

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-61735-Civ-Zloch

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.)
_____)

Declaration of Thomas R. Julin in Opposition to
the FBI's Renewed Motion for Summary Judgment

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Declaration

I, Thomas R. Julin, declare under penalty of perjury that the following statement is true and correct:

1. My name is Thomas R. Julin. I am lead counsel for the plaintiffs, Broward Bulldog, Inc., and Dan Christensen (collectively, “the Bulldog”), in this lawsuit. I have personal knowledge of the following facts, other than those facts that I have learned from the Declarations of others who have personal knowledge of the facts set forth therein. Declarations of others that are on file with the Court are cited by their Docket Entry numbers. Declarations not previously filed in this action, but filed in other actions, are attached to this Declaration.

2. On November 27, 2017, the defendants, the U.S. Department of Justice and the Federal Bureau of Investigation (collectively, “the FBI”), filed their renewed motion for summary judgment, DE-96, their statement of uncontroverted material facts in support of that motion, DE-97, a fifth declaration of David M. Hardy, DE-97-1, an Updated Universe of Documents, DE-97-2, and an Index Explaining the Location of Responsive Records, 97-3. A Declaration of Michael G. Seidel, DE-97-4, an Appendix for Numbered Redactions, DE-97-5, and a Notice that the FBI had submitted Exhibits A and B to the Fifth Declaration of David M. Hardy *in camera*.

3. I serve as lead counsel to the Bulldog in a related Freedom of Information Act lawsuit, *Broward Bulldog, Inc. v. United States Department of Justice*, No. 16-61289-Civ-Altonaga/O’Sullivan (“*Bulldog II*”), which was filed in the U.S. District Court for the Southern District of Florida.

4. I am submitting this declaration to advise the Court of the status of *Bulldog II* and its relevance to this case. In *Bulldog II*, the Bulldog has obtained a number of important

documents which reflect that the FBI has not made a reasonable or adequate search for documents responsive to the FOIA requests that are the subject of this case.

5. I also am submitting this declaration to organize and explain the significance of the information contained in the documents released to date by the FBI in response to the Bulldog's FOIA requests. That information is evidence that the FBI has not conducted a reasonable or adequate search for records responsive to the FOIA request at issue and has redacted and withheld records in this case in order to conceal its own misfeasance or malfeasance rather than for purposes authorized by Congress through exemptions to FOIA's disclosure requirements.

2001-2011

The Origins of the Bulldog's Investigation of 9/11

6. The Bulldog began reporting about 9/11 in the fall of 2011. Well before that, former U.S. Senator Robert Graham had begun to sound a warning to the American public that key aspects of the 9/11 investigation conducted by the FBI were being kept secret and that this secrecy seriously jeopardized national security by shrouding the possibility that the 9/11 hijackers were assisted by a network of Saudi government agents throughout the United States.

7. His concerns arose from his service as co-chair in 2001 and 2002 of U.S. Senate and House Joint Intelligence Committees' Inquiry (referred to as the "JICI") into the events of September 11. DE-29-5 ¶ 53. The JICI had the specific charter to review the activities of the Intelligence Community and was limited to approximately one year's duration. The JICI completed its work with the submission of a Final Report to Congress on December 20, 2002. DE-29-5 ¶ 13.

8. JICI staff conducted an intensive investigation of the 9/11 plot, the activities of the 19 hijackers, and the existence of a network of support that allowed them to carry out their

attacks. DE-29-5 ¶ 17.

9. As part of its inquiry, the JICI had instructed the FBI and other law enforcement agencies to provide it with all information regarding the 9/11 attacks. DE-29-5 ¶ 21 & ¶ 23.

10. Graham feels that evidence linking the Saudi elite to the 9/11 hijackers “has not been fully explored and pursued, to the considerable detriment of the American public.” DE-29-4 ¶ 11. Graham also was “convinced that there was a direct line between at least some of the terrorists who carried out the September 11th attacks and the government of Saudi Arabia.” DE-29-4 ¶ 12. He also felt that the FBI had not been forthcoming with the JICI. DE-29-5 ¶ 27

11. Graham had been frustrated in trying to get his message out through the JICI report in 2002 because a 28-page section of the JICI’s Final Report dealing with “sources of foreign support for some of the Sept. 11 hijackers” remained classified at the time of the report’s release. DE-29-5 ¶ 24.

12. The JICI turned over the records it had accumulated to the National Commission on Terrorist Attacks Upon the United States (“the 9/11 Commission”), which was created by Congress and the President on November 27, 2002. DE-29-5 ¶25.

13. With no definitive findings coming from the JICI, families of the victims of the 9/11 attacks and insurers who had borne the brunt of the economic damage done on September 11, 2001, decided in 2003 to pursue justice on their own through the filing of lawsuits that would be consolidated in the U.S. District Court for the Southern District of New York, Case No. 03-MD-1570. In those suits, they alleged that the Kingdom of Saudi Arabia and related entities had provided the 9/11 hijackers with support and should be held liable for the billions of dollars of damage that the hijackers had caused.

14. The 9/11 Commission investigated throughout 2003 and into 2004. It released

“The 9/11 Commission Report” on July 22, 2004. The Report said that the 9/11 Commission had “found no evidence that the Saudi government as an institution or senior Saudi officials individually funded al Qaeda.” The Report did not exclude the possibility that charities or commercial entities with significant Saudi government sponsorship had supported the 9/11 attacks, DE-29-5 ¶ 26, but issuance of the Report seemed to signal that the U.S. Government had no further interest in trying to hold the Kingdom of Saudi Arabia, a close ally, responsible for 9/11.

15. Fast forward seven years to 2011. Ballantine Books had just published *The Eleventh Day: The Full Story of 9/11 and Osama Bin Laden* by Anthony Summers and Robbyn Swan. The book painstakingly tracked the movements of the hijackers in the years, months, and days prior to September 11, 2001, but it did not quite provide the “full story,” as its title had promised. One loose end that Summers could not fully investigate before his publisher’s deadline particularly bothered him. DE-29-4 ¶ 3.

16. After publication, Summers contacted local Broward County investigative reporter Dan Christensen and asked for his help tying up that loose end. DE-29-4 ¶ 4. Christensen had worked for the *Daily Business Review* and *The Miami Herald*. In 2009, he founded his own investigative news website, BrowardBulldog.com (later renamed FloridaBulldog.com), which focused on in-depth reporting of complex local stories which often proved too difficult for other media to handle.

17. Summers told Christensen that, while working on *The Eleventh Day*, he had learned of a Saudi family, the al-Hijjis, who had lived in the gated community of Prestancia at 4224 Escondito Circle in Sarasota, Florida, until shortly before the 9/11 attacks. DE-29-4 ¶ 7.

18. Neither the JICI’s report nor the 9/11 Commission Report had said anything about

this family, DE-29-4 ¶¶ 48 & 57, and there had been no mention of the family by the FBI during the prior decade. DE-29-4 ¶ 58. Summers' reporting suggested that the family may have been a part of a Saudi government sponsored network of the sort that Graham suspected had been in place and used by the hijackers for support.

19. Christensen agreed to look into whether that family had any connections to the 9/11 plot. DE-29-5 ¶ 8. He conducted independent research in Sarasota, checked property records, and interviewed neighbors of the family and others. He found that the family, Abdulaziz and Anoud al-Hijji and their two children, had left about two weeks before the September 11 attacks, which left open the possibility that they had been warned about the attacks by those who carried them out. He discovered that the al-Hijjis had left behind a new car purchased in August 2011 and a refrigerator full of food and other valuable items. He also was told that gatehouse records showed cars rented by the 9/11 hijackers had entered the community in the months before 9/11 and that phone records connected the hijackers to the al-Hijjis.

20. Christensen found property records that showed that Esam A. Ghazzawi and his wife, Deborah G. Ghazzawi, were the owners of the home at 4224 Escondito Circle in 2001. DE-29-4 ¶ 14. Other records showed that Esam Ghazzawi was a Saudi citizen and the director of EIRAD Management Limited, that he reportedly then lived in Jeddah, Saudi Arabia, and that he had connections to the infamous Bank of Credit and Commerce International criminal investigation in the 1980s. DE-29-4 ¶¶ 15-18.

21. Most important, Christensen was told by the al-Hijjis' neighbors and others that the FBI had conducted an extensive investigation of the al-Hijji and Ghazzawi family soon after the 9/11 attacks, but that the investigation and its results had never been reported to Congress or otherwise disclosed. DE-29-4 ¶¶ 26-45.

Thursday, 09-08-2011
The Bulldog Uncovers a Secret FBI
Investigation of Possible 9/11 Conspirators

22. The Bulldog reported the results of its investigation of the FBI's Sarasota investigation in an article published on Thursday, September 8, 2011, on the Bulldog's news website. *The Miami Herald* republished the article that same day. DE-29-5 ¶ 9.

23. The article stated in its entirety:

**FBI found direct ties between 9/11 hijackers
and Saudis living in Florida; Congress kept in dark**

By Anthony Summers and Dan Christensen, BrowardBulldog.org

Just two weeks before the 9/11 hijackers slammed into the Pentagon and World Trade Center, members of a Saudi family abruptly left their luxury home near Sarasota, leaving a brand new car in the driveway, a refrigerator full of food, fruit on the counter — and an open safe in the master bedroom.

In the weeks to follow, law enforcement agents not only discovered the home was visited by vehicles used by the hijackers, but phone calls were linked between the home and those who carried out the death flights — including leader Mohamed Atta — in discoveries never before revealed to the public.

Ten years after the deadliest attack of terrorism on U.S. soil, new information has emerged that shows the FBI found troubling ties between the hijackers and residents in the upscale community in southwest Florida, but the investigation wasn't reported to Congress or mentioned in the 9/11 Commission Report.

Former U.S. Sen. Bob Graham, the Florida Democrat who cochaired the bipartisan congressional Joint Inquiry into the attacks, said he should have been told about the findings, saying it “opens the door to a new chapter of investigation as to the depth of the Saudi role in 9/11. ... No information relative to the named people in Sarasota was disclosed.”

The U.S. Justice Department, the lead agency that investigated the attacks, refused to comment, saying it will discuss only information already released.

The Saudi residents then living at the stylish home, Abdulazzi al-Hijjii and his wife Anoud, could not be reached, nor could the then owner of the house, Esam Ghazzawi, who is Anoud's father. The house was sold in 2003, records show.

GRAHAM HAS QUESTIONS

For Graham, who served as Florida's governor from 1979 to 1987, the connections between the hijackers and residents raise questions about whether other Saudi nationals in Florida knew of the impending attacks, which killed nearly 3,000 people.

The FBI investigation began the month after 9/11 when Larry Berberich, senior administrator and security officer of the gated community known as Prestancia, reported a bizarre event that took place two weeks before the hijackings of four passenger jets that originated in Boston, Newark and Washington.

The couple, living with their small children at the three-bedroom home at 4224 Escondito Circle, had left in a hurry in a white van, probably on Aug. 30.

They abandoned three recently registered vehicles, including a brand-new Chrysler PT Cruiser, in the garage and driveway.

After 9/11, Berberich said he had "a gut feeling" the people at the home may have had something to do with the attacks, prompting the FBI's probe that would eventually link the hijackers to the house.

As an advisor to the Sarasota County sheriff — Berberich was with the group that received President Bush during his aborted visit to a Sarasota school on the morning of 9/11. He alerted sheriff's deputies.

Patrick Gallagher, one of the Saudis' neighbors, had become suspicious even earlier, and had fired off an email to the FBI on the day of the attacks. Gallagher said law enforcement officers arrived and began an investigation, with agents swarming "all over the place, in their blue jackets," he recalled.

Jone Weist, president of the group that managed Prestancia, confirmed the arrival of the FBI, which requested copies of the Saudis' financial transactions involving the house.

SIGNS OF A FAST EXIT

Berberich and a senior counterterrorism agent said they were able to get into the abandoned house, ultimately finding "there was mail on the table, dirty diapers in one of the bathrooms ... all the toiletries still in place ... all their clothes hanging in the closet ... TVs ... opulent furniture, equal or greater in value than the house ... the pool running, with toys in it."

"The beds were made ... fruit on the counter ... the refrigerator full of food. ... It was like they went grocery shopping. Like they went out to a movie ... [But] the safe was open in the master bedroom, with nothing in it, not a paper clip. ... A computer was still there. A computer plug in another room, and the line still there. Looked like they'd taken [another] computer and left the cord."

The counterterrorism officer, who requested his name not be disclosed, said

agents went on to make troubling discoveries: Phone records and the Prestancia gate records linked the house on Escondito Circle to the hijackers.

In addition, three of the four future hijackers had lived in Venice — just 10 miles from the house — for much of the year before 9/11.

Atta, the leader, and his companion Marwan al-Shehhi, had been learning to fly small airplanes at Huffman Aviation, a flight school on the edge of the runway at Venice Municipal Airport.

A block away, at Florida Flight Training, accomplice Ziad Jarrah was also taking flying lessons. All three obtained their pilot licenses and afterwards, in the months that led to 9/11, spent much of their time traveling the state, including stints in Hollywood, Fort Lauderdale and Delray Beach, among other areas.

The counterterrorism agent said records of incoming and outgoing calls made at the Escondito house were obtained from the phone company under subpoena.

Agents were able to conduct a link analysis, a system of tracking calls based on dates, times and length of conversations — finding the Escondito calls dating back more than a year, “lined up with the known suspects.”

The links were not only to Atta and his hijack pilots, the agent said, but to 11 other terrorist suspects, including Walid al-Shehhri, one of the men who flew with Atta on the first plane to strike the World Trade Center.

Another was Adnan Shukrijumah, a former Miramar resident identified as having been with Atta in the spring of 2001. Shukrijumah is still at large and is on the FBI’s Most Wanted list.

But it was the gate records at the Prestancia development that produced the most telltale information.

People who arrived by car had to give their names and the home’s address they were visiting. Gate staff would sometimes ask to see a driver’s license and note the name, said Berberich.

LICENSE PLATES PHOTOGRAPHED

More importantly, he added, the license plates of cars pulling through the gate were photographed.

Atta is known to have used variations of his name, but the license plate of the car he owned was on record.

The vehicle and name information on Atta and Jarrah fit that of drivers entering Prestancia on their way to visit the home at 4224 Escondito Circle, said Berberich and the counterterrorism officer.

Sarasota County property records identify the owners of the house at the time as Ghazzawi and his American-born wife Deborah, both with a post office box in al-Khobar, Saudi Arabia, and another address in the capital, Riyadh.

Ghazzawi was described as a middle-aged financier and interior designer, the owner of many properties, including several in the United States, said the counterterrorism agent.

While Ghazzawi visited the house, the people living there were his daughter Anoud and her husband al-Hijji, who appeared to be in his 30s and once identified himself as a college student, said Berberich, who met the son-in-law.

The couple's sudden departure two weeks before 9/11 was tracked in detail by the FBI after the attacks, the counterterrorism agent said.

First, they traveled to a Ghazzawi property in Arlington, Va., then — with Esam Ghazzawi — via Dulles airport and London's Heathrow, to Riyadh.

The counterterrorism agent said Ghazzawi and al-Hijji had been on a watch list at the FBI and that a U.S. agency involved in tracking terrorist funds was interested in both men even before 9/11.

"464 was Ghazzawi's number," the officer said. "I don't remember the other man's number."

About a year after the family abandoned the home, the FBI made an attempt to lure the owner back.

Scott McKay, a Sarasota lawyer for the Prestancia homeowners' association in its claim for unpaid dues on the property, said the FBI tried to get him to bring the Saudis back for the transaction.

"They didn't say you must do this. It was more like, 'But we'd really, really like you to make this happen,'" said McKay said.

McKay said he tried to get the Ghazzawis to sign the necessary documents in person, but the ploy failed because the documents could legally be signed elsewhere using a notary. Records show Ghazzawi's signature was notarized by the vice consul of the U.S. embassy in Lebanon in September 2003. Deborah Ghazzawi's signature was notarized in Riverside County, Calif.

CONGRESSIONAL INQUIRY KEPT IN DARK

During an interview on Sunday, Graham said he was surprised he wasn't told about the probe when he was co-chair of Congress' Joint Inquiry into 9/11 — even though he was especially alert to terrorist information relating to Florida.

"At the beginning of the investigation," he said, "each of the intelligence

agencies, including the FBI, was asked to provide all information that agency possessed in relation to 9/11.”

The fact that the FBI did not tell the Inquiry about the Florida discoveries, Graham says, is similar to the agency’s failure to provide information linking members of the 9/11 terrorist team to other Saudis in California until congressional investigators discovered it themselves.

The Inquiry did nevertheless accumulate a “very large” file on the hijackers in the United States, and later turned it over to the 9/11 Commission. “They did very little with it,” Graham said, “and their reference to Saudi Arabia is almost cryptic sometimes. ... I never got a good answer as to why they did not pursue that.”

The final 28-page section of the Inquiry’s report, which deals with “sources of foreign support for some of the Sept. 11 hijackers,” was entirely blanked out. It was kept secret from the public on the orders of former President George W. Bush and is still withheld to this day, Graham said.

This in spite of the fact that Graham and his Republican counterpart, U.S. Sen. Richard Shelby of Alabama, both concluded the release of the pages would not endanger national security.

The grounds for suppressing the material, Graham believes, were “protection of the Saudis from embarrassment, protection of the administration from political embarrassment ... some of the unknowns, some of the secrets of 9/11.”

24. The facts the Bulldog reported about the FBI investigation were given particular importance by the remarks of Graham. Graham, as reported, told the Bulldog that he previously had not been aware of the FBI’s Sarasota investigation and this suggested that the FBI deliberately had concealed from Congress evidence that might point to Saudi government responsibility for the September 11, 2001, attacks on the United States.

25. Graham had explained to the Bulldog that at the beginning of the JICI, each of the intelligence agencies, including the FBI, was asked to provide all information that agency possessed regarding 9/11. Graham said the fact that the FBI did not tell the JICI about the Sarasota investigation and the al-Hijjis was similar to the agency’s failure to provide information linking members of the 9/11 terrorist team to other Saudis in California until congressional investigators directed by Graham discovered it for themselves.

26. Graham also alerted the Bulldog to the fact that the JICI's final report included a 28-page section setting forth the "sources of foreign support for some of the Sept. 11 hijackers," but that it had been kept classified on orders of former President George W. Bush. Graham said that he believed the 28 pages had been kept classified to protect the Saudis from embarrassment and to protect the administration from political embarrassment. Graham's remarks made it plausible to the Bulldog that the al-Hijji family may have provided support for the September 11 attacks, that officials within the FBI had discovered this, and that the FBI had obstructed not only a Congressional investigation of the family, but also a legitimate law enforcement investigation of possible 9/11 conspirators, either to protect the United States' relationship with Saudi Arabia or to prevent criticism of the FBI for failing to take steps that would have prevented the attacks.

27. Christensen found Graham's assertions credible in light of Graham's many years of service as a member of the Florida Legislature, as Governor of Florida, as a U.S. Senator, and, especially, his service as JICI co-chair.

Friday, 09-09-2011

The FBI Tells *The Miami Herald* It Determined
the al-Hijjis are Not Related to Any Threat or the 9/11 Plot

28. The FBI's response to this first Bulldog story was immediate and emphatic, breaking its long silence about the Sarasota investigation. The response came on Friday, September 9, 2011—the day after the Bulldog and *The Miami Herald* published—in the form of an email from FBI Special Agent Michael D. Leverock. But instead of sending it to Dan Christensen or Anthony Summers, the authors of the Bulldog article, Leverock directed his email to *Miami Herald* reporter Jay Weaver, a decision which appeared to be intended to deter *The Miami Herald* from continuing to republish further Bulldog stories about the Sarasota investigation. Leverock's email stated:

With respect to recent reports about the Sarasota area, there is no new information related to the 9/11 hijackers. During the course of the 9/11 investigation, the FBI followed up on numerous interviews and searches, most of which, including this one, were resolved and determined not to be related to any threat nor connected to the 9/11 plot. All of the documentation pertaining to the 9/11 investigation was made available to the 9/11 Commission and the JICI.

DE-29-4 ¶ 59.

29. The email did not expressly refer to interviews and searches relating to the al-Hijji family, but its reference to “this one” clearly referred to the FBI’s investigation of the al-Hijji family. Leverock’s assertion that the investigation had been “resolved and determined not to be related to any threat nor connected to the 9/11 plot” conveyed that the Bulldog’s sources were wrong in claiming that Mohamed Atta and other 9/11 hijackers had visited or been in telephone contact with al-Hijji family members. Those sources had been clear that the al-Hijjis’ “home was visited by vehicles used by the hijackers” and that “phone calls were linked between the home and those who carried out the death flights,” but now an official FBI spokesperson was telling *The Miami Herald* that this was “not related to any threat nor connected to the 9/11 plot.”

30. The Bulldog’s sources for its original article included Larry Berberich, the senior administrator and security officer of the subdivision where the al-Hijjis had lived; Patrick Gallagher, a neighbor of the al-Hijjis; Jone Weist, property manager for the gated community where the al-Hijjis lived; and a “senior counterterrorism agent” whom the Bulldog did not name in its story. Leverock did not explain how the Bulldog’s sources could be wrong or what motive they might have to lie.

31. Leverock’s email to Weaver left many questions unanswered. Assuming that the FBI’s statement was truthful, it could have been reconciled with the information gathered by the Bulldog in several ways. It could have meant that, while the 9/11 hijackers had visited with and called the al-Hijjis, the FBI had determined that the al-Hijjis had no knowledge of the planned

attack and provided them with no assistance. But how could the FBI have made such a determination? One possibility was that al-Hijji, his wife, or his wife's father, Esam Ghazzawi, reportedly a wealthy Saudi businessman, were known to the FBI prior to the 9/11 attacks and had been providing information regarding the 9/11 attackers to the FBI prior to the 9/11 attacks. If that were the case, that might explain why the FBI did not regard the al-Hijjis and the Ghazzawis as related to any threat or the 9/11 plot. This possibility was consistent with the information provided to the Bulldog by the unnamed counterterrorism agent, who said, as reported, that "Ghazzawi and al-Hijji had been on a watch list at the FBI and that a U.S. agency involved in tracking terrorist funds was interested in both men even before 9/11." But if this were true, then it also may have meant that Ghazzawi and al-Hijji did assist the hijackers and were a part of the 9/11 plot.

32. Leverock's email to Weaver also appeared to be a direct attack on Graham's assertion that the FBI had not disclosed the results of its Sarasota investigation to the JICI or the 9/11 Commission. But the statement also could be read differently. It said only that "documentation pertaining to the 9/11 investigation *was made available* to the 9/11 Commission and the JICI." (Emphasis added.) It left open the possibility that the FBI may simply have given the JICI access to records in which the results of its Sarasota investigation were deeply buried.

Saturday, 09-10-2011
Graham Tells the Bulldog that the FBI is Lying

33. Dan Christensen informed Graham about Leverock's email on Saturday, September 10, 2011. DE-29-5 ¶ 28.

34. Graham told Christensen that Leverock's statement "was further evidence that the U.S. government is concealing information about possible Saudi involvement in the September 11 attacks." DE-29-5 ¶ 30.

Saturday 9-10-2011 & Sunday 9-11-2011:
An FBI Analyst Secretly Confirms the
Bulldog has Uncovered the FBI's Secret Investigation

35. Unbeknownst to the Bulldog and Graham, the Bulldog's September 8, 2011, article set in motion an internal FBI review of the FBI investigation in Sarasota. Documents released in this lawsuit on March 28, 2013, BULLDOG-33-35, show that the FBI tasked an analyst in the Tampa Field Office with immediately reviewing the information reported by the Bulldog.

36. During the weekend of September 10 and 11, 2011, the analyst confirmed that, in September 2001, a Regional Domestic Strategic Task Force began looking into allegations that Abdulaziz and Anoud al-Hijji and their two children had fled their home two weeks before the 9/11 attack. The analyst also found that, on April 16, 2002, the FBI had opened an investigation of Esam Ghazzawi—Anoud's father, Abdul al-Hijji's father-in-law, and the owner of the home at 4224 Escondito Circle.¹ BULLDOG-34. The analyst wrote that the investigation had been based on calls to law enforcement officials after September 11, 2001, and that agents of the Task Force had inspected the al-Hijjis' home and discovered that the family had left their residence "quickly and suddenly," leaving behind "valuable items, clothing, jewelry, and food in a manner that indicated they fled unexpectedly, without prior preparation or knowledge." BULLDOG-34. The analyst also wrote that further investigation of the al-Hijjis "revealed *many connections* between" the al-Hijjis "and individuals associated with the terrorist attacks on 9/11/2001. . . . More specifically," an al-Hijji "family member . . . was a flight student at Huffman Aviation," like several of the 9/11 hijackers. BULLDOG-34 (emphasis added).

37. The analyst's report confirmed much of what the Bulldog had reported just days

¹ The FBI redacted the names of the al-Hijjis and Ghazzawis from the analyst's memorandum, but the context of the redactions reveals the names.

earlier.

38. The analyst's two-page report, included a "note" that the FBI has redacted in reliance on FOIA Exemption 6, 7C, and 7E. BULLDOG-34. None of the FBI's recent submissions explain the nature of the analyst's note, other than to claim, in the most generic fashion possible, that disclosure of the note would invade privacy interests and "Intelligence Analyst's Analytical Techniques and Procedures." DE-97-5 at 10.

39. After the redacted note, the analyst said that the case file of the investigation "only has three serials."² BULLDOG-35. The analyst described the third serial as an FBI interview of Anoud al-Hijji in 2002. The analyst wrote: "the wife denied any connection to the hijackers or even knowing who the above named individual was. Perhaps SA redacted would know more but it does not look like the investigation turned up anything." BULLDOG-35. The report does not indicate that the analyst contacted the special agent who "would know more" or explain why this was not done. It would have been a logical step for the analyst to take if the analyst had been trying to compile an objective and accurate summary of the conclusions that the investigation reached.

40. The analyst apparently made no attempt to reconcile (i) the FBI's finding on April 16, 2002, of "many connections" between the al-Hijji family and the 9/11 hijackers, (ii) Anoud al-Hijji's statement five months later that she did not know the hijackers, and (iii) the Bulldog's reporting that the 9/11 hijackers had visited and called the al-Hijjis and that Ghazzawi and al-Hijji both had been placed on a counterterrorism watch list prior to the 9/11 attacks.

² The term "serial" is used by the FBI to refer to multi-page memos or reports. One of the referenced serials appears to be the April 16, 2002, memorandum in which a special agent found "many connections" between the al-Hijji family and the 9/11 hijackers. BULLDOG-5-6. Another FBI serial dated April 3, 2002, BULLDOG-74-76, included the same findings regarding the "many connections" between the al-Hijji family and the 9/11 hijackers.

41. The analyst concluded that, “while this matter was known to the FBI and RDSTF, it was investigated and found to be without merit. I ran all the domestic telephone numbers I had for the family and could find no connection to any of the 9-11 hijackers and *almost* no connections to any IT cases. If the newspaper or complainants have phone records that show the connection I don’t see it in our systems, nor do I see that the records were ever (redacted).” (Emphasis added.) The FBI redacted the last word of the prior sentence in reliance on FOIA Exemption 7E-4, explaining that it would reveal “Information Pertaining to Investigative Techniques and Procedures.” BULLDOG-35 & DE-97-1 at 10. It nonetheless is obvious that the deleted word in the report is “subpoenaed,” as the counterterrorism agent had told the Bulldog. The question, then, is why the records were not subpoenaed or, if they were, why the analyst could not find them. If the FBI did not pursue the records, that would show misfeasance. If it did subpoena them and then removed them from its files, that would suggest malfeasance.

42. The analyst’s report also did not discuss whether the FBI obtained gatehouse records which, according to the Bulldog’s reporting, showed that the hijackers’ cars had entered the gated subdivision where the al-Hijjis’ had lived. The analyst did not explain why the FBI would believe that Anoud al-Hijji was being truthful in claiming that she did not know any of the 9/11 hijackers or why the FBI or other intelligence agencies had not interviewed Abdulaziz al-Hijji or Esam Ghazzawi. The analyst also did not address whether the FBI had withheld records of its Sarasota investigation from the JICI, as Graham had claimed, and as FBI Agent Leverock seemed to have denied on the Friday before the analyst investigated the matter.

Thursday, 09-15-2011
FBI Director Robert Mueller is Alerted
That the Bulldog has Uncovered the FBI’s Secret Investigation

43. While the FBI’s analyst in Tampa was reviewing the matter, another FBI review

of its Sarasota investigation was taking place. BULLDOG-1-2. This second review generated a second internal report, which was dated Thursday, September 15, 2010. The date on this report clearly should have been September 15, 2011, because it referred to the Bulldog's September 8, 2011, article. The document was placed on the letterhead of the "COUNTERTERRORISM DIVISION GUANTANAMO DETAINEE PROSECUTION SECTION 9/11 PROSECUTION SECTION." The title of the document was "ALLEGED SARASOTA LINK OF 9/11 HIJACKERS." According to the FBI's recently-filed index, DE-97-3 at 2, the document was created to brief FBI Director Robert Mueller. The index states:

(U) Located through the FBI Tampa Field Office's (TPFO) search. This document was located among FBI Washington Field Office's ("WFO") Public Affairs Officer ("PAO"), personal records. **It was created to brief the FBI Director concerning the FBI's investigation of 4224 Escondito Circle.**

(Emphasis added.) The report, BULLDOG-1-2, was first released to the Bulldog on March 28, 2013, with the initial batch of documents produced, but the FBI did not disclose at that time that the record had been found in the "personal files" of the Public Affairs Officer of the Washington Field Office or that it had been created to brief the FBI Director.³ Involvement of the FBI Director in this matter raises a red flag regarding the significance of the Bulldog's reporting about the FBI's Sarasota investigation and the FBI's failure to bring the investigation to the

³ On May 13, 2013, after it had produced this document, the FBI filed a motion for summary judgment, DE-25, supported by a Declaration of David M. Hardy. DE-25-1. Hardy stated that in response to the Bulldog's October 27, 2011, FOIA request, the FBI had conducted a search of its Central Records System and its Electronic Case File. DE-25-1 ¶ 23. These searches located six documents which the FBI claimed were exempt under FOIA Exemptions 6 and 7C. Hardy explained that, after the lawsuit was filed, the FBI contacted the Tampa Field Office to conduct a further search. It did so by canvassing personnel who were directly involved in the 2001 investigation and FBI personnel who had responded to a request from Sen. Graham for records of the Sarasota investigation. DE-25-1 ¶ 24. That search located 14 documents consisting of 35 pages. BULLDOG-1-35. Hardy did not disclose where the white paper prepared on September 15, 2011, was found or that it was prepared to brief FBI Director Mueller.

attention of the JICI. That Mueller received a briefing about the Sarasota investigation suggests that the issues the Bulldog raised required the attention of the FBI's highest authority.

44. The initial paragraph of the report to the Director states: "The FBI found *no evidence* that connected the family members mentioned in the Miami Herald article to any of the 9/11 hijackers, nor was any connection found between the family and the 9/11 plot." BULLDOG-1 (emphasis added). This, of course, was not true. The FBI's own files contained at least three memoranda finding "many connections" between the al-Hijji family and the 9/11 hijackers, and the analyst in Tampa had reviewed those files days earlier.

45. Under the heading "BACKGROUND," the report to the Director said that in the aftermath of 9/11 "the FBI received at least three calls regarding the alleged abrupt departure before 9/11 of the residents of 4224 Escondito Circle, Sarasota, FL." It also said that Anoud al-Hijji and her mother, Deborah Browning Ghazzawi, were interviewed in July 2002, after they had returned to the United States, and that they had denied that they fled, had claimed Abdulaziz al-Hijji had found employment in Saudi Arabia, and had provided telephone contact information for them in Saudi Arabia.⁴ BULLDOG-1.

46. The report to the Director made no mention of the fact that on April 3, 2002, and April 16, 2002, an FBI special agent had found "many connections" between the al-Hijji family and the 9/11 hijackers. It also did not address whether Ghazzawi and al-Hijji had been on a counterterrorism watch list, as reported. It claimed that "the FBI PENTTBOM investigation found no evidence of any contact between the hijackers and the al-Hijji family" but added that "the FBI appears not to have obtained the vehicle entry records of the gated community, given

⁴ The FBI redacted the names al-Hijji, Ghazzawi, and Berberich from the version of the White Paper that it released, but the context of the redactions make the references to these individuals obvious.

the lack of connection to the hijackers.” BULLDOG-1. The report did not say how the FBI concluded that there was no connection without first checking the gatehouse records.

47. The report to the Director closed with a single paragraph under the heading “OTHER INVESTIGATIVE ACTIVITIES.” The report observed that, “[i]n 2002, there was reporting that a family member . . . was a flight student at Huffman Aviation in Venice, Florida” and pointed out that hijackers Atta and Al-Shehhi trained there, but also said “investigation did not reveal *any other connection* between redacted and the 9/11 plot.” (Emphasis added).

48. The report to the Director contains no Case ID number or serial number. This suggests the document was not placed in the FBI’s Central Records System. The April 3, 2002, and April 16, 2002, memos finding “many connections” between the al-Hijjis and the 9/11 hijackers do have Case ID numbers, but they have been redacted by the FBI in reliance on FOIA Exemption 7E-2 which relates to “Dates and Types of Investigations (Preliminary or Full Field Investigations).” DE-97-1 at 10 & BULLDOG 5 & 74. The Case ID numbers on the April 2002 memos are shown as “(Pending)”.

49. What may be most important about the report to the Director, however, is that it did not tell the Director (1) that on April 3, 2002, and April 16, 2002, an FBI Special Agent had found many connections between the al-Hijjis and the 9/11 hijackers, (2) why the FBI had accepted the statements of Anoud al-Hijji and her mother without further investigation, (3) why the FBI had not obtained the gatehouse records, (4) why the FBI had not obtained or subpoenaed phone records, (5) why the FBI had not contacted Abdulaziz al-Hijji or Esam Ghazzawi, (6) whether al-Hijji and Ghazzawi had been on an FBI watch list prior to the 9/11 attacks, and (7) whether the FBI had withheld the results of its Sarasota investigation from the JICI, as Graham had asserted publicly.

Thursday: 09-15-2012

The FBI Tells the Tampa Bay Times it Did Not Develop
Evidence to Connect the al-Hijjis to the Hijackers or the 9/11 Plot

50. The same day the report was provided to the Director of the FBI—September 15, 2011—Dave Couvertier, FBI Public Affairs Officer for the Tampa Field Office, sent an email to Susan Taylor Martin at the *Tampa Bay Times* on behalf of Steven E. Ibison, the Special Agent in charge of the Tampa Field Office. DE-29-4 ¶ 59 (Christensen Declaration). The email quoted Ibison as stating:

In order to address allegations reported in a September Miami Herald article, Link to 9/11 hijackers found in Sarasota, the FBI is furnishing the following statement to correct the public record. The FBI did follow up on the information about suspicions surrounding the referenced Sarasota home and family. Family members were subsequently located and interviewed. **At no time did the FBI develop evidence that connected the family members to any of the 9/11 hijackers as suggested in the article, and there was no connection found to the 9/11 plot.** The anonymous “counterterrorism officer” cited in the article apparently was not an FBI agent and had no access to the facts and circumstances pertaining to the resolution of this lead, otherwise this person would know this matter was resolved without any nexus to the 9/11 plot. Finally, all of the documentation regarding the 9/11 investigation was made available to the 9/11 Commission and the JICI.

DE-29-4 ¶ 59 (Emphasis added).

51. The statement in the email to Martin closely tracks the lead paragraph from the report provided to Mueller, which suggests that Mueller approved the sending of the email.

Thursday, 09-15-2011

Graham Tells the Bulldog that the FBI’s Statement is “Total B.S.”

52. Martin told Dan Christensen about the FBI’s email to her. DE-29-4 ¶ 61. Christensen then contacted Graham again to ask him if he could confirm that the FBI had “made available” to the JICI all of its documentation regarding its 9/11 investigation. DE-29-4 ¶ 62.

53. Graham told Christensen that the FBI’s statement was “total B.S.” DE-29-4 ¶ 62.

54. He explained that most FBI records are theoretically “available” to congressional investigators, but as a practical matter, records of an FBI investigation about which Congress has no knowledge are effectively concealed unless brought forward by the FBI because investigators lack the information needed to formulate a specific request for them. DE-29-5 ¶ 55.

55. Graham said the FBI never disclosed its Sarasota probe to Congress but should have. He also told Christensen that the news about Sarasota “opens the door to a new chapter of investigation as to the depth of the Saudi role in 9/11.” DE-29-4 ¶ 62. Christensen reported Graham’s observations the following day, September 16, 2011. DE-29-4 ¶ 62.

56. From everything that the Bulldog had learned to this point, it appeared that the FBI may have concealed from Congress important information regarding possible participants in the 9/11 attacks in order to avoid implicating high-ranking leaders of Saudi Arabia, a critical ally of the United States, in the 9/11 attacks on the United States. DE-29-4 ¶ 65.

09-26-2011

The Bulldog’s FOIA Request

57. Consequently, by letter to the FBI dated September 26, 2011, the Bulldog submitted a Freedom of Information Act (“FOIA”) request for “copies of all FBI 302 reports about the matter, as well as all related investigative reports or FBI memos or correspondence.” DE-29-4 ¶ 66. The Bulldog also requested copies of reports or information the FBI obtained about the al-Hijjis and/or the Ghazzawis from any foreign law enforcement organization or intelligence service, including Saudi intelligence. DE-29-4 ¶ 66.

58. Christensen also sent a Florida Public Records Law request to the Florida Department of Law Enforcement for any records it might have concerning the al-Hijji or Ghazzawi families. *Broward Bulldog, Inc. v. U.S. Department of Justice*, No. 16-cv-61289 (S.D. Fla.) (DE-28-1 ¶ 17) (Attachment 1).

10-2011

Sen. Graham Confirms the FBI is Engaged in Aggressive Deception

59. During the fall of 2011, while Christensen was attempting to get to the bottom of things through FOIA and the Public Records Law, Graham took a more direct approach in his attempts to confirm his belief that the FBI was lying when it claimed that records of its Sarasota investigation had been made available to the JICI and the 9/11 Commission. DE-29-5 ¶¶ 33-35.

60. Graham contacted the co-chairs of the 9/11 Commission, Republican Thomas Kean and Democrat Lee Hamilton, and asked them if the 9/11 Commission ever learned of the FBI's Sarasota investigation. Both advised Graham that they were unaware of it. Kean told Graham that if the 9/11 Commission had learned of the Sarasota investigation it would have worked that lead hard because it seemed implausible that the hijackers had completed the planning of the September 11 attacks alone. Phil Zelikow, the 9/11 Commission's executive director, also told Graham that the 9/11 Commission did not receive any documents from the FBI concerning the Sarasota investigation. DE-29-5 ¶ 42.

61. Graham also contacted Porter Goss, chairman of the U.S. House of Representatives Permanent Select Committee on Intelligence in 2002 and co-chair with Graham of the JICI, and Eleanor Hill, staff director of the JICI, to ask them if they ever had become aware of the FBI's Sarasota investigation. They both said they had no awareness of that investigation. DE-29-5 ¶ 43.

62. After Graham communicated to the FBI through Zelikow that the JICI had never received any records of the Sarasota investigation, the FBI delivered to Zelikow two classified documents dated April 16, 2002, and September 16, 2002, which had not been in the JICI files. DE-29-5 ¶ 35-36. According to Graham, he had never seen the documents before and they appeared to squarely contradict the FBI's emails to *The Miami Herald* and *Tampa Bay Times*

claiming that the FBI had found no connections between the al-Hijjis and the 9/11 hijackers. DE-29-5 ¶ 36. Because both documents were classified, he could not disclose them to the Bulldog, but after viewing the documents Graham did tell the Bulldog that he had concluded “the investigation was not a robust inquiry concerning suspicions related to Saudi nationals who resided in Sarasota before September 11, 2001, that an important investigative lead was not pursued” by the FBI, and that a request that another federal agency should be asked to join the investigation had been rejected. DE-29-5 ¶ 36.

63. The two documents the FBI shown Graham were later declassified in partially produced by the FBI in redacted form in this litigation as BULLDOG-5-6, and BULLDOG 6-7, the former being the April 16, 2002, memo in which a special agent found “many connections” between the al-Hijji family and the 9/11 hijackers, and the latter being a September 16, 2002, memo indicating that the FBI had interviewed Anoud al-Hijji and her mother, Deborah Browning Ghazzawi, on July 22, 2002, after they had returned to the United States and that they denied any knowledge of individuals the FBI asked them about; and claimed that they had not fled the country, that Abdulaziz had found employment in Saudi Arabia, and that Esam Ghazzawi was not planning to return to the United States any time soon. BULLDOG 6-7.

64. The FBI’s recently-filed index states that these two documents were “[l]ocated through the TPFO search, specifically within [REDACTED].” The FBI has not publicly explained why the location of the document cannot be disclosed. The location is important because it might show whether these documents were “made available” to the JICI, as the FBI claimed, and, if not, whether the documents were concealed and whether FOIA exemptions have been improperly used to redact and withhold records which show FBI misfeasance or malfeasance.

65. In any event, Graham concluded from the documents he saw that the FBI should have many documents responsive to the Bulldog's still pending FOIA request. DE-29-5 ¶ 47. Through his years in the Senate, Graham had become familiar with the documentation the FBI creates in connection with investigations such as the Sarasota investigation and he felt it was entirely implausible that the FBI had not created or would be unable to locate the voluminous documentation that an investigation of this nature would have generated. DE-29-5 ¶ 48,

66. Once Graham had reviewed these two memoranda, he shared the information that he had learned with the White House, which responded by setting up a meeting with FBI Deputy Director Sean Joyce during the week of Thanksgiving 2011. DE-29-5 ¶ 37.

11-2011

The FBI Refuses to Explain its Aggressive Deception

67. According to Graham, at that meeting, Joyce acknowledged that the documents appeared to contradict the FBI's public statements concerning its Sarasota investigation, but he said that other FBI files would place those files in context and show that the FBI's public statements concerning the Sarasota investigation were correct. DE-29-5 ¶ 38.

68. Graham asked Joyce if he could review the other files that Joyce had referenced. Joyce assured Graham that he would be shown those additional files. Joyce asked a female FBI agent who was attending the meeting to provide those additional files to Graham. DE-29-5 ¶ 39.

69. Graham has advised me that that female agent was Jacqueline Maguire.

70. From the documents he reviewed, Graham learned the identity of the FBI agent who had found "many connections" between the al-Hijji family and the 9/11 hijackers. DE-29-5 ¶ 41. He also learned that the FBI had transferred that agent to Honolulu, Hawaii. DE-29-5 ¶ 41. He twice called that agent's office in Hawaii to ask him questions about the FBI's Sarasota investigation. The agent was not available to speak with Graham on either occasion, and, though

Graham left a message asking for a call back each time, the agent did not return Graham's calls. DE-29-5 ¶ 41.

71. Joyce then told Graham that he had instructed the agent not to speak with Graham. DE-29-5 ¶ 41. In addition, the meeting scheduled for December 2011, at which Graham was to review the additional FBI files, was canceled, and Joyce told Graham that he would be allowed no further access to FBI information about Sarasota. DE-29-5 ¶ 40.

72. This action by the FBI suggests that it was concerned that, if Graham spoke with the agent and had full access to the records of the FBI's Sarasota investigation, he might take action which would reveal FBI misfeasance of malfeasance.

73. Graham was troubled by what appeared to him to be a persistent effort by the FBI to conceal from the American people information concerning possible Saudi support of the September 11 attacks. DE-29-5 ¶ 44.

12-21-2011

The FDLE Produces Records Showing the
al-Hijjis Had Been Linked to Osama bin Laden in 2004

74. Once Graham ran into a dead end, Christensen's pursuit of his FOIA and Public Records Law requests became all the more important. The Public Records Law request bore fruit on December 21, 2011, when the Florida Department of Law Enforcement produced records to the Bulldog. Those records showed that, on April 7, 2004, the FBI had interviewed Wissam Taysir Hammoud and that he had told the FBI that he believed that Abdulaziz al-Hijji had known some of the terrorists from the September 11, 2001, attacks, who had been taking flight training at Venice Airport at that time. Attachment 1 ¶ 17 & Ex. A. Hammoud said al-Hijji spoke about taking flight training at the Venice Airport, that he planned to go to Afghanistan to become a freedom fighter or Mujahedin and wanted Hammoud to join him, and

that Osama Bin Laden was his hero. Hammoud also said al-Hijji had introduced him to Adnan El Shukrijumah, a senior member of al-Qaeda. The FDLE records also showed that the father of Anoud Ghazzawi al-Hijji was Esam Ghazzawi, a businessman and advisor to the late Prince Fahd bin Salman Abdulaziz al Saud, the eldest son of the current king of Saudi Arabia. Att. 1 ¶ 17 & Ex. A.

75. This document made it seem all the more likely that the FBI's public statements regarding its Sarasota investigation were deliberate attempts to deceive both the Bulldog and the American people.

05-23-2012

The FBI Violates FOIA by Refusing
to Produce Any Records of its Secret Investigation

76. At first it appeared that the FBI might fall in line with the Florida Department of Law Enforcement and produce the records of its investigation of the al-Hijjis because on December 22, 2011, it granted a request to expedite processing of the Bulldog's FOIA request. DE-29-4 ¶ 71.

77. In doing so, the FBI cited 28 C.F.R. § 16.5(d)(1) (iv) which provides for expediting when a request relates to "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

78. But the FBI then denied the FOIA request on February 7, 2012, and denied an appeal on May 23, 2012. DE-29-4 ¶¶ 72-74.

03-28-2013

This Lawsuit Forces the FBI to Release
Some of the Records of its Secret Investigation

79. That left the Bulldog with no choice other than to file a FOIA enforcement

lawsuit, and it filed this lawsuit on September 5, 2012. DE-1.

80. After filing the suit, the Bulldog pressed the FBI, through counsel, to admit that it had many records of the Sarasota investigation. The Bulldog confronted the FBI with evidence of the existence of those records, including the testimony of former Graham, who had seen the April 16, 2002, and September 16, 2002, records, and the FDLE records of the interview of Wissam Hammoud.

81. The FBI initially insisted through Assistant U.S. Attorney Carole Fernandez that it could not locate any responsive documents and that the lawsuit would be a waste of time because no responsive records existed. Att. 1 ¶ 19.

82. In the meantime, and unbeknownst to the Bulldog, Congress appropriated funds on March 26, 2013, to the FBI to form the 9/11 Review Commission (the “Meese Commission”) to evaluate, among other things, the Bulldog’s reporting. *See* P.L. 113-6, 127 Stat. 197, 247 (113th Cong., 1st Sess., Mar. 26, 2013). Att. 1 ¶ 20.

83. Days later, on March 28, 2013, the Bulldog received from the FBI a supplemental response dated to its 2011 FOIA request. The response stated the Justice Department finally had located 35 pages of responsive records, that 4 pages were being withheld entirely, and that 31 redacted pages were being produced. Att. 1 ¶ 21.

84. The records included the classified FBI memo dated April 16, 2002, which Graham had been shown a year and a half earlier. BULLDOG-5-6. It stated, contrary to the FBI’s public statements, but consistent with the FDLE records the Bulldog had obtained in 2011, 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.” Att. 1 ¶ 22. The document, as the FBI’s Tampa analyst had noted a year and a half

earlier, confirmed that the family had fled the United States shortly before September 11, 2001, and that one family member had attended a flight training school where the terrorists trained for their attacks. BULLDOG-5-6.

85. The Bulldog and other media identified Special Agent Gregory J. Sheffield as author of the report.⁵ Att. 1 ¶ 22.

86. The FBI redacted portions of the document in reliance on various FOIA Exemptions, including Exemptions 1 and 3, which allow redaction of information that has been classified or that is required to be withheld under the National Security Act of 1947. The FBI's invocation of Exemptions 1 and 3 provided additional evidence that, contrary to the FBI's public assertions that it had found "no connections" between the al-Hijjis and the 9/11 hijackers, the FBI had in fact found such connections and, further, that public disclosure of those connections might implicate national security concerns by showing that the al-Hijjis were part of a network of Saudi personnel who had provided support to the 9/11 hijackers.

04-04-2014

The Court Directs the FBI to Conduct a More
Through Search for Records of its Secret Investigation

87. It also seemed highly improbable—as Graham had concluded when he first was shown the April 16, 2002, and September 16, 2002, memos—that the FBI had only 35 pages of

⁵ Lucy Morgan, *Does a Classified Sarasota Investigation Hold Shocking Truths About 9/11?* (Oct. 26, 2016) (<https://www.sarasotamagazine.com/articles/2016/10/26/secrets-and-lies>); Lucy Morgan, *Why Did the FBI Detain Bob Graham?* Tampa Bay Times (Aug. 7, 2015) (<http://www.tampabay.com/news/perspective/why-did-the-fbi-detain-bob-graham/2240486>); Michael Pollick, *FBI Denounces Own Report Linking Sarasota Family to 9/11*, Sarasota Herald-Tribune (March 26, 2015) (<http://www.heraldtribune.com/news/20150326/fbi-denounces-own-report-linking-sarasota-family-to-911>); Dan Christensen & Anthony Summers, *Down the Rabbit Hole with the FBI: Saying 9/11 Documents Don't Exist When They Do.*, floridabulldog.com (June 25, 2014) (<http://www.floridabulldog.org/tag/gregory-sheffield/>); Dan Christensen & Anthony Summers, *Did the 9/11 hijackers have accomplices? Once secret FBI records spark push to find out*, floridabulldog.com (April 16, 2013) (<http://www.floridabulldog.org/tag/agent-gregory-sheffield/>).

records relating to an investigation that had resulted in these important findings, which tied a Saudi family living in Sarasota, Florida, to the 9/11 hijackers, so the Bulldog urged this Court to order the FBI to conduct a more thorough search. Att. 1 ¶23.

88. On April 4, 2014, this Court granted the Bulldog's motion to direct the FBI to conduct a more thorough search for records. Att. 1 ¶ 24. This Court found that the FBI's "eagerness to assert exemptions and wooden method of interpreting Plaintiffs' FOIA requests essentially deprives the Court of its role in examining relevant documents." Att. 1 ¶ 24. It also found the FBI's public statements about its Sarasota investigation "seem[ed] to be in conflict" with the documents it had produced and "there is nothing in Defendants' thirty-five produced pages that reconciles this stark contradiction." Att. 1 ¶ 24.

89. After using the search methods ordered by this Court, the FBI located and produced 46 additional redacted pages of records. These records included, among other things, an FBI report dated April 3, 2002. Att. 1 ¶ 25 & Ex. H. This report—like the April 16, 2002, FBI report—said the FBI had found that a wealthy Saudi family living in Sarasota had "many connections" to the attacks on September 11, 2001. Att. 1 ¶ 25. This document also marshalled other evidence that a hijacker-support network existed in the Sarasota region and requested further investigation. The report stated that on October 31, 2001, a man was observed disposing of "a self-printed manual on terrorism and Jihad, a map of the inside of an unnamed airport, a rudimentary last will and testament, a weight to fuel ratio calculation for a Cessna 172 aircraft, flight training information from the Flight Training Center in Venice and printed maps of Publix shopping centers in Tampa Bay." Att. 1 ¶ 25. The Flight Training Center in Venice is reportedly where Ziad Jarrah, hijacker of United Flight 93, took flying lessons.

90. The FBI redacted parts of this report and claimed the information had been

“specifically authorized under criteria established by [presidential] executive order to be kept secret in the interest of national defense or foreign policy.” Att. 1 ¶ 25 & Ex. H.

91. None of the documents produced concerned the FBI’s 2004 interview of Wissam Taysir Hammoud, in which he had claimed that Abdulaziz al-Hijji said Osama bin Laden was his hero and that he planned to become a jihadist in Afghanistan, so it seemed quite clear that the FBI’s search was far from complete.

92. Moreover, all of the documents that had been released continued to paint a picture showing that the FBI had found many connections between the al-Hijjis and the 9/11 hijackers; that al-Hijji’s father-in-law, Esam Ghazzawi, a wealthy, well-connected Saudi, had the means and access to connect the hijackers to high-ranking Saudi officials; that the FBI had not investigated this further and had ignored the JICI’s request for documents relating to this investigation; and that, when the Bulldog uncovered the FBI’s investigation, the FBI reactively published a knowingly false statement, which appeared to have been designed to prevent further inquiry by other, more traditional media outlets, such as *The Miami Herald* and the *Tampa Bay Times*, perhaps to protect the United States’ relationship with Saudi Arabia—a matter of great importance to the stability of the Middle East region—or to conceal that the FBI could have prevented the 9/11 attacks because it had intelligence from the al-Hijjis prior to the 9/11 attacks.

05-01-2014

The FBI Locates 80,266 Pages of
“Secret” PENTTBOM Documents in Tampa

93. Also in response to this Court’s April 4, 2014, order to conduct a more thorough search for Sarasota investigation records, the FBI reported that, in its Tampa field office, it had located 23 boxes containing 80,266 pages of additional records that had been placed in its PENTTBOM investigation file. Att. 1 ¶ 26. The FBI asserted that all of these documents had

been classified as “Secret.” Att. 1 ¶ 26.

94. Over the FBI’s objections, this Court directed the FBI to produce all of the records to it for *in camera* inspection. Att. 1 ¶ 27. The FBI notified the Bulldog that it submitted electronic copies of the records to the Court *in camera* on May 1, 2014, and began producing physical copies of the documents to the Court after installing a safe designed to hold classified documents in chambers. Att. 1 ¶ 27.

95. Review of the documents was expected to take many months. That time would give the Meese Commission time to complete its work, including its examination of whether the documents that this lawsuit had forced the FBI to produce showed that the FBI was withholding and redacting records for illegal or otherwise improper purposes. As noted, however, the Bulldog had no awareness that the Meese Commission existed or that it was reviewing the work that the Bulldog had done. Over the next eleven months, the Meese Commission never contacted the Bulldog, Graham, me, or, to the best of my knowledge, any of the sources upon which the Bulldog had relied for its reporting about the Sarasota investigation.

03-25-2015

The Meese Commission Attacks the Bulldog

96. Then, on March 25, 2015, the Meese Commission released the unclassified portions of its final report. It stated the Commission had investigated “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.” In a section entitled “Key Points,” the report stated “suspicions regarding a Saudi family resident in Sarasota before the 9/11 attacks did not hold up under scrutiny.” Att. 1 ¶ 28.

97. The Report stated 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." Att. 1 ¶ 29. It further said 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. Att. 1 ¶ 29.

98. The Report stated: "The FBI told the [Meese] 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." Att. 1 ¶ 30. A footnote to this statement cited a "Memorandum for the Record, April 30, 2014." Att. 1 ¶ 30.

99. The Report also stated the Meese Commission requested and received a briefing regarding the Sarasota investigation, 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 the FBI told the Commission that "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.'" Att. 1 ¶ 31.

100. The Report stated that "[o]ver 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." Complaint Exhibit 1 at 106. The Report did not say how "the leads were covered" or why "no further action was necessary." Att. 1 ¶ 32.

101. The Report continued on to say that "the statements in the EC were incorrect," the

“FBI found no evidence of contact, between the hijackers and the family,” its allegations were “not substantiated,” and the Bulldog reports were “based on inaccurate information and a poorly written and innaccurate [sic] FBI/EC.” Complaint Exhibit 1 at 106-07. Again, the Report cited an undisclosed “Memorandum for the Record, April 30, 2014.” Att. 1 ¶ 33.

102. In essence, the Meese Commission 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 investigation, yet it did not identify the author of the April 16, 2002, FBI Report, explain how the author could have made such a serious error, or recite any evidence to negate the contrary evidence compiled by the Bulldog during its own Sarasota investigation. Att. 1 ¶ 34.

103. The Meese Commission Report made no mention of the FDLE documents which showed that the FBI had interviewed Wissam Taysir Hamoud in 2004 and that Hamoud had claimed that al-Hijji had introduced him to senior al Qaeda leader Adnan el-Shukrijumah, that al-Hijji had said Osama bin Laden was his hero, and that al-Hijji had tried to recruit him to fight in Afghanistan. Att. ¶ 35.

104. It appeared to the Bulldog that the Meese Commission Report was just another attempt by the FBI to conceal the facts that it had found in Sarasota after the 9/11 attacks and to persuade the public and the media that the al-Hijji family had no connection to the 9/11 plot when in reality it did.

04-08-2015

The FBI Commits Further FOIA Violations by
Withholding Requested Meese Commission Records

105. In order to attempt to understand the basis for the Meese Report’s conclusory attacks on the April 16, 2002, FBI Report, the Bulldog sent a new FOIA request to the FBI on

April 8, 2015. Att. ¶ 36. It sought transcripts of Commission proceedings, Memoranda for the Record, personal service contracts, drafts of the final report, FBI briefings and summaries given to the Commission, and the Sarasota family case file reviewed by the Commission. Att. ¶ 36.

106. The FBI violated 5 U.S.C. § 552(a)(6) by failing to produce the requested records by the May 6, 2015, statutory deadline. Att. ¶ 37.

107. On May 19, 2015, the FBI advised the Bulldog that it had determined that “unusual circumstances” applied to the processing of its request. Att. ¶ 38.

06-15-2016
The Bulldog Sues the FBI for
Failing to Produce Meese Commission Records

108. On June 15, 2016, the Bulldog sued the FBI again and challenged the FBI’s failure to produce the Meese Commission records it had requested. Att. ¶ 44. The case was assigned to U.S. District Judge Cecilia Altonaga and is Case No. 16-61289.

109. A month later, on July 15, 2016, President Barack Obama and Director of National Intelligence James Clapper declassified much of the 28 pages of the JICI report regarding possible Saudi government support for the 9/11 hijackers.⁶ The President and the Director concluded “the harm to national security by releasing” the pages was “outweighed by the public interest in additional transparency concerning the Committees’ findings.” Att. 1 ¶ 68.

The opening paragraph of the 28 pages stated:

While in the United States, some of the September 11 hijackers were in contact with, and received support or assistance from, individuals who may be connected

⁶ The Bulldog was the only media entity that invoked the mandatory declassification review process that is available under Executive Order 13,526, the presidential order which establishes the procedure for classification and declassification of documents. Prior to the declassification, the FBI and the Justice Department had refused the Bulldog’s requests for mandatory declassification and the Bulldog’s appeal of those decisions was pending before the federal Interagency Security Classification Appeals Panel. The action of the President resolved the appeal. Att. 1 ¶¶ 65-68.

to the Saudi Government. There is information, primarily from FBI sources, that at least two of these individuals were alleged by some to be Saudi intelligence officers. The Joint Inquiry's review confirmed that the Intelligence Community also has information, much of which has yet to be independently verified, indicating that individuals associated with the Saudi Government in the United States may have other ties to al-Qa'ida and other terrorist groups. The FBI and CIA have informed the Joint Inquiry that, since the September 11 attacks, they are treating the Saudi issue seriously, but both still have only a limited understanding of the Saudi Government's ties to terrorist elements. In their testimony, neither CIA nor FBI witnesses were able to identify definitively the extent of Saudi support for terrorist activity globally or within the United States and the extent to which such support, if it exists, is knowing or inadvertent in nature.

110. The declassified 28 pages made no reference to the al-Hijjis, the Ghazzawis, or the FBI investigation of them, further confirming Graham's contention that the FBI had not provided any records of its secret Sarasota investigation to the JICI. Its findings also left open the possibility that al-Hijjis and the Ghazzawis were among those that had contact with the hijackers and provided knowing or inadvertent assistance to them.

111. On July 25, 2016, the FBI answered the Bulldog's second complaint, but it still would be months before the FBI produced any of the requested Meese Commission records.

112. Finally, on October 31, 2016, before Judge Altonaga had taken any action on the new complaint, the FBI surrendered a redacted version of a Meese Commission memorandum dated April 30, 2014, which reflected some of the information that the FBI had given to the Meese Commission about its Sarasota investigation. The document said the Bulldog had reported the FBI had found ties between the hijackers and the al-Hijjis on the basis of the April 16, 2002, memo the Bulldog obtained through this lawsuit. It further stated the FBI told the Commission that the April 16, 2002, memo was "badly written," a "bad statement," "overly speculative," and "wholly unsubstantiated." But the FBI redacted from the memo the identity of the FBI agent who had reached these conclusions and the memo said nothing about why the agent had reached these conclusions.

February 28, 2017
Judge Altonaga Concludes the FBI's Actions
Have Been "Distressing," "Shocking," and "Shameful"

113. On February 28, 2017, the District Court ruled that it had been "distressing to see the length of time that has elapsed, from the time these requests were presented to the time the agency turned over anything. It's shocking, quite frankly. . . . It's shameful." *Broward Bulldog, Inc. v. U.S. Dep't of Justice*, No. 16-61289-Civ-Altonaga/O'Sullivan (DE-73-6 at 14-15). It appeared that the FBI was handling this litigation in a manner that punished the Bulldog for its pursuit of records of the FBI's secret Sarasota investigation.

114. After the initial hearings before Judge Altonaga at which the Bulldog argued that the FBI had no valid basis for redacting either the al-Hijjis' names or the name of the FBI agent who told the Meese Commission that the April 16, 2002, memo was unreliable, the FBI agreed not to redact the al-Hijjis' names and it identified Jacqueline Maguire as the FBI agent who had disparaged the April 16, 2002, memo. This also revealed that Maguire had prepared a "white paper" concerning the FBI's Sarasota investigation. It appeared likely that the referenced "white paper" was the September 15, 2011, document which had been prepared to brief FBI Director Mueller about the Bulldog's original September 8, 2011, article uncovering the Sarasota investigation.

115. The FBI also released another version of the "white paper." The FBI redacted from this version information it had previously disclosed in the version of the white paper that it had produced in this case four years earlier on March 28, 2013. The newly released version of the "white paper" also inexplicably did not bear the letterhead of the Counterterrorism Division Guantanamo Detainee Prosecution Section 9/11 Prosecution Section, but did not contain any markings to show that the letterhead had been redacted.

116. The Bulldog moved for leave to depose Maguire on the grounds that her testimony could illuminate whether the FBI did, in fact, find many connections between the al-Hijji family and the terrorist attacks and whether the FBI was concealing acts of misfeasance of malfeasance. Judge Altonaga denied that request.

117. As the case moved toward a March 2017 trial, the FBI continued to produce hundreds of pages of Meese Commission records that should have been produced more than a year earlier. On March 13, 2017, the FBI disclosed that, on March 7, 2017, it had located additional responsive records using “information received from the FBI Director’s Office.” The FBI said these records “were believed to have been destroyed long ago” but were found “within a storage facility intact.”

118. Included in a batch of documents released on March 24, 2017, was an FBI report reflecting its interview of Wissam Taysir Hammoud in April 2004, in which he told the FBI that Abdulaziz al-Hijji was a heavy drinker and smoker of marijuana, that he was very well schooled in Islam, that his wife’s family had provided her with money, that al-Hijji visited a website containing information about Osama bin Laden, and that he spoke about going to Afghanistan to fight for the Mujahedin. The FBI had not produced this document in this case, even though it is clearly responsive to the Bulldog’s FOIA request.

119. Throughout the litigation before Judge Altonaga, the FBI steadfastly refused to name the agent that had written the April 16, 2002, memo or to produce the “Sarasota case file” which the Meese Commission Report said the Commission had reviewed. Instead, the FBI argued that this Court should determine whether records from the case file should be released. The Bulldog argued that it was entitled to know what records the Meese Commission had considered and which records it had based its report on. The Bulldog also argued the FBI had

never identified which documents were within the Sarasota case filed the Meese Commission considered. Judge Altonaga agreed with the FBI that this Court should decide whether any part of the Sarasota case file must be released.

April 18, 2017
Evidence Found of Esam Ghazzawi's
Contact with U.S. and Saudi Officials

120. The Bulldog also advised Judge Altonaga on April 18, 2017, through a further Declaration of Dan Christensen (Attachment 2), that in the years that this litigation has been pending, it has continued to investigate the al-Hijji and Ghazzawi families and that it found Esam Ghazzawi operates a website, www.esamghazzawidesigns.com, which displays photographs of Ghazzawi with various Saudi and U.S. government officials (Att. 2 ¶ 11), including President George H.W. Bush (Att. 2 ¶ 13), former Prime Minister of Pakistan Benazir Bhutto (Att. 2 ¶ 14), former Prime Minister of the United Kingdom John Major (Att. 2 ¶ 15), and Saudi Prince Fahd bin Salman. (Att. 2 ¶¶ 15 & 16.) An article on the website states that most of Ghazzawi's clients "have been high-ranking government hierarchy in his home country. (Att. 2 ¶ 18). Another article shows Esam Ghazzawi's father, Saudi Ambassador Abbas Faiq Ghazzawi, with former Saudi Kings Faisal, Fahd bin Abdulaziz al Saud, and Saud bin Abdulaziz al Saud. (Att. 2 ¶ 22).

121. The Bulldog reported these findings on its website and, two weeks later, another journalist, Russ Baker, reported that Abbas Ghazzawi had first come to the United States in the 1950s with a delegation of high-ranking Saudi officials that included Faisal al-Hegelan, who later became Saudi ambassador to the United States and an instrumental figure in the Saudi Arabian Air Force's acquisition of U.S.-made command and control aircraft known as AWACS. (Att. 2 ¶ 23.)

122. The Bulldog advised Judge Altonaga that this information strongly suggested to it

that, after September 11, 2001, the FBI quickly ascertained that the 9/11 hijackers had had contact with Esam Ghazzawi's family members or had reason to contact Ghazzawi's family members prior to September 11, 2001; that the FBI either deliberately concealed this information from Congress in order to protect the Ghazzawi family or negligently failed to conduct a proper investigation of the possible complicity of Ghazzawi family members in the 9/11 attacks; and that the FBI is now improperly withholding, in whole or in part, records responsive to the Bulldog's FOIA requests not because disclosure of those records would harm national security, result in an unwarranted invasion of personal privacy, disclose confidential sources, interfere with law enforcement investigations, or otherwise cause harm, but rather because disclosure of the records would result in valid and important public criticism of the actions that the FBI took in the wake of the 9/11 attacks on the United States. (Att. 2 ¶ 24.)

July 26, 2017
Final Judgment and Appeal

123. Judge Altonaga entered a Final Summary Judgment on July 26, 2017. The judgment required the FBI to lift some of the redactions it had made and upheld other redactions. The Bulldog appealed and the FBI cross-appealed those rulings. Judge Altonaga stayed the effect of her order pending the outcome of the appeals. The appeals are now pending in the Eleventh Circuit as Case No. 17-1387. Briefing is expected to be completed in January or February 2018. The Bulldog's appeal argues that, instead of entering summary judgment, Judge Altonaga should have held a trial on the adequacy and reasonableness of the FBI's search for responsive documents and on the propriety of its redaction and withholding of various records and that the Bulldog should have been permitted to depose FBI Special Agent Jaqueline Maguire.

124. The FBI's appeal argues that Judge Altonaga should not have ordered the

disclosure of the names of various FBI agents and sources who played a role in its Sarasota investigation.

2018
Bob Graham's Role in this Litigation

125. Throughout this litigation, the Bulldog has stayed in close contact with Graham, and he has provided his advice that public disclosure of all the records of the FBI's Sarasota investigation would shed much light on why the FBI acted as it did and would allow the public to evaluate whether the FBI reacted appropriately to the important evidence that it found. DE-29-5 ¶ 56.

126. Graham has told the Bulldog that he is "unaware of any national security interests that would be harmed by disclosure of the records of the investigation or of any other interests that would warrant maintaining the confidentiality of these records at this time. In fact, disclosures should serve our national security interests by showing what actions the FBI took or failed to take once it found connections between persons under investigation in Sarasota, Florida, and individuals associated with the September 11 attacks." DE-29-5 ¶ 57.

127. Graham's guidance and deep concerns about the safety of the country have been at the heart of the Bulldog's pursuit of more information regarding the FBI's Sarasota investigation.

2018
The 9/11 Litigation in New York

128. One other factor that has driven the Bulldog's pursuit of this litigation and that should bear on the question of whether the FBI properly withheld and redacted information concerning its Sarasota investigation is that the information sought here is relevant to the claims now being advanced in litigation in Case No. 03-MDL-1570 (GBD) (SN) in the U.S. District

Court for the Southern District of New York by the families of the victims of the 9/11 attacks against the Kingdom of Saudi Arabia and entities.

129. One of the plaintiffs in that litigation, Terry Strada, filed a declaration in the litigation before Judge Altonaga, and it is attached to this declaration as Attachment 3.

130. Strada's husband, Tom Strada, was killed in the terrorist attack at the World Trade Center on September 11, 2001. Att. 3 ¶ 1.

131. Since then she has been seeking answers, including from the U.S. government, about whether the hijackers had accomplices and, if so, why no one has been prosecuted. Att. 3 ¶ 2.

132. The government, in her view, has not provided her or others with full or adequate answers. Att. 3 ¶ 3.

133. She and thousands of other relatives of victims of the 9/11 attacks retained counsel to gather evidence that the hijackers were knowingly assisted in their preparation for the 9/11 attacks. Att. 3 ¶ 4.

134. Based on evidence that has been assembled, she and other plaintiffs have filed lawsuits alleging that the Kingdom of Saudi Arabia and other Saudi government-related entities provided material support to the hijackers. Att. 3 ¶ 5.

135. Initially, the suit alleging Saudi Arabia's responsibility for the 9/11 attacks was dismissed on grounds of foreign sovereign immunity. Att. 3 ¶ 6.

136. She and a number of other 9/11 family members and survivors spent substantial time over the past several years persuading Congress that the Court's decision to immunize Saudi Arabia from liability for its alleged role in the 9/11 attacks was unfair, and, as a result, Congress recently lifted that immunity through enactment of the Justice Against Sponsors of

Terrorism Act. Att. 3 ¶ 7.

137. The Act recognizes that the public interest in justice for 9/11 victims is far greater than any hypothetical concerns about how disclosure of the truth could affect national security, law enforcement investigations, or privacy. Att. 3 ¶ 8.

138. The lawsuit—including its allegations against Saudi Arabia—is moving forward, and it is of critical importance that the FBI disclose whatever evidence of Saudi government support for the hijackers it gathered in the aftermath of 9/11. Att. 3 ¶ 9.

139. Strada's view is that any interests that may support continued secrecy cannot compare to the enormous harm that she and others have already suffered and that they will continue to suffer if they are denied the truth about 9/11 and can neither hold accountable those alleged to have played a role in supporting the attacks nor deter those who would play a comparable role in a future attack. Att. 3 ¶ 10.

140. The plaintiffs in that litigation have been following this lawsuit and the lawsuit that was before Judge Altonaga and they have used documents obtained by the Bulldog through this litigation to oppose the most recent efforts by the defendants to have that litigation dismissed. A hearing is now scheduled in that litigation for January 18, 2018, on the defendants' argument that the complaints should be dismissed because the plaintiffs' claims, although set forth in highly detailed allegations, still do not plausibly show that the defendants could be held responsible for the damage that was done on September 11, 2001.

141. The Bulldog is not a party to that litigation and, as a part of the press, it is not supporting or opposing any party in that litigation. Its objective in seeking additional records from the FBI through FOIA continues to be only to provide greater public understanding of how the 9/11 attacks came about and the actions that were taken thereafter by the FBI and others to

investigate the attacks and to prevent future attacks. This information obviously is of greatly important historical value, but the pendency of the litigation in New York, as well as the current state of world affairs, also gives the information being sought by the Bulldog immediate and urgent news value which should be considered in evaluating the FBI's redaction and withholding of the requested records.

142. But for the Court's protective order entered in this case on March 31, 2014, DE-58 at 3 ¶3, the Bulldog would have taken the depositions of Jacqueline Maguire, Gregory J. Sheffield, David M. Hardy, and Michael G. Seidel. Each likely has information relevant and material to the issues raised in this case as is evident from the facts set forth above and in the declarations of Hardy and Seidel filed in support of the FBI's renewed motion for summary judgment.

Executed in Miami-Dade County, Florida, on January 11, 2018.

s/ Thomas R. Julin

Thomas R. Julin

Attachment 1 to Julin Declaration

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 16-61289-Civ-Altonaga/O'Sullivan

BROWARD BULLDOG, INC., a Florida)
corporation not for profit, and DAN)
CHRISTENSEN, founder, operator and editor)
of the FloridaBulldog.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.)
)

Declaration of Dan Christensen In Opposition to the
Defendants' Motion for Summary Judgment on Counts 2 and 3

I, Dan Christensen, declare under penalty of perjury that the following statement is true and correct:

1. My name is Dan Christensen. I am a plaintiff in this lawsuit. I have personal knowledge of the following facts.

2. Through this action, Broward Bulldog, Inc. and I (collectively "the Bulldog") seek records that the FBI created or compiled in connection with work performed by the 9/11 Review Commission (referred to herein as "the Meese Commission") – a panel that Congress directed the FBI to establish in January 2014 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))” and to assess new evidence.¹

3. The Meese Commission consisted of Edwin Meese, III, Bruce Hoffman and Timothy J. Roemer. It completed its work and released a report, *The FBI: Protecting the Homeland in the 21st Century -- Report of the Congressionally-directed to The Director of the Federal Bureau of Investigation* (hereinafter “the Meese Report”), on March 25, 2015. A copy of the relevant pages of the Report are attached to the complaint as Exhibit 1.

4. The complaint is based on three separate, but related, Freedom of Information Act (“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 Meese Report’s findings and recommendations, including its finding that an FBI report dated April 16, 2002, attached to the complaint as Exhibit 2, was “poorly written” and wholly unsubstantiated, even though the April 16, 2002, report found ““many connections” between a Saudi family that fled Sarasota, Florida weeks before September 11, 2001, and ‘individuals associated with the terrorist attacks on 9/11/2001’.” Complaint Exhibit 1 at 106.

6. The Bulldog believes that the Meese Report’s finding is false, unsupported by credible evidence, and intended to discredit truthful facts accurately reported in the April 16, 2002, FBI report.

7. The Bulldog further believes that the Meese Report’s finding is designed to disguise the fact that in the aftermath of the 9/11 attacks, the FBI found credible evidence that the Kingdom of Saudi Arabia supported and assisted the hijackers who attacked the United States on 9/11/2001, but the FBI concealed this evidence from Congress and the public, and that

¹ Explanatory Statement accompanying P.L. 113-6 at S1305 (March 11, 2013).

it is continuing to do so in violation of FOIA to protect the United States' relationship with Saudi Arabia or to conceal its own malfeasance.

8. The FBI produced the April 16, 2002, report to the Bulldog only after the Bulldog sued the FBI in a prior action. That lawsuit remains pending as *Broward Bulldog, Inc. v. U.S. Department of Justice*, No. 12-61735-Civ-Zloch (S.D. Fla.).

9. Broward Bulldog, Inc. owns and operates an Internet website under the name *FloridaBulldog.com*.

10. I am the founder, operator, and editor of the FloridaBulldog.com website, which was formerly known as BrowardBulldog.com. Prior to creating the Bulldog website, I worked as an investigative reporter for *The Miami Herald* and *Daily Business Review*. I have been recognized for my work as a journalist with various awards, including the Sigma Delta Chi Foundation's Eugene S. Pulliam First Amendment Award in 2004 for reporting on secret court cases in a U.S. District Court in Miami.

11. In September, 2011, I and another reporter and author, Anthony Summers, interviewed the property manager of the gated Prestancia subdivision of Sarasota, Florida; a senior administrator and security officer for the Prestancia Community Association; and the next door neighbor of Abdulaziz and Anoud Al-Hijji, a couple that had lived at 4224 Escondido Circle in Prestancia. They told us the al-Hijjis were part of a wealthy Saudi family with connections to the Saudi royal family and that they had abruptly departed their Sarasota home Sarasota about two weeks before September 11, 2001.

12. They told us that after they alerted the FBI to the possibility that the al-Hijjis had aided the hijackers, the FBI searched the al-Hijjis' deserted home, found property including a new car had been hurriedly abandoned, and discovered that Prestancia gatehouse sign-in logs and

photographs of license plates showed cars used by 9/11 ringleader Mohamed Atta and other hijackers had visited the family's home.

13. Summers and I first reported about this FBI investigation in an article published on the *FloridaBulldog.com* website on September 8, 2011. *The Miami Herald* republished the article. The article included information from my interview of former U.S. Senator D. Robert Graham, who had co-chaired a Congressional Joint Inquiry regarding 9/11. He told me the FBI had never disclosed the existence of this Sarasota investigation to Congress and that he was troubled to be learning of this only then.

14. The following day, 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, contrary to what Sen. Graham told me, it had disclosed its Sarasota investigation to Congress.

15. I contacted Sen. Graham about the FBI's assertion and he vehemently disputed that the FBI had disclosed its Sarasota investigation to Congress. In essence, he told me that the FBI was lying.

16. The conflict between the statement provided by witnesses in Sarasota and Sen. Graham to me, and the public statements of the FBI, created the appearance that the FBI was concealing a matter of great public importance, and this made it imperative for the Bulldog to obtain any records of the FBI's Sarasota investigation as well as any other law enforcement agency records of that investigation that might exist.

17. The Bulldog requested in 2011 that the FBI produce its records regarding the Sarasota investigation. At about the same time, the Bulldog also asked the Florida Department of Law Enforcement ("FDLE") to produce its records regarding the Sarasota investigation. On

December 21, 2011, the Florida Department of Law Enforcement produced to the Bulldog its records, attached as Exhibit A, showing that on April 7, 2004, the FBI had interviewed Wissam Taysir Hammoud and that he told the FBI that Abdulaziz al-Hijji was “a heavy drinker and smoker of cannabis, however very well schooled in Islam.” Hammoud reportedly said al-Hijji spoke about taking flight training at the Venice Airport, that he planned to go to Afghanistan to become a freedom fighter or Mujahedin and wanted Hammoud to join him, and that Osama Bin Laden was his hero. He also said al-Hijji had introduced him to Adnan El Shukrijumah, a senior member of al-Qaeda. The FDLE records also showed that the father of Anoud Ghazzawi al-Hijji was Esam Ghazzawi, reportedly a businessman who was an advisor to the late Prince Fahd bin Salman Abdulaziz al Saud, the eldest son of the current king of Saudi Arabia.

18. After the FBI declined to produce its own records of the Sarasota investigation, the Bulldog sued the FBI on September 5, 2012, asserting that the FBI had violated FOIA in failing to produce its Sarasota records.

19. After filing the suit, the Bulldog pressed the FBI, through counsel, to admit that it had many records of the Sarasota investigation, confronted it 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, and the FDLE records. The FBI initially insisted that it could not locate any responsive documents.

20. In the meantime, and unbeknownst to the Bulldog, Congress appropriated funds on March 26, 2013, to the FBI to form the Meese Commission to evaluate, among other things, the Bulldog’s reporting. *See* P.L. 113-6, 127 Stat. 197, 247 (113th Cong., 1st Sess., Mar. 26, 2013).

21. Two days later, on March 28, 2013, the Bulldog received from the FBI a

supplemental response to its 2011 FOIA request. The response stated the Justice Department had located 35 pages of responsive records, that 4 pages were being withheld entirely, and that 31 redacted pages were being produced.

22. The records included an FBI Report dated April 16, 2002, Exhibit 2 to the complaint, which indicated, contrary to the FBI's public statements, but consistent with the FDLE records the Bulldog had obtained in 2011, 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 one family member had attended a flight training school where the terrorists trained for their attacks. The Bulldog and other media identified Special Agent Gregory J. Sheffield as author of the report.²

23. It seemed highly improbable that the FBI had only 35 pages of records relating to an investigation that had resulted in these important findings, so the Bulldog urged Judge William Zloch to order the FBI to conduct a more thorough search.

24. On April 4, 2014, Judge Zloch, after reviewing declarations by me and Sen. Graham, attached as Exhibits B and C, and additional declarations by Larry Berberich, Jone

² Lucy Morgan, *Does a Classified Sarasota Investigation Hold Shocking Truths About 9/11?* (Oct. 26, 2016) (<https://www.sarasotamagazine.com/articles/2016/10/26/secrets-and-lies>); Lucy Morgan, *Why Did the FBI Detain Bob Graham?* Tampa Bay Times (Aug. 7, 2015) (<http://www.tampabay.com/news/perspective/why-did-the-fbi-detain-bob-graham/2240486>); Michael Pollick, *FBI Denounces Own Report Linking Sarasota Family to 9/11*, Sarasota Herald-Tribune (March 26, 2015) (<http://www.heraldtribune.com/news/20150326/fbi-denounces-own-report-linking-sarasota-family-to-911>); Dan Christensen & Anthony Summers, *Down the Rabbit Hole with the FBI: Saying 9/11 Documents Don't Exist When They Do.*, floridabulldog.com (June 25, 2014) (<http://www.floridabulldog.org/tag/gregory-sheffield/>); Dan Christensen & Anthony Summers, *Did the 9/11 hijackers have accomplices? Once secret FBI records spark push to find out*, floridabulldog.com (April 16, 2013) (<http://www.floridabulldog.org/tag/agent-gregory-sheffield/>).

Barlow Weist, and Patrick Gallagher, attached as, Exhibits D, E, and F – Sarasota residents who had been sources for the Bulldog’s initial reporting about the Sarasota investigation, -- and denying the FBI’s summary judgment motion, granted the Bulldog’s motion to direct the FBI to conduct a more thorough search for records of its Sarasota investigation.³ Judge Zloch found that the FBI’s “eagerness to assert exemptions and wooden method of interpreting Plaintiffs’ FOIA requests essentially deprives the Court of its role in examining relevant documents.” Exhibit G-2 at 7. He also found the FBI’s public statements about its Sarasota investigation “seem to be in conflict” with the documents it had produced, and “there is nothing in Defendants’ thirty-five produced pages that reconciles this stark contradiction.” Exhibit G-2 at 14.

25. After using the search methods ordered by Judge Zloch, the FBI located and produced redacted versions of 46 additional pages of additional records. These records included, among other things, an FBI report dated April 3, 2002. Exhibit H. This document like the April 16, 2002, FBI report also stated the FBI had found a wealthy Saudi family living in Sarasota had “many connections” to the attacks on September 11, 2001. This document also marshalled other evidence that a hijacker-support network existed in the Sarasota region and requested further investigation. The report stated that on October 31, 2001, a man was observed disposing of “a self-printed manual on terrorism and Jihad, a map of the inside of an unnamed airport, a rudimentary last will and testament, a weight to fuel ratio calculation for a Cessna 172 aircraft, flight training information from the Flight Training Center in Venice and printed maps of Publix shopping centers in Tampa Bay.” That Flight Training Center is reportedly where Ziad Jarrah, hijacker of United Flight 93, took flying lessons. The FBI redacted parts of this document,

³ I have not included the exhibits to the declarations due to their voluminous nature, but they are available in the case pending before Judge Zloch and copies will be provided if the Court regards them as necessary to address the issues raised in this case.

claiming the information had been “specifically authorized under criteria established by [presidential] executive order to be kept secret in the interest of national defense or foreign policy.”

26. Also in response to Judge Zloch’s April 4, 2014, order to conduct a more thorough search for Sarasota investigation records, the FBI reported 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 FBI asserted that all of these documents had been classified as “Secret.”

27. Over the FBI’s objections, Judge Zloch directed the FBI to produce all of the records to him for *in camera* inspection. It notified the Bulldog that it submitted electronic copies of the records to Judge Zloch *in camera* on May 1, 2014, and began producing physical copies of the documents to the Court after installing a safe designed to hold classified documents in Judge Zloch’s chambers.

28. On March 25, 2015, the Meese Commission released the unclassified portions of its report. It stated the Commission had investigated “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. Complaint Exhibit 1 at 100. In a section entitled “Key Points,” the report stated “suspicions regarding a Saudi family resident in Sarasota before the 9/11 attacks did not hold up under scrutiny.” Complaint Exhibit 1 at 101.

29. At page 105, the Report stated 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.” Complaint 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.

30. The Report stated: “The FBI told the [Meese] 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.”⁴ Complaint Exhibit 1 at 106. A footnote to this statement, cited “Memorandum for the Record, April 30, 2014.” Complaint Exhibit 1 at 106 n. 356.

31. The Report also stated that the Meese Commission requested and received a briefing regarding the Sarasota investigation, 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 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.’” Complaint Exhibit 1 at 106.

32. 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.” Complaint Exhibit 1 at 106. The Report did not say how “the leads were covered” or why “no further action was necessary.”

⁴ The “Electronic Communication” referenced in the Report appears to be the April 16, 20002, FBI Report, Complaint Exhibit 2.

33. The Report continued on to say “the statements in the EC were incorrect,” the “FBI found no evidence of contact, between the hijackers and the family,” that its allegations were “not substantiated,” and the Bulldog reports were “based on inaccurate information and a poorly written and innaccurate [sic] FBI/EC.” Complaint Exhibit 1 at 106-07. Again, the Report cited an undisclosed “Memorandum for the Record, April 30, 2014.” Complaint Exhibit 1 at 106 n. 356.

34. In essence, the Meese 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 investigation, but it did not identify the author of the April 16, 2002, FBI Report or explain either how the author could have made such a serious error, or recite any evidence to negate the contrary evidence compiled by the Bulldog during its own Sarasota investigation. Complaint Exhibit 1 at 106.

