificate, Social Security Death Index, obituary, or another recognized reference source. Death is presumed if the birth date of the subject is more than 100 years ago.

Public Interest Disclosure. If you seek disclosure of any existing records on this basis, you must demonstrate that the public interest in disclosure outweighs personal privacy interests. In this regard, you must show that the public interest sought is a significant one, and that the requested information is likely to advance that interest.

Fax your request to the Work Process Unit at (540) 868-4997, or mail to 170 Marcel Drive, Winchester, VA 22602. If we do not receive a response from you within 30 days from the date of this letter, your request will be closed. You must include the FOIPA request number with any communication regarding this matter.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). As such, this response is limited to those records, if any exist, that are subject to the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

For questions on how to reasonably describe your request, please email us at [foipaquestions@ic.fbi.gov](mailto:foipaquestions@ic.fbi.gov). You may also visit [www.fbi.gov](http://www.fbi.gov) and select "Stats and Services," "FOIA/Records Requests," and "Requesting FBI Records" for additional guidance.

Enclosed for your information is a copy of the FBI Fact Sheet and a copy of the Explanation of Exemptions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish or number "3".

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)

# **Exhibit 10**

Dan Christensen  
c/o Florida Bulldog  
P.O. Box 23763  
Fort Lauderdale, Fl, 33307  
August 6, 2015

Director, Office of Information Policy  
U.S. Dept. of Justice  
1425 New York Ave. NW Suite 11050  
Washington, D.C. 20530-0001  
Via: eFOIA portal

Dear Director:

This is appeal of a denial of records regarding my July 4, 2015 FOIPA Request No. 1332564-000. Subject: Disciplinary action taken against an FBI agent.

FBI Records Section Chief David Hardy's response letter is dated July 15, but was not received by me until August 4.

**Please note that Mr. Hardy's denial letter seriously mischaracterizes my request.** He states that I have requested information about a third party individual and that as a result an important privacy interest is involved. In fact, an accurate reading of my July 4 FOIA request makes clear that no one's privacy interests are involved.

My FOIA request is for information about possible disciplinary action regarding an unnamed special agent. The FBI chastised the agent publicly in final report by the 9/11 Review Commission, but did not name the agent. Thus, I do not know the agent's identity. Further, my FOIA request does not ask the FBI to identify the agent, rather I ask only that the FBI provide me with copies of all documents regarding any disciplinary action The FBI, of course, has the ability to redact the agent's name.

As there are no unusual circumstances regarding my request, I expect a timely response to this appeal within 20 workdays as provided by law.

Sincerely,

Dan Christensen  
FloridaBulldog.org

# **Exhibit 11**





**U.S. Department of Justice**  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. Dan Christensen  
Florida Bulldog  
Post Office Box 23763  
Fort Lauderdale, FL 33307  
[dchristensen@browardbulldog.org](mailto:dchristensen@browardbulldog.org)

Re: Appeal No. AP-2015-05083  
Request No. 1332564  
CDT:JMB

**VIA: Appeal Portal**

Dear Mr. Christensen:

You appealed from the action of the Federal Bureau of Investigation on your request for access to disciplinary records concerning an FBI Special Agent discussed in a report issued by the 9/11 Review Commission.

After carefully considering your appeal, I am affirming the FBI's action on your request. The Freedom of Information Act provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The FBI properly refused to confirm or deny the existence of records responsive to your request. Without consent, proof of death, official acknowledgment of an investigation, or an overriding public interest, confirming or denying the existence of such records, including law enforcement records, concerning an individual would constitute a clearly unwarranted invasion of personal privacy, and could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6), (7)(C).

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road,

- 2 -

College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

9/4/2015

X



---

Sean R. O'Neill  
Chief, Administrative Appeals Staff  
Signed by: O'Neill, Sean (OIP)

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

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

*Plaintiff(s)*

v.

U.S. DEPARTMENT OF JUSTICE,  
950 Pennsylvania Avenue, NW  
Washington, DC 20530, and  
FEDERAL BUREAU OF INVESTIGATION,

*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* U.S. Department of Justice  
Loretta E. Lynch  
Attorney General of the United States  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Thomas R. Julin  
Hunton & Williams LLP  
1111 Brickell Ave., Suite 2500  
Miami, Florida 33131  
(305) 810-2500

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

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

*Plaintiff(s)*

v.

U.S. DEPARTMENT OF JUSTICE,  
950 Pennsylvania Avenue, NW  
Washington, DC 20530, and  
FEDERAL BUREAU OF INVESTIGATION,

*Defendant(s)*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Federal Bureau of Investigation  
Loretta E. Lynch  
Attorney General of the United States  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Thomas R. Julin  
Hunton & Williams LLP  
1111 Brickell Ave., Suite 2500  
Miami, Florida 33131  
(305) 810-2500

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: