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FILE NO: 99997.029952

January 31, 2014

Melanie Ann Pustay
Director, Office of Information and Privacy
United States Department of Justice
1425 New York Ave., NW – Suite 11050
Washington, DC 20530

By Fax 202-514-1009

Re: Application to the Declassification Review Committee
for Determination of MDR FBI 2013-03597

Dear Director:

This is an application by our clients, Dan Christensen, Anthony Summers, and Robbyn Swan, for determination by the Declassification Review Committee of their June 10, 2013, request to the Department of Justice pursuant to section 3.5 of Executive Order 13256 and 28 CFR § 17.31 for Mandatory Declassification Review of all classified information and records disclosed or referenced on pages 416 through 443(all of Part Four) of the 107th Congress's *Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001*, that have not been publicly disclosed. A copy of the request is attached as Exhibit A.

After making the request, I received a letter dated June 26, 2013, from Amanda M. Jones, attorney adviser to the U.S. Department of Justice Office of Information Policy acknowledging our clients' June 10, 2013, request; assigning the request No. MDR FBI 2013-03597; and advising that the request had been forwarded to the Federal Bureau of Investigation for processing and direct response to me. A copy of Ms. Jones' letter is attached as Exhibit B.

Because I had received no response from the FBI by September 10, 2013, I wrote to David M. Hardy, section chief of the FBI's Record/Information Dissemination Section, asking for an update regarding the status of the request and observing that 28 CFR §17.31(d) states that the component that originally classified the information "shall provide a written response to requests for mandatory review within 60 days whenever possible, or shall inform the requester in writing why additional time is needed." I pointed out that this 60 day period had expired and that I had received neither a response nor an explanation of why additional time would be needed to formulate a response.

Application for Determination
of MDR FBI 2013-03597
January 31, 2014
Page 2

I have received no written response from the FBI or an explanation of why additional time would be needed to formulate a response.

The applicable regulations provide: “Unless there are unusual circumstances, the additional time needed by the component originally classifying the information shall not extend beyond 180 days from the receipt of the request. If no determination has been made at the end of the 180 day period, the requester may apply to the DRC for a determination.” 28 CFR §17.31(d).

The 180-day period for the Department of Justice to make its determination expired on or before December 6, 2013. I therefore am requesting a determination of the June 10, 2013, request by the Declassification Review Committee itself.

Our clients are journalists and authors. Mr. Christensen is founder and operator of an investigative news organization in south Florida. Mr. Summers and Ms. Swan are also the authors of *“The Eleventh Day: The Full Story of 9/11 and Osama bin Laden,”* a Finalist for the Pulitzer Prize for History in 2012. Their reporting has focused on the possibility that the terrorists who attacked the United States on September 11, 2001, received significant support from persons or entities who have not been prosecuted for their involvement in the attacks. They are requesting declassification in furtherance of this reporting.

The Joint Inquiry report itself states that classified section of the report at issue contains information regarding “specific sources of foreign support for some of the September 11 hijackers while they were in the United States.” Our clients therefore believe that declassification would advance their investigations and help the American people understand how the September 11 attacks were financed and how similar attacks may be avoided. At the same time, it seems unlikely that declassification would harm any national interest.

The decision to withhold this information was apparently made by President George W Bush for unspecified reasons of national security. Others who have seen the material have long disagreed with that assessment. For example, both former U.S. Senator Bob Graham (D-FL), and Senator Richard C. Shelby (R-AL), who co-chaired the Joint Inquiry, have stated publicly that they believe 95 percent of the material is safe for public consumption and that the pages were kept secret for reasons other than national security. Sen. Graham further has stated that the information had been “misclassified” and that though “the information may be embarrassing or politically damaging, its revelation would not damage national security.”

Application for Determination
of MDR FBI 2013-03597
January 31, 2014
Page 3

It also is important to note that the leaders of the Saudi Government, who some have said are the object of the redacted pages, want those pages declassified. As reflected in the Congressional Record at 13,349-372 (Sen. Oct. 28, 2003), those leaders are angry and embarrassed by speculation about what the redacted materials might show and have wanted those pages declassified so that they could defend themselves against any charges that may have been made against them.

Significant, 9/11 survivors and family members also would like the requested records made public. For example, Kristen Breitweiser, whose husband, Ronald, died in the World Trade Center, and Bill Doyle, whose son Joseph died there, have said that during a 2009 meeting, President Obama said he was willing to declassify the suppressed material. Now is the time to honor that commitment to the bereaved family members.

At this juncture neither the Department of Justice nor the FBI has made any determination of the request for declassification that was made on June 10, 2013, and no explanation has been provided for the delay. I therefore request on behalf of our clients a determination of their request by the Declassification Review Committee as is required by 28 CFR §17.31(d).

Please acknowledge receipt of this request and whether any additional information is needed to make the determination.

Sincerely,



Thomas R. Julin
Attorney for Dan Christensen, Anthony Summers
and Robbyn Swan

Attachments

Exhibit A



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THOMAS R. JULIN

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EMAIL: tjulin@hunton.com

FILE NO: 99997.029952

June 10, 2013

Melanie Ann Pustay
Director, Office of Information and Privacy
United States Department of Justice
Attn: Sarah Ross, Attorney Adviser
1425 New York Ave., NW – Suite 11050
Washington, DC 20530

By Fax 202-514-1009

Re: Mandatory Declassification Request

Dear Ms. Pustay:

This is a request on behalf of our clients, Dan Christensen, Anthony Summers, and Robbyn Swan, pursuant to section 3.5 of Executive Order 13256 and 28 CFR § 17.31 for Mandatory Declassification Review of all classified information and records disclosed or referenced on pages 416 through 443(all of Part Four) of the 107th Congress's *Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001*, that have not been publicly disclosed. Those pages involve information regarding "specific sources of foreign support for some of the September 11 hijackers while they were in the United States," the report says.

Our clients are reporters with *BrowardBulldog.org*, a not for profit news site in South Florida. Mr. Christensen is founder and operator of the site. Mr. Summers and Ms. Swan are also the authors of *"The Eleventh Day: The Full Story of 9/11 and Osama bin Laden*, a Finalist for the Pulitzer Prize for History in 2012.

To the best of our clients' knowledge and belief, the documents and material containing the classified information at issue are not within an operational file exempted from search and review, publication, and disclosure requirements of 5 U.S.C. §552, and the information is not the subject of pending litigation.

I note that section 3.6 of Executive Order 13256 specifies that when an agency receives a request for documents in its custody that contain classified information that originated with other agencies, it shall refer copies of the request to the originating agency. If, therefore, you conclude that this request seeks declassification of information that originated



Mandatory Declassification
Review Request
June 10, 2013
Page 2

with other agencies such as the Central Intelligence Agency, please refer copies of this request to those other agencies.

Please also promptly forward this request, as required by 28 C.F.R. §17.31(b), to the component of the Department of Justice that originally classified the information and provide me with an acknowledgement of receipt of the request.

If any additional information is required to identify the requested information, please have the component that classified the information contact me and I will endeavor to provide the needed information on behalf of our clients. If the information or material requested cannot be obtained with a reasonable amount of effort, please have the component provide me with written notification of the reasons no action will be taken and our clients' right to appeal the decision to the Department Review Committee.

Please also ask the component that originally classified the information to provide a written response to this request for mandatory review within 60 days if possible, or to inform me in writing why additional time is needed.

My understanding of the Department's regulations is that unless there are unusual circumstances, the additional time needed by the component originally classifying the information shall not extend beyond 180 days from the receipt of the request. If no determination has been made at the end of the 180 day period, my clients may apply to the Department Review Committee for a determination.

More than a decade has passed since the Joint Inquiry's report was released to the American public without the 28 pages that our clients seek. The decision to withhold this information was apparently made by President George W. Bush for unspecified reasons of national security. Others who have seen the material have long disagreed with that assessment. For example, both Senator Bob Graham (D-FL), and Senator Richard C. Shelby (R-AL), who co-chaired the Joint Inquiry, have stated publicly that they believe 95 percent of the material is safe for public consumption and that the pages were kept secret for reasons other than national security. Sen. Graham further said that the information had been "misclassified" and that though "the information may be embarrassing or politically damaging, its revelation would not damage national security."