35. The Meese Commission Report made no mention of the FDLE documents which showed that the FBI had interviewed Wissam Taysir Hamoud in 2004 and that Hamoud had claimed that al-Hijji had said Osama bin Laden was his hero, had tried to recruit Hamoud to fight in Afghanistan, and had introduced him to a senior al Qaeda leader.

36. In order to attempt to understand the basis for the Meese Report’s conclusory attacks on the April 16, 2002, FBI Report, the Bulldog sent a FOIA request, Complaint Exhibit 3, to the FBI on April 8, 2015. It sought transcripts of Commission proceedings, Memoranda for the Record, personal service contracts, drafts of the final report, FBI briefings and summaries given to the Commission, and the Sarasota family case file reviewed by the Commission. This FOIA request will be referred to as Request 1.

37. The FBI violated 5 U.S.C. § 552(a)(6) by failing to produce the requested records

by the May 6, 2015, statutory deadline.

38. On May 19, 2015, the FBI advised the Bulldog, Complaint Exhibit 5, that it had determined that “unusual circumstances” applied to the processing of Request 1.

39. The Bulldog then propounded a second FOIA request, Complaint Exhibit 6, on July 4, 2015, seeking a narrower set of Meese Commission records. This will be referred to as Request 2.

40. In violation of FOIA, the FBI failed to produce the records sought by Request 2.

41. On July 4, 2015, the Bulldog also 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 that had been criticized by the Meese Commission. Complaint Exhibit 8. This will be referred to as Request 3.

42. In making Request 3, the Bulldog hoped to establish whether the FBI had taken disciplinary action against the agent who authored the April 16, 2002, report, so that if it had not taken any such action, this would call into question the legitimacy of the Commission’s criticism of the April 16, 2002, report.

43. On July 15, 2015, the FBI refused to confirm or deny the existence of any records responsive to Request 3. Complaint Exhibit 9.

44. Plaintiffs filed this lawsuit on June 15, 2016, to challenge the FBI’s failure to produce records responsive to Requests 1, 2 and 3.

45. More than two months later, on October 31, 2016, the FBI announced that it had located 220 pages of records responsive to Request 2, and released redacted portions of those pages, citing many FOIA exemptions to justify the redactions. DE-27-2 at Ex. K. The records included a memo reflecting an April 30, 2014, briefing of the Meese Commission regarding the

April 16, 2002, FBI Report, DE-27-2 at 37-40; an October 24, 2014, briefing of one Meese Commissioner regarding “Additional Evidence Regarding 9/11 Attacks”; DE-27-2 at 41-42; 1 November 10, 2014, briefing of two Meese commissioners, DE-27-1 at 43-44; an October 5, 2012 report regarding the status of the FBI’s continuing 9/11 investigation, DE-27-2 at 45-48; and personal service contracts of two of the Meese commissioners (only two-pages of the contract of Meese himself were produced) and some staff members. DE-27-2 at 49-257.

46. On November 21, 2016, the FBI withdrew its refusal to respond to Request 3 relating to discipline of the agent who wrote the April 16, 2002, FBI Report, and substituted a new response stating that it had “conducted a search of the Central Records System. We were unable to identify any records responsive to the FOIA [request].” The FBI did not indicate whether it had asked the agent who was the subject of the possible discipline whether he had received records showing discipline.

47. On December 30, 2016, the FBI produced still more records, this time an 80-page transcript of the March 25, 2015, press conference held by the Meese Commission announcing release of its report, Broward Bulldog 231-310; duplicate copies of four pages released on October 31, 2016, Broward Bulldog 221-24; the original Bulldog article from September 8, 2011, Broward Bulldog 225-28; and an undated FBI Report, Broward Bulldog 229-30.

48. The FBI filed a summary judgment motion on December 30, 2016, supported by declarations of David M. Hardy, Angie E. Cecil, and Mary E. Wilson. None explained how in April 16, 2002, an FBI agent could have erred in finding “many connections” between the Sarasota Saudi family and the 9/11 hijackers, why that finding did not result in a further comprehensive investigation, as requested by the author of the report, of the family or other evidence of Saudi government support for the hijackers who attacked the United States, or the

prosecution of anyone in connection with the more than 3,000 murders that took place on September 11, 2001.

49. All of the records released by the FBI to date appear to show that the FBI did, in fact, discover evidence that the Saudi government provided material support to the 9/11 hijackers and that the FBI is withholding the most significant aspects of that evidence in violation of FOIA either to protect the relationship of the United States with Saudi Arabia, to conceal its own misfeasance in investigating the 9/11 attacks, or for some other reason not permitted by FOIA.

50. Some of the documents released showed FBI agents investigating 9/11 failed to obtain security records from the Prestancia gated subdivision that might have evidence that the hijackers had visited the residence of a Saudi family with ties to the royal family. DE-27-2 at 39.

51. The FBI redacted Meese Commission personal service contracts to remove information about how much it paid the Review Commission's three members and staff. *E.g.*, DE-27-2 at 55, 104, 123-24, 145, 163, 169, 187, 211, 217, 234. This information would be relevant to evaluating the independence and reliability of the Commission.

52. Another record released recounts a Meese Commission briefing by FBI agents titled, "Overview of Additional Evidence Regarding the 9/11 Attacks." "It was explained that in preparation for trials of individuals held at Guantanamo Bay, Cuba, the FBI has gone back to review evidence/information already in hand to see if additional evidence can be found for the prosecutions of these individuals."

53. Most of the remainder of that two-page report was censored for national security and other reasons, except for this sentence: "None of this identifies new participants in the 9/11 attacks but hardens the existing known connections to the plot."

54. Another of the released records, DE-27-1 at 45-48, shows under the heading

“Updates and Initiatives (as of 5 October 2012),” that the FBI found in San Diego a Saudi support network for two of the 9/11 suicide hijackers, Nawaf al-Hazmi and Khalid al-Mihdhar, who with three other terrorists crashed American Airlines Flight 77 into the Pentagon.

55. The FBI redacted much of this 2012 FBI Report which is emblazoned with a logo depicting the Twin World Trade Center Towers destroyed on September 11, 2001, and the Pentagon. The FBI redacted even the title of the report in reliance on 5 U.S.C. § 552(b)(1), which allows withholding of records “in the interest of national defense or foreign policy.”

56. Unredacted information in the 2012 FBI Report states Fahad-al-Thumairy, a Saudi diplomat and imam at Los Angeles’ King Fahd Mosque, “immediately assigned an individual to take care of [two soon-to-be-hijackers] during their time in Los Angeles.” DE-27-2 at 47-48.

57. It also states Omar al-Bayoumi was a salaried employee of the Kingdom of Saudi Arabia who befriended the two hijackers in San Diego. DE-27-2 at 48.

58. The FBI redacted the name of a third subject, but stated that person “tasked al-Thumairy and al-Bayoumi with assisting the hijackers.” DE-27-2 at 48.

59. The four-page report goes on to say that the trio “provided (or directed others to provide) the hijackers with assistance in daily activities, including procuring living quarters, financial assistance, and assistance in obtaining flight lessons and driver’s licenses. [Redacted] seeks to prove these subjects provided such assistance with the knowledge that [the hijackers] were here to commit an act of terrorism.” DE-27-2 at 48.

60. These records and others show that the FBI has evidence of Saudi government complicity in the 9/11 attacks, that the FBI continued to investigate that evidence for years afterwards, but still has taken no action to expose through criminal charges or otherwise the

existence of a Saudi-government network that supported the September 11, 2001 attacks.

61. It has now been more than 15 years since September 11, 2001, and not a single person, to the best of my knowledge, has been prosecuted in U.S. criminal courts for providing assistance to the hijackers. The FBI also has provided no credible indication that anyone ever will be prosecuted for assisting the hijackers.

62. Under these circumstances, it seems highly improbable that disclosure of evidence gathered by the FBI concerning the 9/11 attacks, including the information redacted from the released records, could harm national security, law enforcement efforts, or the personal privacy of either the subjects of the 9/11 investigation or those who conducted the investigation.

63. At the same time, public interest in understanding whether the government of Saudi Arabia supported attacks on the United States, and whether the FBI turned a blind eye to this evidence or failed to act on this evidence, remains exceptionally high.

64. The Bulldog commenced this lawsuit and the prior lawsuit before Judge Zloch because of the extraordinary public interest in these issues. The interest was of global and national dimension. Local interest also is intense because so many of the 9/11 hijackers lived and trained in Florida, and because of the concern that additional attacks may still be coming. Indeed, Florida and other areas in the United States already have been subjected to further terrorist attacks, yet basic questions regarding the 9/11 attacks remain unanswered.

65. The Bulldog asked the FBI on June 10, 2013, to declassify that part of a report that the U.S. House and U.S. Senate Intelligence Committees jointly authored in 2002 regarding the possibility that the Saudi government had provided support for the hijackers. This material frequently has been referred to in the media as the 28 Pages.

66. Sen. Graham served as co-chair of the Joint Inquiry and he personally had urged

the Bulldog to seek declassification of the 28 Pages so that the American public would have access to more evidence nearing on whether Saudi Arabia had sponsored the attacks on the United States.

67. Although the FBI and the Justice Department refused the Bulldog's declassification request, President Barack Obama and the U.S. Congress ultimately did declassify much of that material on July 15, 2016, and, at the Bulldog's request, the Interagency Security Classification Appeals Panel released substantial parts of the report on December 30, 2016, effectively overruling the FBI's refusal to declassify that document.

68. At the time of that declassification, the Director of National Intelligence released a statement that the "Executive Branch" of the U.S. Government, "after careful consideration by the relevant Departments and agencies," "determined that the harm to national security by releasing portions of Part Four of the report at this time is outweighed by the public interest in additional transparency concerning the Committees' findings." A copy of this statement is attached as Exhibit I.

69. The Director of National Intelligence stated that the "newly released portion of Part Four relates to the Joint Inquiry's finding that '[w]hile in the United States, some of the September 11 hijackers were in contact with, and received support or assistance from, individuals who may be connected to the Saudi Government.'"

70. Also on July 15, 2016, the Director of National Intelligence released a declassified executive summary of a 2005 joint CIA-FBI memorandum prepared in response to a congressional directive to assess "the nature and extent of Saudi Government support of terrorism." That declassified summary, Exhibit J, concluded that "There is evidence that official Saudi entities, . . . and associated nongovernmental organizations (NGOs), provide financial and

logistical support to individuals in the United States and around the world, some of whom are associated with terrorism-related activity.” It further stated that “The Saudi Government and many of its agencies have been infiltrated and exploited by individuals associated with or sympathetic to al-Qa’ida.”

71. All this supports the Bulldog’s conclusion that the FBI found evidence that the Saudi government supported the September 11 attacks on the United States, but has failed to act on the evidence. Members of the public, including the families of the nearly 3,000 victims of the attacks, now deserve to see that evidence so they can decide for themselves the significance of it and whether their government responded appropriately to it. They also deserve to see all aspects of the records of the Meese Commission. The Freedom of Information Act requires nothing less.

Executed in Broward County, Florida, on January 10, 2017.

s/ Dan Christensen

Dan Christensen

Exhibit A

Florida Department of Law Enforcement
Records Produced December 21, 2011

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

Synopsis:

On 25MAY04, The Attorney General of the United States and the FBI Director briefed the United States about the increased threat from terrorism and requested assistance in locating seven individuals who pose a threat to the United States. One of those subjects was ADNAN EL SHUKRIJUMAH. (Note: The following information, in particular the information provided by Wissam HAMMOUD, is being followed up on internationally.)

The following is a report 28APR04, dealing with suspicious activity in Sarasota County, written by Detective Mike OTIS, Sarasota County Sheriff's Office:

Details:

SUBJECT: ABDULAZIZ ALHIJJI

Date of Births listed: 12/01/1973, 12/28/1973

Social Security No. [REDACTED]

Florida Drivers License No. [REDACTED]

On 11/01/2001, information was furnished to Lt. John Kost of the Sarasota County Sheriff's Office (SSO) by a Larry Berberich, regarding suspicious activity by ABDULL AL-HIJJI at 4224 Escondito Circle Sarasota Florida. Berberich is on the Board of Directors and head of security for the Prestancia subdivision, the location of the subject's residence.

Berberich advised that AL-HIJJI and his wife were living at 4224 Escondito Circle, and believed to have left the residence on or about August 27th 2001 under unusual circumstances. No one has been seen or contacted regarding the residence. The power to the residence was left on and there has been no home or yard care. A vehicle was left in the driveway as well as two in the garage.

Berberich indicated that a Richard Jeanette, a local realtor was going to list the home for sale, however he was provided with no contact information for the owner. Berberich as head of

Case Number:FM-48-0040	Serial #:253
Author:McAllister, Scott F.	Office:Ft. Myers
Activity Start Date:04/28/2004	Activity End Date:04/28/2004

Approved By:Emerson, Stephen A.

Description:ALHIJJI/GHAZZAWI Residence and Adnan EL SHUKRIJUMAH

THIS REPORT IS INTENDED ONLY FOR THE USE OF THE AGENCY TO WHICH IT WAS DISSEMINATED AND MAY CONTAIN INFORMATION THAT IS EITHER PRIVILEGED OR CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

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IR Number:	253

security at Prestancia was requesting SSO assistance in ascertaining that no foul play was involved at the residence.

Based on further investigation by Lt. Kost, it was determined that all clothing had been removed from the residence, however furniture, vehicles and food in the refrigerator was left behind. Although suspicious, no evidence of foul play was found at the residence.

Further research conducted via public records, indicates that the address was valued at \$303,400 and was owned by ESAM A GHAZZAWI and DEBORAH G GHAZZAWI.

The phone numbers at the address of (941) 924-0694 and (941) 924-7200 were listed to ABDULAZIZ ALHIJJI.

ABDULAZIZ ALHIJJI, date of birth of 12/01/1973 has a Social Security number of [REDACTED]. Under the date of birth of 12/28/1973, ABDULAZIZ ALHIJJI has a Florida Drivers License number of [REDACTED] listing a home address of 4224 Escondito Circle Sarasota Florida.

ANOUD ESAM ALHIJJI, date of birth of 10/30/1977 has a Florida Drivers License number of [REDACTED] listing a home address of 4224 Escondito Circle Sarasota Florida.

On 11/09/2001, Berberich was provided with contact information for the ALHIJJI'S which was forwarded to Lt. Kost. The following contact information had been provided by ANOUD ALHIJJI.

Mailing address:
P.O. Box 52876
Riyadh 11573, Saudi Arabia

P.O. Box 4000
Al-Khobar 31952

Home #011-9661-461-2251
Office #011-9661-461-0079
Fax #011-9661-461-2088
E-mail: ghazzawi@hotmail.com

Based on the suspicious manner and timing of the ALHIJJI'S departure as it relates to the terrorist attacks on September 11th 2001, coupled with the knowledge that some of the terrorist had trained at the Venice Airport, some ten miles away, Lt Kost requested checks of the subjects names through the Ft Myers Regional Domestic Security Task Force (RDSTF-6). These checks were completed with negative results at the time.

On 04/07/2004, Special Agent Leo Martinez (FBI) and Detective Michael Otis (Sarasota County SO) conducted an interview at the Hillsborough County jail, of inmate WISSAM HAMMOUD. This interview was in the presence of Hammoud's attorney, Matthew Farmer and

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had been arranged through the United States Attorney's Office. No special arrangements or consideration was discussed as it relates to any charges against HAMMOUD.

During the interview, HAMMOUD provided information concerning other subjects not related to this investigation. He also provided information as it relates to ABDULL AZIZ ALHIJJI.

HAMMOUD claimed he knew ABDULL AZIZ ALHIJJI, a Saudi who had lived in Sarasota. He advised that this subject had lived on Escondito Drive in the Prestancia subdivision with his family. In August of 2001, ABDULL AZIZ ALHIJJI and his family left the United States.

HAMMOUD stated he met ALHIJJI through his own relatives in Sarasota, (the Kazbour's) in 1996. He described ALHIJJI as a heavy drinker and smoker of cannabis, however very well schooled in Islam. HAMMOUD indicated that ALHIJJI'S wife ANWD GHAZZAWI (maiden name) had family that provided her with money, however ALHIJJI claimed that he received none of this money from his wife. HAMMOUD advised that ALHIJJI had been attending Manatee Community College (MCC). HAMMOUD claimed that he often worked out with ALHIJJI at Shapes Fitness located near his residence in Prestancia.

HAMMOUD advised that in 2000 and 2001, he had played soccer with ALHIJJI at the property of the Islamic Society of Sarasota and Bradenton, located on North Lockwood Ridge Road in Sarasota. ALHIJJI had brought with him a friend to the soccer games. HAMMOUD advised that this friend was ADNAN EL SHUKRIJUMAH, who the FBI is seeking information on. HAMMOUD identified ADNAN EL SHUKRIJUMAH from an FBI flyer that was brought to the interview by his attorney, Matthew Farmer.

HAMMOUD stated that on two occasions prior to September 11th, 2001, ALHIJJI had entertained Saudi's at his residence in Sarasota. HAMMOUD advised that he did not stay for any of these parties because he did not drink or smoke cannabis.

HAMMOUD advised that ALHIJJI traveled on a weekly basis to either the Tampa or Orlando area. He would also travel to the Venice area and spoke to HAMMOUD about taking flight training in Venice. HAMMOUD believes that ALHIJJI had known some of the terrorists from the September 11th 2001 attacks, who had been taking flight training at Venice Airport during that time.

HAMMOUD stated that OSAMA BIN LADEN was a hero of ALHIJJI and that ALHIJJI had shown him a web site containing information about BIN LADEN. HAMMOUD advised that ALHIJJI would speak of going to Afghanistan and becoming a freedom fighter or Mujahedin and wanted HAMMOUD to also go and become a freedom fighter.

During the interview, HAMMOUD was questioned concerning knowledge of a subject residing in Sarasota named MOHAMED MEZROUB. HAMMOUD stated that MEZROUB was a friend of ALHIJJI, and that he had also talked about going to Afghanistan to fight for the Mujahedin.

HAMMOUD advised that he and his wife had helped ALHIJJI and his wife AHWD, by

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clearing the residence on Escondito Drive in Sarasota, and putting their belongings in storage after they left the country. The HAMMOUD'S were asked to sell one of ALHIJJI'S vehicles, a Volkswagen Beetle, and send them the proceeds when this was done.

HAMMOUD indicated that ALHIJJI is working for a Saudi owned oil company named ARAMCO, which has a branch office in Texas. HAMMOUD advised that after ALHIJJI left the United States in August of 2001, he went back to Saudi Arabia. HAMMOUD indicated that he was then transferred to an office in London.

HAMMOUD advised that ALHIJJI'S mother DEBBI ALHIJJI lives in Saudi Arabia. He provided a home phone number for her of 011-966-389-825-25 and a cell phone number for her of 011-966-528-632-56.

HAMMOUD provided a current home number for AHWAD ALHIJJI in London of 011-442-380-428-264, and a cell phone number of 447-788-154-903.

A letter sent to the HAMMOUD'S from the ALHIJJI's concerning the sale of the Volkswagen, had a return address of; 1 Kirk Gardens, Totton, Southamton 50409UZ.

Indexing:

John Kost
Larry L Berberich
Michael Otis
Leo Martinez
Anoud Esam AlHijji
Esam A Ghazzawi
Deborah Gail Ghazzawi
Anoud Esam AlHijji
Wissam Taysir Hammoud
Islamic Learning Center of Sarasota Bradenton
Adnan Elshukrijumah
Osama Bin Laden
Mujahedin
Mohaned Mezroub

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

Synopsis:

Wissam HAMMOUD was indicted for numerous crimes involved in Operation Hitman, FM-53-0003. The following report was authored by Detective Mike Otis of the Sarasota County Sheriff's Office, stemming from an interview of Wissam HAMMOUD at HAMMOUD's request, while facing trial and being incarcerated in the Hillsborough County Jail:

Details:

On 04/07/2004, Special Agent Leo Martinez (FBI) and Detective Michael Otis (Sarasota County SO) conducted an interview at the Hillsborough County jail, of inmate Wissam Hammoud. This interview was in the presence of Hammoud's attorney, Matthew Farmer and had been arranged through the United States Attorney's Office. No special arrangements or consideration was discussed as it relates to any charges against Hammoud, during this interview.

Hammoud indicated that he wished to provide information that he had obtained while in custody at the Hillsborough County Jail.

#1

Hammoud stated that he has been attending a Muslim prayer service held on Fridays at the Hillsborough County Jail. Two weeks ago (March 26th, 2004) another inmate named ALI AHMED spoke with Hammoud during the prayer service.

Hammoud advised that AHMED had been directed to him by another inmate named DONALD HORTON, who mistakenly had told AHMED that Hammoud was a Shi'ite Muslim.

AHMED provided Hammoud with a letter written in Arabic, which Hammoud translated. According to Hammoud, the letter indicated that AHMED was from Yemen and had recently arrived in Tampa from California. AHMED was arrested for having a blade (concealed weapon), and was requesting financial assistance from Hammoud in obtaining \$100 for bail. This letter was turned over to Special Agent Martinez.

During the conversation with AHMED, he spoke in his native language, however Hammoud advised that AHMED was able to speak fluent English. AHMED told Hammoud that he was involved in an "operation", and that he was doing work for Allah. AHMED did not provide any specific information regarding the "operation". AHMED advised that his clothing was at a local

Case Number:FM-48-0040	Serial #:249
Author:McAllister, Scott F.	Office:Ft. Myers
Activity Start Date:04/07/2004	Activity End Date:04/07/2004

Approved By:Emerson, Stephen A.

Description:Jailhouse Interview of Wissam HAMMOUD

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On 04/08/2004, information contained above was discussed with TFA Debina, with the Tampa RDSTF for further investigation.

#2

Hammoud also provided information regarding DONALD HORTON and his involvement in unsolved homicides. Hammoud advised that HORTON was a gang member from Chicago and has been in custody for about a year. He is currently being housed at the Hillsborough County Jail. [REDACTED]

Prior to departing the Hillsborough County Jail, information on HORTON was checked through jail records. The following information was obtained.

DONALD HORTON, B/M, 12/17/1979, Booking Number 03074206
10169 Cedar Dune Drive Tampa Florida
Phone 813-969-4041
Next of kin listed is mother, Mary Baker
Arrested 12/18/2003 on charges of Attempted Murder

#3

During the interview with Hammoud, he spoke of his association with ABDULL AZIZ ALHIJJI, a

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IR Number:	249

Saudi who had lived in Sarasota. He advised that this subject had lived on Escondito Drive in the Prestancia subdivision with his family. In August of 2001, ABDULL AZIZ ALHIJJI and his family left the United States.

Hammoud stated he met ALHIJJI through his own relatives in Sarasota, (the Kazbour's) in 1996. He described ALHIJJI as a heavy drinker and smoker of cannabis, however very well schooled in Islam. Hammoud indicated that ALHIJJI'S wife ANWD GHAZZAWI (maiden name) had family that provided her with money, however ALHIJJI claimed that he received none of this money from his wife. Hammoud advised that ALHIJJI had been attending Manatee Community College (MCC). Hammoud claimed that he often worked out with ALHIJJI at Shapes Fitness located near his residence in Prestancia.

Hammoud advised that in 2000 and 2001, he had played soccer with ALHIJJI at the property of the Islamic Society of Sarasota and Bradenton, located on North Lockwood Ridge Road in Sarasota. ALHIJJI had brought with him a friend to the soccer games. Hammoud advised that this friend was ADNAN EL SHUKRIJUMAH, who the FBI is seeking information on. Hammoud identified ADNAN EL SHUKRIJUMAH from an FBI flyer that was brought to the interview by his attorney, Matthew Farmer.

Hammoud stated that on two occasions prior to September 11th, 2001, ALHIJJI had entertained Saudi's at his residence in Sarasota. Hammoud advised that he did not stay for any of these parties because he did not drink or smoke cannabis.

Hammoud advised that ALHIJJI traveled on a weekly basis to either the Tampa or Orlando area. He would also travel to the Venice area and spoke to Hammoud about taking flight training in Venice. Hammoud believes that ALHIJJI had known some of the terrorist from the September 11th 2001 attacks, who had been taking flight training at Venice Airport during that time.

Hammoud stated that OSAMA BIN LADEN was a hero of ALHIJJI and that ALHIJJI had shown him a web site containing information about BIN LADEN. Hammoud advised that ALHIJJI would speak of going to Afghanistan and becoming a freedom fighter or Mujahedin and wanted Hammoud to also go and become a freedom fighter.

During the interview, Hammoud was questioned concerning knowledge of a subject residing in Sarasota named MOHAMED MEZROUB. Hammoud stated that MEZROUB was a friend of ALHIJJI, and that he had also talked about going to Afghanistan to fight for the Mujahedin.

Hammoud advised that he and his wife had helped ALHIJJI and his wife AHWD, by clearing the residence on Escondito Drive in Sarasota, and putting their belongings in storage after they left the country. The Hammoud's were asked to sell one of ALHIJJI'S vehicles, a Volkswagen Beetle, and send them the proceeds when this was done.

Hammoud indicated that ALHIJJI is working for a Saudi owned oil company named ARAMCO, which has a branch office in Texas. Hammoud advised that after ALHIJJI left the United States in August of 2001, he went back to Saudi Arabia. Hammoud indicated that he was then transferred to an office in London.

Hammoud advised that ALHIJJI'S mother DEBBI ALHIJJI lives in Saudi Arabia. He provided a home phone number for her of 011-966-389-825-25 and a cell phone number for her of

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011-966-528-632-56.

Hammoud provided a current home number for AHWAD ALHIJJI in London of 011-442-380-428-264, and a cell phone number of 447-788-154-903.

A letter sent to the Hammoud's from the ALHIJJI's concerning the sale of the Volkswagen, had a return address of; 1 Kirk Gardens, Totton, Southamton 50409UZ.

#4

Prior to the conclusion of the interview, Hammoud was asked about any other persons he was able to identify that would be considered as radical. Hammoud stated that a subject named AL ZUBADI was a subject living in Sarasota that was a Shi'ite, however had looked up to Saddam Hussain. Hammoud advised that AL ZUBADI was very radical, however did not provide specific information.

This concludes the information provided by Wissam Hammoud during the interview which ended at approximately 1500 hours.

Indexing:

Wissam Taysir Hammoud
Leo Martinez
Michael Otis
Wahbi Abdo Ammed
Donald Ian Horton
Patrick Banks
Anoud Esam AlHijji
Usama Bin Laden
Mohaned Mezroub
Adnan G. Shukrijumah

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

On September 11, 2002, a request was received from Lt. John Kost, Sarasota County Sheriff's Office, assigned to the Ft. Myers Regional Domestic Security Task Force. Lt. Kost requested a financial check only on the following subjects to determine if the subjects contributed to any entities or non-profit groups that are in violation of current laws (Al Qaeda funding).

Esam A Ghazzawi

AKA: Fadi Z Ghazzawi; Sadi Ghazzawi; Adel Ghazzawi

Saudi Arabian/Male, 8/29/54

SSN: [REDACTED]

Remarks: Allegedly an exiled past Saudi Arabia Government Official

Possible Businesses:

The National Rural Development & Finance Corporation

2161 L Street NW

Washington, DC 20037

Esam Arabian Projects Est.

PO Box 52876

Riyadh, 11573

Deborah G Ghazzawi

Female, 3/16/50

SSN: [REDACTED]

Previous Address in New York

Property owner in Corona, CA; Arlington, VA; Washington, DC

Wife of Esam Ghazzawi

Anoud Esam Ghazzawi

AKA: Anoud Esam Al-Hijji

Saudi Arabian, Female, 10/30/77

SSN: [REDACTED]

Passport: 700634555

FLDL: [REDACTED]

PKA: 1401 N Taft St #1013, Arlington, VA 22201

Bank of America Acct# [REDACTED]

Daughter of Esam Ghazzawi

Case Number: SI-73-1999	Serial #:1
Author : Craig, Jennifer Singletary	Office: Office Of Statewide Intelligence
Activity Start Date: Sep 11, 2002	Activity End Date: Sep 17, 2002

Approved By: Mulder, Michael Wayne

Description:

Financial Background on Ghazzawi's and Al-Hijji's for FMDSTF

THIS REPORT IS INTENDED ONLY FOR THE USE OF THE AGENCY TO WHICH IT WAS DISSEMINATED AND MAY CONTAIN INFORMATION THAT IS EITHER PRIVILEGED OR CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

Case Number SI-73-1999
IR number 1

Abdulaziz A. Al-Hijji
AKA: Abdul Fatima A. Al-Hijji
Saudi Arabian/Male, [REDACTED]
Passport# 530733
FLDL: [REDACTED]
Son-in-law to Esam Ghazzawi

Lt. Kost provided the following information. All of the subjects were living at or associated to 4224 Escondito Circle, Sarasota, FL 34228. This is a million dollar home in a prestigious gated community. In mid August 2001 the above subjects purchased a new vehicle and renewed the registration on several other vehicles. On August 27, 2001 a moving truck appeared and moved the subjects out of the house. Left behind were the vehicles and numerous personal belongings including, food, medicine, bills, baby clothing etc. The family later contacted a subject to sell the home and its contents without leaving a forwarding address or phone number. They stated they would get back with the subject to determine if the house had been sold. The last name GHAZZAWI and AL-HIJJI were on the FBI watch list.

Lt. Kost has had this information for several months but just recently obtained identifying information on the above subjects so that a financial search could be conducted.

AIMS, Florida Department of State, Division of Corporations, FOCUS (compilation of AIMS, ThreatNet, DrugNet and GangNet) and the wire transfer database were negative on the above subjects. DHSMV and NCIC were queried on ESAM and DEBORAH GHAZZAWI for driver's license information through Florida, Virginia and California with negative results. A public records search revealed the following two other subjects, possible children of ESAM and DEBORAH GHAZZAWI, at the Sarasota address.

- Adel Esam Ghazzawi
11/19/70
SSN: [REDACTED]
FLDL: G200-005-70-419
- Salman Esam Ghazzawi
3/19/83
SSN: [REDACTED]
FLDL: G200-785-83-099

Confidential Source 1 provided the following information on the above subjects. It should be noted that none of the information is relevant to what Lt. Kost was trying to determine, (i.e. funds being funneled to other subjects or businesses).

- ESAM GHAZZAWI –
DOB's: 8/29/54 with passport# A854260, B417686, B417666, A654260, A094002, 1083424, 920917, 623461414; 3/17/53 with passport# 1071; and 3/10/53 with passport# 062346 and A083424 (VISA city listed as Dhahran or Riyadh, Saudi Arabia)
Citizenship: Saudi Arabia
[REDACTED]

Case Number SI-73-1999
IR number 1

- DEBORAH G GHAZZAWI
DOB: 3/16/50
Citizenship: US
Passport# 700905359, Z04969333, 24969333
SSN: [REDACTED]
[REDACTED]

- ADEL E GHAZZAWI
DOB: 11/19/70
Passport# 325319, Saudi Arabia
SSN: [REDACTED]
[REDACTED]
[REDACTED]

Occupation: student, investment counselor

Confidential source #530774 revealed no reported wages in Florida for ABDULAZIZ AL-HIJJI, ADEL E GHAZZAWI and SALMAN GHAZZAWI and revealed the following for ANOUD AL-HIJJI.

[REDACTED]

The information in this report was provided to Lt. Kost on 9/17/02.

End of report.

Case Number SI-73-1999
IR number 1

Report References

Person(s)

631353	Abdulaziz A Alhijji	W/M		Subject
631327	Anoud Esam Alhijji	W/F		Subject
631325	Salman Esam Ghazzawi	W/M	Mar 19, 1983	Referenced
631326	Adel Esam Ghazzawi	W/M	Nov 19, 1970	Referenced
631329	Deborah Gail Ghazzawi	U/F	Mar 16, 1950	Subject
631328	Esam A Ghazzawi	W/M	Aug 29, 1954	Subject

Business

Vehicle(s)

Member(s)

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

On September 11, 2002, a request was received from Lt. John Kost, Sarasota County Sheriff's Office, assigned to the Ft. Myers Regional Domestic Security Task Force. Lt. Kost requested a financial check on the following subjects to determine if the subjects contributed to any entities or non-profit groups that are in violation of current laws (Al Qaeda funding).

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Saudi Arabian/Male, 8/29/54

SSN: [REDACTED]

Possible Businesses:

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2161 L Street NW

Washington, DC 20037

Remarks: Allegedly an exiled past Saudi Arabia Government Official

Esam Arabian Projects Est.

PO Box 52876

Riyadh, 11573

Deborah G Ghazzawi

Female, 3/16/50

SSN: [REDACTED]

Previous Address in New York

Property owner in Corona, CA; Arlington, VA; Washington, DC

Wife of Esam Ghazzawi

Anoud Esam Ghazzawi

AKA: Anoud Esam Al-Hijji

Saudi Arabian, Female, 10/30/77

SSN: [REDACTED]

Passport: 700634555

FLDL: [REDACTED]

PKA: 1401 N Taft St #1013, Arlington, VA 22201

Bank of America Acct# [REDACTED]

Daughter of Esam Ghazzawi

Abdulaziz A. Al-Hijji

Case Number:SI-73-1999	Serial #:0
Author:	Office:
Activity Start Date:09/11/2002	Activity End Date:

Approved By:

Description:Migrated IR

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[REDACTED]

Case Number:	SI-73-1999
IR Number:	0

AKA: Abdul Fatima A. Al-Hijji

Saudi Arabian/Male, [REDACTED]

Passport# 530733

FLDL: [REDACTED]

Son-in-law to Esam Ghazzawi

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Lt. Kost has had this information for several months but just recently obtained identifying information on the above subjects so that a financial search could be conducted.

Exhibit B

Declaration of Dan Christensen in
Case No. 12-61735-Civ-Zloch (S.D. Fla.)

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-61735-Civ-Zloch

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.)
_____)

Declaration of Dan Christensen

Dan Christensen, pursuant to 28 U. S. C. § 1746, hereby declares under penalty of perjury as follows:

1. My name is Dan Christensen. I am one of the named plaintiffs in this action and the founder, operator and editor of the BrowardBulldog.com website.

2. I have personal knowledge of the facts set forth in this declaration other than those facts that I specifically indicate that I learned from others or was told or reported by others. When I indicate in this declaration that facts have been reported by others, I base this on my personal observation of the reporting in published works or on the facts being reported directly to me.

3. Anthony Summers and Robbyn Swan co-authored THE ELEVENTH DAY: THE

FULL STORY OF 9/11 AND OSAMA BIN LADEN (“THE ELEVENTH DAY”), a nonfiction book published in 2011 by Ballantine Books.

4. During the summer of 2011, Summers and Swann approached me to request their help researching a particular FBI investigation. Summers advised me that he had tracked the movements of the 9/11 hijackers while preparing to write THE ELEVENTH DAY and knew that many of the hijackers had spent significant time in Florida.

5. For instance, Summers reported in THE ELEVENTH DAY that Ziad Jarrah, one of the 9/11 hijackers, went to a flight school at Florida Flight Training Center in Venice, Florida—“a quiet retirement community on the Gulf Coast near Sarasota.” He also reported that the leader of the hijackers, Mohamed Atta, and another of those training to pilot a hijacked plane, Marwan al-Shehhi, trained in Venice at Huffman Aviation, just a few yards away from Florida Flight Training. THE ELEVENTH DAY at 294 (2011).

6. Official government reports also had reported a connection between the hijackers and Florida. One example is THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE AND THE SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT OF THE JOINT INQUIRY INTO THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001, S. REP. NO. 107-351, at 136 (2002) (hereafter, “JOINT INQUIRY REPORT”).

7. Summers advised me that his investigation into the hijackers’ Florida ties brought to his attention certain Saudi persons formerly residing at 4224 Escondito Circle in Sarasota, Florida, which is less than 15 miles from the Florida Flight Training Center and from the SunTrust Bank in Venice, Florida.

8. After I conducted my own research related to these claims, I published through the BrowardBulldog.com website the 10 articles by Dan Christensen, Anthony Summers, and/or

Robbyn Swan that are attached to the complaint in this action as Exhibit 1.

9. The September 8, 2011, article by the Broward Bulldog was the first public disclosure of facts that triggered the FBI investigation and of the FBI investigation itself, and it was simultaneously published by The Miami Herald. Since then, other news agencies have published additional articles reporting on the Saudis who resided at 4224 Escondito Circle.¹

10. The information reported in the articles raises serious and important questions about whether Saudi nationals who resided at—and/or owned the home at—4224 Escondito Circle provided support and comfort to the terrorists who carried out the 9/11 attacks on the United States; whether the United States government is aware of such support being provided by those individuals; and whether agencies of the United States Government have concealed information about this from Congress and from the American public in order to prevent Congressional oversight and public scrutiny of the Government's handling of these matters or for other reasons.

11. I learned during the course of my investigation that former U.S. Senator Bob Graham, D-Fla., has asserted in a sworn declaration in the federal multi-district litigation arising from allegations that the Kingdom of Saudi Arabia is responsible for the 9/11 attacks that evidence linking the Saudi elite to the 9/11 hijackers “has not been fully explored and pursued, to

¹ See, e.g., Anthony Summers, Neil Tweedie & Dan Christensen, *London-Based Oil Executive Linked to 9/11 Hijackers*, TELEGRAPH, Feb. 18, 2012, at <http://www.telegraph.co.uk/news/worldnews/september-11-attacks/9089896/London-based-oil-executive-linked-to-911-hijackers.html>; Jamie Reno, *Was the Saudi Government Involved in the 9/11 Terror Attacks?*, DAILY BEAST, Mar. 13, 2012, at <http://www.thedailybeast.com/articles/2012/03/13/was-the-saudi-government-involved-in-the-9-11-terror-attacks.html>; Stephen Nohlgren & Susan Taylor Martin, *New Evidence Links Saudi Arabia to 9/11 Hijackers: Graham*, TAMPA BAY TIMES, Sept. 10, 2011, at <http://www.tampabay.com/news/article1190773.ece>; Tom Jackman, *Did Arlington Have a More Ominous Link to 9-11?*, WASH. POST, Sept. 12, 2011, at http://www.washingtonpost.com/blogs/the-state-of-nova/post/did-arlington-have-a-more-ominous-link-to-9-11/2011/09/12/gIQASuBCNK_blog.html.

the considerable detriment of the American public.” *See* Notice of Filing of Corrected Exhibit to Affirmation of Sean P. Carter Transmitting Evidence in Support of Plaintiffs' Reply in Support of Their Motion for Relief from the Final Judgments Entered in Favor of the Kingdom of Saudi Arabia and Saudi High Commission for Relief of Bosnia & Herzegovina at 5, *In re Terrorist Attacks on September 11, 2001*, No. 03 MDL 1570 (GBD) (S.D.N.Y. Feb. 24, 2012) (Docket Entry 2558).

12. Senator Graham also asserted in his declaration that “I am convinced that there was a direct line between at least some of the terrorists who carried out the September 11th attacks and the government of Saudi Arabia.” Declaration at 3–4.

13. I found Senator Graham’s assertions credible because he had served as a member of the Florida State House of Representatives, the Florida State Senate, and the United States Senate. He also served as Governor of Florida. As a U.S. senator, Senator Graham also served on the Senate Select Committee on Intelligence for more than 10 years, and as chairman of that committee between June 6, 2001 and January 3, 2003. He co-chaired the Joint Inquiry into the Terrorist Attacks of September 11, 2001 by the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (hereafter, the “Joint Inquiry”). Since 2010, he has also served as a member of the CIA External Advisory Board.

14. I found that Sarasota County official property records show that Esam A. Ghazzawi and his wife, Deborah G. Ghazzawi were the owners of the home at 4224 Escondito Circle in 2001. SARASOTA CNTY. PROP. APPRAISER, *2012 Detail Information for Parcel 0113-01-0014*, http://www.sc-pa.com/search/parcel_detail.asp?propid=0113-01-014&year=2012.

15. Esam Ghazzawi reportedly was a Saudi citizen and the director of EIRAD Management Limited. *See* COMPANIES IN THE UK, *EIRAD Management Limited*,

<http://www.companiesintheuk.co.uk/ltd/eirad-management>.

16. Esam Ghazzawi also reportedly then lived in Jeddah, Saudi Arabia. <http://www.dailykos.com/story/2011/09/09/1015098/-Florida-al-Qaeda-fugitive-Esam-Ghazzawi-linked-to-BCCI-and-two-dead-Saudi-Princes>.

17. *The Washington Post* reported on September 9, 2011, that “Esam Ghazzawi’s name arose when investigators of the renowned corrupt bank BCCI were trying to recover assets from Saudi Prince Fahd bin Salman, and the prince argued that his assets were being held in another account under Esam Ghazzawi’s name.” http://www.washingtonpost.com/blogs/the-state-of-nova/post/did-arlington-have-a-more-ominous-link-to-9-11/2011/09/12/gIQASuBCNK_blog.html

18. In addition, I found that Dr. Rachel Ehrenfeld, an expert on terrorism and corruption-related topics, testified before Congress that the Bank of Credit and Commerce International served as “the cash till for Hezbollah, the PLO, HAMAS, Abu Nidal, and other terrorist organizations. BCCI’s chief operating officer was Saudi billionaire, Khalid bin Mahfouz, banker to the Saudi royal family In 1992, Mahfouz paid \$225 million to settle criminal charges against him in New York arising from his control of BCCI.” Testimony of Dr. Rachel Ehrenfeld, Dir., Am. Ctr. For Democracy, House Comm. on the Judiciary: Subcommittee on Commercial & Admin. Law: Hearing on Libel Tourism (Feb. 12, 2009), at 3, *available at* judiciary.house.gov/hearings/pdf/Ehrenfeld090212.pdf.

19. Other Saudi government sources had reported that Prince Fahd bin Salman died suddenly at the age of 46 on July 24, 2001, shortly before the 9/11 attacks. ROYAL EMBASSY OF SAUDI ARABIA, *Prince Fahd bin Salman bin Abdulaziz Dies in Riyadh*, July 25, 2001, <http://www.saudiembassy.net/archive/2001/news/page246.aspx>.

20. Summers asserted in his book that John Kiriakou, a former CIA counterterrorism officer, told him that Abu Zubaydah, a senior Osama bin Laden aide who the United States had captured and waterboarded at least 83 times, named Prince Ahmed bin Salman as one of several Saudi princes who was supporting al-Qaeda. *THE ELEVENTH DAY* at 418–19.

21. After Zubaydah reportedly identified Prince Ahmed bin Salman as supporting al-Qaeda, the Saudi government reported that the Prince died of an alleged heart attack on July 22, 2002. See ROYAL EMBASSY OF SAUDI ARABIA, *Death of Prince Ahmad bin Salman Announced*, July 22, 2002, <http://www.saudiembassy.net/archive/2002/news/Page246.aspx> (reporting the prince's death).