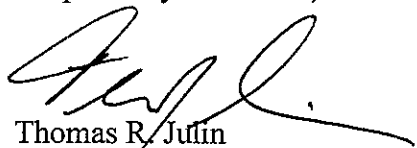
It also is important to note that the leaders of the Saudi Government, who some have said are the object of the redacted pages, want those pages declassified. As reflected in the

Mandatory Declassification
Review Request
June 10, 2013
Page 3

Congressional Record at 13,349-372 (Sen. Oct. 28, 2003), those leaders are angry and embarrassed by speculation about what the redacted materials might show and have wanted those pages declassified so that they could defend themselves against any charges that may have been made against them.

Finally, 9/11 survivors and family members would like those records made public. For example, Kristen Breitweiser, whose husband, Ronald, died in the World Trade Center, and Bill Doyle, whose son Joseph died there, have said that during a 2009 meeting with President Obama the President said he was willing to declassify the suppressed material. If so, we respectfully submit that it is now time to honor that commitment to the bereaved family members.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Julin', written over the printed name.

Thomas R. Julin
Attorney for Dan Christensen, Anthony Summers
and Robbyn Swan

Exhibit B



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

Telephone: (202) 514-3642

JUN 26 2013

Thomas R. Julin, Esq.
Hunton & Williams LLP
1111 Brickell Avenue
Suite 2500
Miami, Florida 33131

Re: MDR FBI 2013-03597
AMJ:BAC

Dear Mr. Julin:

This is to acknowledge receipt of your letter dated June 10, 2013, in which you requested a Mandatory Declassification Review of the 107th Congress' Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001, specifically pages 416 through 443.

Please be advised that your request has been forwarded to the Federal Bureau of Investigation (FBI) for processing and direct response to you. You may appeal any future adverse determination made by the FBI in accordance with 28 C.F.R. § 17.31 (2012). If you would like to inquire about the status of your request, please contact the FBI directly.

Sincerely,

A handwritten signature in cursive script that reads "Amanda M. Jones".

Amanda M. Jones
Attorney-Advisor

cc: FBI

Exhibit C



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THOMAS R. JULIN
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FILE NO: 99997.029952

September 10, 2013

David M. Hardy
Section Chief
Federal Bureau of Investigation
Record/Information
Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4483
Fax: (540) 868-4391 or 4997

Re: MDR FBI 2013-03597

Dear Mr. Hardy:

This letter requests an update regarding the status of a Mandatory Declassification Review request that I submitted to the Office of Information and Privacy of the Department of Justice on June 10, 2013, on behalf of Dan Christensen, Anthony Summers, and Robbyn Swan, and that was referred to the FBI, as the component that originally classified the information, on June 26, 2013, by Amanda M. Jones, attorney-adviser to the OIP.

Federal regulations provide:

The component that originally classified the information shall provide a written response to requests for mandatory review within 60 days whenever possible, or shall inform the requester in writing why additional time is needed. Unless there are unusual circumstances, the additional time needed by the component originally classifying the information shall not extend beyond 180 days from the receipt of the request. If no determination has been made at the end of the 180 day period, the requester may apply to the DRC for a determination.

28 C.F.R. § 17.31(d). Sixty days from the date of the original request was **August 9, 2013**. Sixty days from the referral was **August 25, 2013**.

Nevertheless, I have not received either a response or an explanation of why additional time is needed to formulate a response.

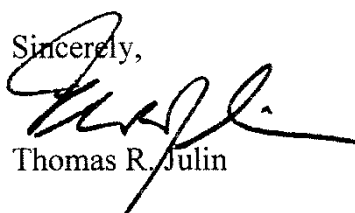
September 10, 2013
Letter to David M. Hardy
Re: MDR FBI 2013-03597
Page 2

Please provide me the FBI's response or explanation as soon as possible.

The information that our clients seek to have declassified is pages 416 through 443 (all of Part Four) of the 107th Congress's *Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001*. The Joint Inquiry report states that these pages contain information regarding "specific sources of foreign support for some of the September 11 hijackers while they were in the United States." Declassification of this information is of paramount public importance at this time.

Please call me at 305-810-2516 if you have any questions regarding the request. If you refer the request to another official or agency, please advise me of that action as well.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Julin", written over the printed name.

Thomas R. Julin