22. Within days of Prince Ahmed bin Salman's reported death, the Saudi government reported that two other Saudi princes whom Zubaydah had named as supporting al-Qaeda also died: Prince Sultan bin Faisal died in an alleged car accident, ROYAL EMBASSY OF SAUDI ARABIA, *Prince Sultan bin Faisal bin Turki Killed in Car Accident*, July 23, 2002, <http://www.saudiembassy.net/archive/2002/news/Page245.aspx> (reporting the prince's death); and 25-year-old Prince Fahd bin Turki died of alleged dehydration in the Saudi desert, ROYAL EMBASSY OF SAUDI ARABIA, *Desert Tragedy Kills Prince Fahd bin Turki bin Saud Al-Kabeer*, July 29, 2002, <http://www.saudiembassy.net/archive/2002/news/Page236.aspx> (reporting the prince's death).

23. All of these reports led me to believe that a strong public interest existed in learning more about the investigation that the FBI had conducted of Saudi nationals residing in Sarasota, Florida shortly before September 11, 2011.

24. I have seen that the home at 4224 Escondito Circle is a three-bedroom luxury

home in the Prestancia gated community.²

25. Sarasota County property records showed that on September 20, 1995, the home was deeded to the Ghazzawis. The records show the Ghazzawis paid \$350,000 for the home. SARASOTA CNTY. PROP. APPRAISER, 2012 *Detail Information for Parcel 0113-01-0014*, http://www.sc-pa.com/search/parcel_detail.asp?propid=0113-01-014&year=2012.

26. In 1995, the Ghazzawis' daughter, Anoud Esam Ghazzawi, married Abdulaziz al-Hijji in Sarasota, Florida. CLERK OF THE CIRCUIT COURT, SARASOTA CNTY, FLA., *Marriage Inquiry Detail*, http://www.clerk.co.sarasota.fl.us/marrapp/marrdtail.asp?tb_searchby=Bride+Name&tb_searchfor=950984++++++.

27. After Anoud Esam Ghazzawi married al-Hijji, the couple lived at 4224 Escondito Circle, according to a neighbor, Larry Berberich, and other current or former Prestancia residents.

28. Berberich told me that he lived in the same gated community as the al-Hijjis, lived at 3900 Losillas Drive in Sarasota, Florida from approximately November 1, 1986 to December 1, 2005, and was the homeowner's association administrator and the head of security for the gated community in which he and the al-Hijjis lived.

29. I learned from Berberich that the license plates of vehicles that had passed through the Prestancia community's north gate in the months before the 9/11 attacks, coupled with the identification documents shown by incoming drivers on request, showed that cars driven by Mohamed Atta, Marwan al-Shehhi, Walid al-Shehri, Ziad Jarrah, and Adnan Shukrijumah had visited 4224 Escondito Circle.

² Prestancia is an area of approximately 500 homes. At the center is the TPC Prestancia private golf club that includes two 18-hole championship golf courses and a 35,000 square-foot clubhouse.

30. Mohamed Atta has been identified by the U.S. Government as the leader of the 9/11 hijack team. According to government reports, the 9/11 hijack team consisted of nineteen individuals for four airplanes. Atta piloted American Airlines Flight 11 into the North Tower of the World Trade Center. JOINT INQUIRY REPORT, S. REP. NO. 107-351, at 435.

31. Walid al-Shehri is reportedly one of five hijackers of American Airlines Flight 11.

32. Marwan al-Shehhi is reportedly the hijacker-pilot of United Airlines Flight 175. Al-Shehhi crashed the plane into the South Tower of the World Trade Center.

33. Ziad Jarrah is reportedly the hijacker-pilot of United Airlines Flight 93. After a passenger uprising, Flight 93 reportedly crashed into a field in a rural area in Somerset County, Pennsylvania.

34. In a wanted poster, the FBI stated Adnan G. El Shukrijumah:

was indicted in the Eastern District of New York in July of 2010 for his alleged role in a terrorist plot to attack targets in the United States and the United Kingdom. The charges reveal that the plot against New York City's subway system, uncovered in September of 2009, was directed by senior Al-Qaeda leadership in Pakistan, and was also directly related to a scheme by Al-Qaeda plotters in Pakistan to use Western operatives to attack a target in the United States. El Shukrijumah is thought to have served as one of the leaders of Al-Qaeda's external operations program.

http://www.fbi.gov/wanted/wanted_terrorists/adnan-g.-el-shukrijumah. The FBI placed a \$5 million bounty on Shukrijumah's head. FBI, *Most Wanted Terrorists: Adnan G. El Shukrijumah*, at http://www.fbi.gov/wanted/wanted_terrorists/adnan-g.-el-shukrijumah.

35. In mid-August 2001, automobile records show the al-Hijjis purchased a new car.

36. Berberich and other neighbors assert that the al-Hijjis, despite their purchase of this new car, departed their home—and this country—abruptly on approximately August 27, 2011, abandoning this new car.

37. Approximately twelve days after the al-Hijjis' reported abrupt departure, al-Qaeda

reportedly carried out the 9/11 attacks, killing approximately 3,000 innocent people. *Official 9/11 Death Toll Climbs by One*, CBS NEWS, Sept. 10, 2009, http://www.cbsnews.com/2100-201_162-4250100.html.

38. Government reports show that on August 25, 2001 or August 26, 2001—between the day that the al-Hijjis purchased their new car and the day that they abruptly left the country—the first of the nineteen 9/11 hijackers purchased a plane ticket for one of the 9/11 planes. *See* THE 9/11 COMMISSION REPORT: FINAL REPORT OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES, at 249 (authorized ed., 2004) (saying August 25); JOINT INQUIRY REPORT, S. REP. NO. 107-351, at 140 (saying August 26).

39. On August 26, 2001, Walid al-Shehri reportedly purchased a plane ticket for American Airlines Flight 11. Stipulation at 72, *United States v. Moussaoui* (No. 01-455-A) (E.D. Va. Mar. 1, 2006), *available at* <http://www.vaed.uscourts.gov/notablecases/moussaoui/exhibits/prosecution/ST00001A.pdf>.

40. On August 28, 2001, Mohamed Atta and Marwan al-Shehhi reportedly purchased their tickets for American Airlines Flight 11 and United Airlines Flight 175, respectively.

41. On August 30, 2001, Ziad Jarrah reportedly purchased a ticket for United Airlines Flight 93. Ziad Jarrah was the second-to-last hijacker to purchase a ticket.

42. Thus, on or about the day that Ziad Jarrah reportedly purchased his ticket for Flight 93, the al-Hijjis reportedly left their luxury home, leaving their newly purchased car in the driveway, along with one or two other cars, a house full of furniture, a refrigerator full of food, clothes in the closet, and an open, empty safe in the master bedroom.

43. A website that allows professionals to publish their contact information shows that Abdulaziz al-Hijji is currently a “Career Counselor at Saudi Aramco” and that he received a

“BS, MIS at the University of South Florida.” LINKEDIN, *Abdulaziz Alhijji*, <http://sa.linkedin.com/pub/abdulaziz-alhijji/12/687/6b3>. Saudi Aramco is the state-owned oil company of the Kingdom of Saudi Arabia.

44. Berberich and other neighbors in the Prestancia subdivision told me that about one month after the 9/11 attacks, the FBI conducted a raid of the abandoned luxury home at 4224 Escondito Circle.

45. The neighbors also told me that the FBI discovered during its fall 2001 raid that the al-Hijjis had abandoned their home, leaving behind cars, furniture, food, clothes, and a safe and the FBI concluded that this warranted further investigation of a possible connection between the al-Hijjis and the Ghazzawis and the 9/11 attacks.

46. Senator Graham told me that during the time the FBI investigation of the al-Hijjis and the Ghazzawis reportedly was taking place, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence were conducting a Joint Inquiry into the activities of the U.S. intelligence community in connection with the 9/11 attacks.

47. According to the final report of the Joint Inquiry, the Committees held nine public hearings and thirteen closed sessions in which classified information was considered. The report further showed the Joint Inquiry staff reviewed almost 500,000 pages of relevant documents from the intelligence community agencies and other sources, conducted approximately 300 interviews, and participated in numerous briefings and panel discussions that involved almost 600 individuals from the intelligence agencies, other U.S. government organizations, state and local entities, and representatives from the private sector and foreign governments.

48. The Joint Inquiry Committees completed their work and issued an 858-page report in December 2002. S. REP. NO. 107-351 (2002). The report reflected that the DOJ and

FBI provided extensive information to the Committees, but the report contained no information concerning the FBI's investigation of the persons residing at 4224 Escondito Circle. The declassified portions of the report noted that FBI Director Louis Freeh testified that the FBI “was able to forge an effective working relationship with the Saudi police and Interior Ministry,” but that some U.S. Government officials “complained to the Joint Inquiry about a lack of Saudi cooperation in terrorism investigations both before and after the September 11 attacks.”

49. In late 2002, House and Senate members involved in the Joint Inquiry reportedly agreed on the inadequacy of the congressional investigation, expressing concern about the time and resources spent on preliminary hearings, press leaks about intelligence failures, and the investigation's narrow focus on intelligence failures. Victoria S. Shabo, Note, “*We Are Pleased To Report that the Commission Has Reached Agreement with the White House*”: *The 9/11 Commission and Implications for Legislative-Executive Information Sharing*, 83 N.C. L. REV. 1037, 1042 (2005). The Congress and the White House, according to the law review article, then designated a ten-member bipartisan commission—the National Commission on Terrorist Attacks upon the United States (hereafter, the “9/11 Commission”).

50. The 9/11 Commission then was directed by law to investigate “facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to intelligence and law enforcement agencies. Pub. L. 107-306 (Nov. 27, 2002). The Commission reviewed more than 2.5 million pages of documents and interviewed more than 1,200 individuals in 10 countries. 9/11 Commission Report at xv. (available at www.9-11commission.gov/report/911Report.pdf).

51. I have been told that in 2003, Anoud al-Hijji and Deborah Ghazzawi returned to

Sarasota and were interrogated by FBI.

52. I also have been told that the FBI asked Sarasota lawyer Scott McKay in 2003 to attempt to convince Esam Ghazzawi to return to the United States to sign documents as a ploy so that the FBI could interrogate Ghazzawi, but that the ploy failed when Ghazzawi refused and instead signed the documents at the American consulate in Beirut.

53. A Florida Department of Law Enforcement report which is attached as Exhibit 1 shows that on April 7, 2004, FBI agent Leo Martinez participated in an interview of Wissam Taysir Hammoud and that Hammoud spoke of his association with Abdulaziz al-Hijji.

54. The report states Hammoud said he met al-Hijji through his own relatives in Sarasota in 1996, that al-Hijji was “a heavy drinker and smoker of cannabis, however very well schooled in Islam.

55. The report further stated that Hammoud said he had visited al-Hijji at his home in Sarasota prior to September 11, 2001, that al-Hijji spoke about taking flight training at the Venice Airport at that time, that Osama Bin Laden was a hero of al-Hijji, and that al-Hijji would speak of going to Afghanistan and becoming a freedom fighter or Mujahedin and wanted Hammoud to join him.

56. The 9/11 Commission issued its report on July 22, 2004. A page and a half of the report was devoted to “Flights of Saudi Nationals Leaving the United States.” It stated the Commission found no evidence that any flights of a Saudi national took place after the 9/11 attacks and before the reopening of national airspace on September 13, 2001, or political intervention to facilitate Saudi departures. The report also stated that the Commission believed that “the FBI conducted a satisfactory screening of Saudi nationals who left the United States on charter flights.” 9/11 Commission Report at 329-30.

57. The 9/11 Commission Report contained no mention of the FBI investigation of the persons residing at 4224 Escondito Circle.

58. During the decade-long period that elapsed from the date the FBI initiated its investigation of the persons residing at 4224 Escondito Circle to the date the Broward Bulldog first reported about the investigation, the FBI maintained its silence about its investigation to the best of my knowledge and belief.

59. On Friday September 9, 2011, FBI Special Agent Michael D. Leverock in Miami issued the following statement which was forwarded to me:

With respect to recent reports about the Sarasota area, there is no new information related to the 9/11 hijackers. During the course of the 9/11 investigation, the FBI followed up on numerous leads and tips, to include interviews and searches, most of which, including this one, were resolved and determined not to be related to any threat nor connected to the 9/11 plot. All of the documentation pertaining to the 9/11 investigation was made available to the 9/11 Commission and the JICI.

I have attached a copy of this correspondence as Exhibit 2.

60. Tampa Congresswoman Kathy Castor, whose district includes Sarasota, reacted to the disclosure of the FBI investigation by calling on the U.S. House of Representatives Intelligence Committee to investigate why the FBI did not disclose to Congress information it learned about the Saudi couple at 4224 Escondito Circle. Dan Christensen, *U.S. Rep. Castor Calls for Investigation of 9/11 Sarasota Connection; Graham Prods White House*, BROWARD BULLDOG, Sept. 13, 2012 at <http://www.browardbulldog.org/2011/09/u-s-rep-castor-calls-for-investigation-of-sarasota-911-connection-graham-talks-to-white-house/>. “One of the great criticisms of the pre-9/11 intelligence operations,” Congresswoman Castor wrote in her letter to the Committee, “was the lack of cooperation and information sharing among agencies.” She encouraged the Committee “to investigate the matter and determine exactly what was investigated and reported to Congress in 2001 and during the years of inquiry thereafter

regarding these individuals.”

61. I learned from Susan Taylor Martin, a reporter for the Tampa Bay Times, that on September 15, 2011, Dave Couvertier, special agent and public affairs officer in the Tampa Field Office of the FBI, e-mailed her a statement providing a further comment regarding the Sarasota Saudis investigation by FBI Special Agent in Charge Steven E. Ibison. The statement acknowledged that the “FBI did follow up on the information about suspicions surrounding the referenced Sarasota home and family, Family members were subsequently located and interviewed.” It also asserted that “At no time did the FBI develop evidence that connected the family members to any of the 9/11 hijackers as suggested in the article, and there was no connection found to the 9/11 plot.” It added that “all of the documentation regarding the 9/11 investigation was made available to the 9/11 Commission and the JICI.” In December 2012, I contacted Martin and asked her to send me a copy of the FBI statement that she received and she then sent me the email together with a reaction to it she received from Rep. Castor. A copy is attached to this declaration as Exhibit 3.

62. I contacted Senator Graham to ask him if he could confirm that the FBI had made available all of the documentation regarding its 9/11 investigation to the Joint Inquiry and the 9/11 Commission. Graham told me that the FBI’s statement was “total B.S.” and I reported that the following day. Dan Christensen, *FBI Says Again it Found No Ties Between Sarasota Saudis and 9/11 Hijackers; Won’t Release Details*, BROWARD BULLDOG, Sept. 16, 2011 at <http://www.browardbulldog.org/category/911/>. Graham said the FBI never disclosed its probe of the Sarasota Saudis to Congress, but should have. Senator Graham also told me that the news about Sarasota “opens the door to a new chapter of investigation as to the depth of the Saudi role in 9/11.” Anthony Summers & Dan Christensen, *FBI Found Direct Ties Between 9/11 Hijackers*

and Saudis Living in Florida; Congress Kept in Dark, BROWARD BULLDOG, Sept. 8, 2011 at <http://www.browardbulldog.org/2011/09/fbi-found-direct-ties-between-911-hijackers-and-saudis-living-in-florida-congress-kept-in-dark/>.

63. Rep. Lee Hamilton, co-chair of the 9/11 Commission, also said he was not aware of the FBI's Sarasota investigation. Senator Graham stated that he spoke with numerous other people involved with the joint inquiry and the 9/11 Commission who told him they had not heard of the FBI investigation either. I reported this on BrowardBulldog.com. Dan Christensen & Anthony Summers, *Graham: FBI's Public Statements Are In Conflict With Still Secret Records of Sarasota 9/11 Probe*, BROWARD BULLDOG, Feb. 20, 2012 at <http://www.browardbulldog.org/2012/02/graham-fbis-public-statements-are-in-conflict-with-still-secret-records-of-sarasota-911-probe/>.

64. Senator Graham advised me that he made efforts to verify FBI claims that it had disclosed the Sarasota investigation to Congress. Specifically, he requested assistance from the FBI in locating the Sarasota-related files from the National Archives. After a few months he said it became apparent that the FBI was "unwilling or unable" to help find the records, but that ultimately the FBI showed him two files that appeared to him to contradict the FBI's public statements concerning its Sarasota investigation.

65. Published reports regarding the FBI investigation, the FBI's acknowledgment of the investigation, and the FBI's failure to disclose its investigation to the 9/11 Commission and the Joint Inquiry, links between the al-Hijji and Ghazzawi families and the Saudi royal family, and deaths of Saudi family members shortly before and after the 9/11 attacks have created the appearance that the FBI may have concealed from Congress important information regarding possible participants in the 9/11 attacks in order to avoid implicating high-ranking leaders of

Saudi Arabia, a critical ally of the United States in the 9/11 attacks on the United States.

66. By letter to the FBI dated September 26, 2011, I submitted a Freedom of Information Act (“FOIA”) request for myself and Broward Bulldog, Inc. “copies of all FBI 302 reports about the matter, as well as all related investigative reports or FBI memos or correspondence. Likewise, [plaintiffs] request[ed] copies of reports or information the FBI obtained about the Al-Hij[j]is and/or the Ghazzawis from any foreign law enforcement organization or intelligence service, to include Saudi intelligence.” The letter is attached to the complaint as Exhibit 2.

67. By letter to me dated October 6, 2011, the FBI requested more information. The letter is attached as Exhibit 3 to the complaint.

68. By letter to the FBI dated October 27, 2011, I provided the additional information requested. I explained that “[r]elease is justified because the attacks are a matter of intense public interest and this material ‘is likely to contribute significantly to public understanding.’” Plaintiffs requested expedited processing. The letter is attached as Exhibit 4 to the complaint.

69. By letter to me dated November 7, 2011, the FBI denied my request for expedited processing. The letter is attached as Exhibit 5 to the complaint.

70. By letter to the Office of Information Policy dated November 20, 2011, I appealed for myself and Broward Bulldog, Inc. the FBI’s denial of expedited processing. The letter is attached as Exhibit 6 to the complaint.

71. By letter to me dated December 22, 2011, the FBI granted my request for expedited processing. The letter is attached as Exhibit 7 to the complaint. The FBI cited 28 C.F.R. § 16.5(d)(1)(ii) and (iv). Section 16.5(d)(1)(ii) permits expedition when there is “[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a

person primarily engaged in disseminating information,” and § 16.5(d)(1)(iv) permits expedition when there is “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.”

72. By letter to me dated February 7, 2012, the FBI denied the request I had made for myself and Broward Bulldog, Inc. for information, citing only FOIA Exemptions 6 and 7C, 5 USC §§552(b)(6) & (b)(7)(C). The letter is attached as Exhibit 8 to the complaint.

73. I thereafter appealed the FBI’s denial of their request. The appeal letter is attached as Exhibit 9 to the complaint.

74. By letter to me dated May 23, 2012, the Office of Information Policy denied our appeal, citing only FOIA Exemptions 7C, 5 USC §§552(b)(7)(C), and not Exemption 6. The letter is attached as Exhibit 10.

75. I commenced this lawsuit on September 5, 2012 (DE-1). The defendants appeared by motion to dismiss on December 3, 2012 (DE-6).

76. The defendants asserted in their initial disclosures filed in on January 9, 2013 (DE-12): “defendants have not located any records responsive to plaintiffs’ request.”

77. On March 28, 2013, however, the Department of Justice sent me a supplemental response (DE 25-2 Ex. K) to my October 27, 2011, FOIA request to which it previously had responded by producing no documents and by asserting that any documents that would be responsive would be protected by the privacy exemptions of (b)(6) and (b)(7)(C). The response indicated that the Department 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. The supplemental response relied for several of the redactions on FOIA exemptions not previously asserted, including the (b)(1) and (b)(3) exemptions for records classified as

Secret by an Executive Order and documents required to be kept confidential by the National Security Act of 1947.

78. That response did not explain why the defendants had not previously located these documents or why the Department had not previously asserted exemptions that would apply only if disclosure of the records would be harmful to national security interests. The response also provided no explanation of how disclosure of the documents conceivably could harm national security interests if, at the FBI publicly had asserted, the investigation of 4224 Escondito Circle had found no credible evidence of connections to the events of September 11, 2001.

79. The documents produced did not include the financial documents that Weist had delivered to the FBI, the gatehouse records that showed that the terrorists had visited the Prestancia subdivision, any inventory that law enforcement agents had taken of items found at the Escondito home, the interview conducted of Wissam Hammoud regarding Abdulaziz al-Hijjis allegiance to Osama bin Laden or his interest in becoming a freedom fighter in Afghanistan, or any other records reflecting that the FBI had conducted a diligent investigation of the many connections that it found between the Ghazzawis, the al-Hijjis and the terrorist activities of September 11, 2001.

80. In order to ascertain whether the defendants in fact conducted a good faith search for records responsive to my FOIA request, I propounded to the defendant on May 20, 2013, a set of interrogatories and a request for production of documents within the time allowed by the Court's pretrial order for such discovery. A copy of those interrogatories and the request for production are attached to this declaration as Exhibit 4. Answers and responses are not due until June 19, 2013. I propounded this discovery as soon as possible after the defendants moved for summary judgment on May 13, 2013, and I had had an opportunity to evaluate the nature of the

search that the defendants claimed that they had made in the 33-page declaration of David M. Hardy. His declaration leaves many questions concerning the nature of the search unanswered.

Declarant said nothing further. Executed in Broward County, Florida on of May 31, 2013.

s/Dan Christensen

Dan Christensen

Exhibit C

Declaration of D. Robert Graham in
Case No. 12-61735-Civ-Zloch (S.D. Fla.)

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-61735-Civ-Zloch

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.)
_____)

Declaration of D. Robert Graham

D. Robert Graham, pursuant to 28 U. S. C. § 1746, hereby declares under penalty of perjury as follows:

1. My full name is Daniel Robert “Bob” Graham.
2. I have personal knowledge of the facts set forth in this declaration.
3. From 1966 through 1970, I served as a member of the Florida State House of Representatives and from 1970 through 1978, as a Member of the Florida State Senate. Between 1979 and 1987, I served as Governor of the State of Florida.
4. From January 3, 1987 to January 3, 2005, I served as a United States Senator for the State of Florida. During my tenure as a United States Senator, I served on the Senate Select

Committee on Intelligence for ten (10) years, and as Chairman of that Committee between June 6, 2001 and January 3, 2003.

5. In my capacity as Chairman of the Senate Select Committee on Intelligence, I co-chaired the Joint Inquiry of the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence into intelligence community activities before and after the terrorist attacks of September 11, 2001 (the "Joint Inquiry").

6. Following my retirement from the Senate, I served for one year as a senior fellow at the Kennedy School of Government. Thereafter, from May 2008 to February 2010, I served as Chairman of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, whose mandate was to build on the work of the National Commission on Terrorist Attacks Upon the United States (the "9/11 Commission").

7. I also served as a Commissioner on the Financial Crisis Inquiry Commission, established by Congress in May 2009 to examine the global and domestic causes of the financial crisis. On May 21, 2010, President Barack Obama appointed me as Co-Chair of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

8. From 2010-2012, I have served as a member of the Central Intelligence Agency External Advisory Board.

9. I am the Chair of the Board of Overseers of the Graham Center for Public Service at the University of Florida, and the author of numerous books and articles, including *Intelligence Matters: The CIA, the FBI, Saudi Arabia and the Failure of America's War on Terror* (Random House, 2004).

10. I submit this declaration on behalf of the Plaintiffs, based on my experiences as a long-time Member of the Senate Select Committee on Intelligence and Co-Chair of the Joint

Inquiry, descriptions of activities in the Final Report of the 911 Commission and other reports and published materials.

11. In February 2002, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence agreed to conduct a Joint Inquiry into the activities of the U.S. intelligence community in connection with the terrorist attacks perpetrated against our nation on September 11, 2001. The Committees' decision was unprecedented in congressional history: for the first time, two permanent committees, one from the House and one from the Senate, would join together to conduct a single, unified inquiry.

12. The three principal goals of the Joint Inquiry were to:

- Conduct a factual review of what the intelligence community knew or should have known prior to September 11, 2001, regarding the international terrorist threat to the United States, to include the scope and nature of any possible international terrorist attacks against the United States and its interests;
- Identify and examine any systemic problems that may have impeded the intelligence community in learning of or preventing these attacks in advance; and
- Make recommendations to improve the intelligence community's ability to identify and prevent future international terrorist attacks.

13. The Joint Inquiry had the specific charter to review the activities of the Intelligence Community and was limited to approximately one year's duration. The Joint Inquiry completed its work with the submission of a Final Report to Congress on December 20, 2002. A copy of the declassified version of the Final Report is attached as Exhibit A.

14. At the beginning of the investigation in February 2002, each of the intelligence agencies, including the FBI was asked to provide all information that the agencies possessed.

15. During the course of the Joint Inquiry, the Committees held nine public hearings and thirteen closed sessions in which classified information was considered. In addition, the Joint

Inquiry Staff has reviewed almost 500,000 pages of relevant documents from the Intelligence Community agencies and other sources, of which about 100,000 pages were selected for incorporation into the Joint Inquiry's records.

16. The Staff also conducted approximately 300 interviews, and participated in numerous briefings and panel discussions, that involved almost 600 individuals from the Intelligence Community agencies, other U.S. Government organizations, state and local entities, and representatives of the private sector and foreign governments.

17. As part of the Joint Inquiry, the Inquiry staff conducted an intensive investigation into the details of the 9/11 plot, the activities of the 19 hijackers, and the existence of a network of support that allowed them to carry out the September 11, 2001, attacks.

18. The Joint Inquiry considered testimony from many witnesses from the FBI including Director Robert Mueller; Deputy Assistant Director for Counterterrorism and Counterintelligence James Caruso; Financial Review Group Section Chief Dennis Lorme; Special Agent Michael Rolince; Deputy General Counsel M.E. Bowman; Former Director Louis Freeh; and Executive Assistant Director Pasquale D'Amoro.

19. In addition, the Joint Inquiry heard from or interviewed numerous FBI employees and agents throughout the United States and the world.

20. To the best of my knowledge and belief, none of the FBI employees or agents with whom the Joint Inquiry had contact advised the Joint Inquiry that the FBI had conducted any investigation of the persons living at 4224 Escondito Circle in a gated community known as Prestancia in Sarasota, Florida or specifically of Abdulaziz al-Hijji, his wife Anoud, or his father-in-law and mother-in-law Esam and Deborah Ghazzawi.

21. I initially learned that the FBI had conducted such an investigation when Anthony Summers and Dan Christensen contacted me on Sunday, September 4, 2011 to let me know that they were planning to publish a report about the FBI investigation that had commenced soon after the September 11, 2001 attacks. I was surprised to learn of this FBI investigation because the Joint Inquiry had instructed the FBI to provide it with all information relative to the 9/11 tragedy. Mr. Christensen's comments were the first time that I was made aware of a 9/11 related investigation in Sarasota.

22. Mr. Summers and Mr. Christensen advised me that they had learned that a neighbor of the al-Hijjis, Patrick Gallagher, had sent an email to the FBI on September 11, 2001, expressing his suspicions concerning the al-Hijjis, and that agents quickly arrived and conducted a comprehensive investigation. According to Mr. Christensen, Jone Weist, president of the group that managed Prestancia, confirmed the arrival of the FBI and said that the FBI had requested copies of the al-Hijjis' financial transactions involving the home at 4224 Escondido Circle. Mr. Christensen also advised me that Larry Berberich, senior administrator and security officer of the gated community known as Prestancia and an adviser to the Sarasota County sheriff, reported to law enforcement that the al-Hijjis left the home at 4224 Escondido Circle on or about August 30, 2001, apparently abandoning the home; all of its contents including food, clothing, and furnishings; and three recently registered vehicles. Mr. Christensen further said that agents apparently found phone records and Prestancia gate records linking the house on Escondido Circle to the September 11 hijackers.

23. I told Mr. Christensen that at the beginning the Joint Inquiry's investigation in February 2002, each of the intelligence agencies, including the FBI, was asked to provide all information that the agency possessed in relation to 9/11. I also told him that FBI's failure to tell

the Inquiry about the Sarasota investigation was similar to its failure to provide information linking the September 11 hijackers to other Saudis in California. Investigators from the Joint Inquiry themselves discovered the California relationship.

24. The 28-page section of the Inquiry's Final Report dealing with "sources of foreign support for some of the Sept. 11 hijackers," remains classified to this day even though declassification would not, in my opinion, endanger national security.

25. The Joint Inquiry turned over the records it had accumulated to the National Commission on Terrorist Attacks Upon the United States ("the 9/11 Commission") which was created by Congress and the President on November 27, 2002.

26. The 9/11 Commission completed its work on July 22, 2004 with the completion of "The 9/11 Commission Report." A copy of the report is attached as Exhibit B. The 9/11 Commission Report stated that the 9/11 Commission had "found no evidence that the Saudi government as an institution or senior Saudi officials individually funded al Qaeda. (This conclusion does not exclude the likelihood that charities or commercial entities with significant Saudi government sponsorship or less than senior Saudi officials individually diverted funds to al Qaeda.)" Exhibit B at 171. This statement from the report underscores that the 9/11 Commission was not provided with the information regarding the FBI's Sarasota investigation.

27. It appears to me that the FBI was not forthcoming with the Joint Inquiry regarding its Sarasota investigation.

28. Mr. Christensen advised me on Saturday, September 10, 2011, that on Friday, September 9, 2011, FBI Special Agent Michael D. Leverock in Miami had issued a public statement confirming the existence of its Sarasota investigation, that the investigation was resolved and determined not to be related to any threat nor connected to the 9/11 plot, and that all

of the documentation pertaining to the 9/11 investigation was made available to the 9/11 Commission and the Joint Inquiry.

29. This assertion by the FBI was not credible because no one who I had spoken to with the Joint Inquiry said that the Inquiry had received any information on the FBI's Sarasota investigation. See Paragraphs 42 and 43 regarding my further research on this point.

30. I told Mr. Christensen the FBI's recent statement was further evidence that the U.S. government is concealing information about possible Saudi involvement in the September 11 attacks.

31. In September 2011, I personally asked John Brennan, the President's Chief of Counterterrorism, to ask the President to look into the FBI's Sarasota investigation. An assistant to Mr. Brennan, David Turk, responded to my request with an e-mail indicating that Mr. Brennan had asked the FBI about my inquiry and was told that the 9/11 Commission was well aware of the Sarasota house/occupants and chose not to include it in the final 9/11 Commission report because it didn't stick to the wall. I was disappointed and somewhat surprised. The White House accepted, without independent verification, what the FBI said in spite of the FBI's reputation for not being as transparent as it should be in areas where there are no national security concerns.

32. Mr. Christensen advised me that on Thursday, September 15, 2011, Stephen E. Ibison, FBI special agent in charge of the Tampa Field Office, issued this further statement:

In order to address allegations reported in a September Miami Herald article, Link to 9/11 hijackers found in Sarasota, the FBI is furnishing the following statement to correct the public record. The FBI did follow up on the information about suspicions surrounding the referenced Sarasota home and family. Family members were subsequently located and interviewed. At no time did the FBI develop evidence that connected the family members to any of the 9/11 hijackers as suggested in the article, and there was no connection found to the 9/11 plot. The anonymous "counterterrorism officer" cited in the article apparently was not

an FBI agent and had no access to the facts and circumstances pertaining to the resolution of this lead, otherwise this person would know this matter was resolved without any nexus to the 9/11 plot. Finally, all of the documentation regarding the 9/11 investigation was made available to the 9/11 Commission and the JICI.

33. The files compiled by the Joint Inquiry are maintained by the United States Senate. Soon after learning that the FBI apparently claimed to have turned over the files regarding its Sarasota investigation to the Joint Inquiry, I asked James A. Wolfe, security director for the Senate Intelligence Committee and the custodian of the records of the Joint Inquiry, to let me know whether the Joint Inquiry's files contained any records that the FBI had given the Joint Inquiry concerning its Sarasota investigation.

34. Mr. Wolfe advised me that he contacted the FBI to request file numbers and dates for the FBI files regarding the Sarasota investigation, that he obtained file numbers and dates from the FBI, that he reviewed the identified Joint Inquiry files, and that he concluded that those Joint Inquiry files did not in fact contain records regarding the FBI's Sarasota investigation.

35. Mr. Wolfe also advised me, however, that the FBI then provided to him two files, one dated April 16, 2002, and the other dated September 16, 2002, both of which were five pages or less, which did reflect information concerning the FBI's Sarasota investigation. Mr. Wolfe had not requested these specific files from the FBI. Instead, he had asked for direction that would facilitate his locating information which was already in the files of the Joint Inquiry.

36. I reviewed those documents and concluded that they contradicted the FBI's public statements concerning its Sarasota investigation. To me, the documents reflected that the investigation was not a robust inquiry concerning suspicions related to Saudi nationals who resided in Sarasota before September 11, 2001, that an important investigative lead was not pursued, and that unsubstantiated statements were accepted as true. One of the documents

reflected that an FBI agent suggested that another federal agency should be asked to join the investigation, but that the idea was rejected.

37. I shared this information with the White House which responded by setting up a meeting between me and FBI Deputy Director Sean Joyce during the week of Thanksgiving, 2011.

38. At that meeting, Joyce acknowledged that the FBI files that I had reviewed appeared to contradict the FBI's public statements concerning its Sarasota investigation, but he said that other FBI files would place those files in context and show that the FBI's public statements concerning the Sarasota investigation were correct.

39. I asked Joyce if I could review the other files that he referenced. He assured me that I would be shown those additional files. He asked a female FBI agent who was attending the meeting to provide those additional files to me.

40. In December 2011, the scheduled meeting at which I was to review the additional FBI files was canceled and I was told that I would be allowed no further access to FBI information about Sarasota.

41. I have learned that the FBI agent who was responsible for the Sarasota investigation has been transferred by the FBI to Honolulu, Hawaii. I called his office in Hawaii twice to attempt to ask him questions about the FBI's Sarasota investigation. On neither occasion was he available to speak with me. I left messages asking him to call me. He has not to date returned my calls. Mr. Joyce has advised me that he instructed the agent not to speak with me.

42. I have contacted the co-chairs of the 9/11 Commission, Republican Thomas Kean and Democrat Lee Hamilton and I have asked them if the 9/11 Commission ever learned of the

FBI's Sarasota investigation. Both advised me that they were unaware of it. Kean told me that if the 9/11 Commission had learned of the Sarasota investigation it would have worked it hard because it seemed implausible that the hijackers had completed the planning of the September 11 attacks alone. Phil Zelikow, the 9/11 Commission's executive director, also told me that the 9/11 Commission did not receive any documents from the FBI concerning the Sarasota investigation.

43. I also contacted Porter Goss, chairman of the U.S. House of Representative Permanent Select Committee on Intelligence in 2002 and co-chair with me of the Joint Inquiry, and Eleanor Hill, staff director of the Joint Inquiry to ask them if he ever had become aware of the FBI's Sarasota investigation. They said they had no awareness of that investigation.

44. I am troubled by what appears to me to be a persistent effort by the FBI to conceal from the American people information concerning possible Saudi support of the September 11 attacks.

45. I have been advised that the plaintiffs in this lawsuit submitted a Freedom of Information request to the FBI on October 27, 2011 requesting a search of the FBI's indices to the Central Records System and the filings system of the bureau's Tampa field office for information pertaining to an anti-terrorism investigation regarding activities at the residence at 4224 Escondito Circle, in the Prestancia development near Sarasota, Florida prior to 9/11/2001.

46. I have been further advised that the request specified that the activities involve apparent visits to that address by some of the deceased 9/11/hijackers, that the FBI investigation began in the fall of 2001 and continued into at least 2003, and that local FBI officials had said the investigation was closed. I also understand that the request sought copies of all FBI 302 reports about the matter as well as related investigative reports or FBI memos or correspondence – including the FBI's findings and conclusions as to what happened at that address, and reports,

information or summaries obtained about the matter from any foreign law enforcement organization or intelligence services, to include Saudi intelligence.

47. The two documents shown to me by the FBI dated April 16, 2002, and September 16, 2002, and referenced in paragraphs 35 and 36 above are responsive to the plaintiffs' FOIA request and they reflect that the FBI should have additional responsive documents to the plaintiffs' FOIA request.

48. By virtue of my service as co-chair of the Joint Inquiry and my many years of service in the United States Senate, I have become familiar with the nature of the documentation that the FBI creates in connection with investigations such as the Sarasota investigation described herein. An investigation of that type leads to the creation in the ordinary course of the operation of the FBI of numerous records showing the initial reports made to law enforcement agents, investigations conducted relating to the initial reports, field investigations of the reports, statements taken by witnesses, documents collected from witnesses, and analyses of the raw data and information that it collected. In light of this pattern and practice of the FBI, it is entirely implausible that the FBI did not create or would not now be able to locate documents of this type that are responsive to the plaintiffs' Freedom of Information Act request in this case.

49. I began preparation of this declaration at the request of the plaintiffs in January, 2013, after the defendants filed initial disclosures on January 9, 2013 (DE-12), stating that they "have not located any records responsive to the plaintiffs' [FOIA] request." Before I completed the declaration, plaintiffs advised me that on March 28, 2013, the Department of Justice advised them that, contrary to the initial disclosures, it had located 35 pages of documents responsive to their request, that it was withholding four pages of those documents, and that it was producing the remaining 31 pages, after certain information in them had been redacted.

50. Plaintiffs provided me a copy of the 31 pages produced to them and I reviewed them. Only one of the two documents I have referenced in paragraphs 35 and 36, the document dated April 16, 2002, was included in the documents produced to the plaintiffs on March 28, 2013. That document is numbered SARASOTA-5-6. The September 16, 2002, document that the FBI showed me was not produced to the plaintiffs.

51. The documents that were produced on March 28, 2013, not only do not contain one of the documents shown to me by the FBI, they also do not appear to be the full record of the FBI investigation that was conducted. Once the FBI had found “many connections” between the persons under investigation and individuals associated with the September 11, 2001, terrorist attacks, see SARASOTA-5-6, the FBI should have taken statements from all persons who knew those persons, should have obtained the gatehouse records of the Prestancia subdivision where 4224 Escondito Circle is located, should have compared the license plates on vehicles that the FBI had reason to believe that the terrorists used with photographs that were taken of license tags of vehicles that passed through the Prestancia gatehouse, should have obtained financial records showing how homeowners association fees were paid, and should have created inventories of property taken from the home, at a minimum. On a matter of this magnitude and significance, my expectation is that the FBI would have hundreds or even thousands of pages of documents relating to the 4224 Escondito Circle investigation, and that those documents would be well indexed and easily retrievable to this day. As is apparent from the small number of documents released, this was not an investigation of run-of-the-mill criminal matters. It related to matters of paramount national importance.

52. The released documents bearing page numbers SARASOTA-5-6 and SARASOTA-34-35 state that the FBI found “many connections” between the persons under

investigation and “individuals associated with the terrorist attacks on 9/11/2001.” Any FBI investigative document making such an observation should have been provided immediately to the Joint Inquiry and called specifically to its attention, not left buried in a mountain of other documents. Documents of this type have a direct bearing on the critical issues of whether the 19 individuals who are known to have carried out the attacks on September 11, 2001, did so with the support of a significant network of others living in the United States and, if so, whether our law enforcement agencies have taken appropriate actions against those other persons and to prevent them from supporting other terrorist attacks in the future.

53. The FBI was aware that the Joint Inquiry had been charged with (1) conducting a factual review of what the intelligence community knew or should have known prior to September 11, 2001; (2) identifying and examining any systemic problems that may have impeded the intelligence community in learning of or preventing these attacks in advance; and (3) making recommendations to improve the intelligence community's ability to identify and prevent future international terrorist attacks. The FBI's failure to call documents finding “many connections” between Saudis living in the United States and individuals associated with the terrorist attacked to the attention of the Joint Inquiry interfered with the Inquiry's ability to complete its mission.

54. In a letter to Sen. Patrick Leahy of Vermont dated November 22, 2011, produced to the plaintiffs and marked as SARASOTA-3-4, the Department of Justice asserted that “records concerning the Sarasota matter . . . were . . . available to congressional investigators,” the “FBI is unable to ascertain whether these investigators reviewed records concerning the Sarasota family,” and the “FBI has not identified any specific requests made by the investigators concerning the Sarasota family.”

55. These statements are troubling and they raise many questions concerning why the FBI proceeded as it did. Most FBI records are theoretically “available” to congressional investigators, but as a practical matter records of an FBI investigation about which Congress has no knowledge are effectively concealed unless brought forward by the FBI because investigators lack information needed to formulate a specific request for them.

56. Public disclosure of all records of the FBI’s Sarasota investigation now would shed much light on why the FBI acted as it did and would allow the public to evaluate whether the FBI reacted appropriately to the important evidence that it found.

57. I am unaware of any national security interests that would be harmed by disclosure of the records of the investigation or of any other interests that would warrant maintaining the confidentiality of these records at this time. In fact, disclosures should serve our national security interests by showing what actions the FBI took or failed to take once it found connections between persons under investigation in Sarasota, Florida, and individuals associated with the September 11 attacks.

Declarant says nothing further. Executed in Hingham, Massachusetts on May 31, 2013.

s/ D. Robert Graham
D. Robert Graham

Exhibit D

Declaration of Larry Berberich in
Case No. 12-61735-Civ-Zloch (S.D. Fla.)

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-61735-Civ-Zloch

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.)
_____)

Declaration of Larry Berberich

Larry Berberich, pursuant to 28 U. S. C. § 1746, hereby declares under penalty of perjury as follows:

1. My name is Larry Berberich.
2. I have personal knowledge of the facts set forth in this declaration.
3. During the period from January 2000 through December 2005, I resided at 3900 Losillias Drive in the Prestancia subdivision of Sarasota, Florida. The property is about one half a mile from 4224 Escondito Circle in the same subdivision.

4. During that same period, I served as a senior administrator and security officer for the Prestancia Community Association. I also served as an advisor to the Sarasota Sheriff's Department at that time.

5. As a security office for Prestancia, I had responsibility for the operation of the two gates allowing entrance into and exit from the Prestancia subdivision. People entering the subdivision were required to identify themselves by name and by the name of the resident that they would be visiting. The guards were instructed to admit residents and guests who had been approved by residents. The guards also were instructed to allow entry to properly identified law enforcement officers.

6. Within a few weeks after September 11, 2001, I observed law enforcement officers within the Prestancia subdivision. Guards at the gates advised me that these officers had identified themselves as agents for the FBI.

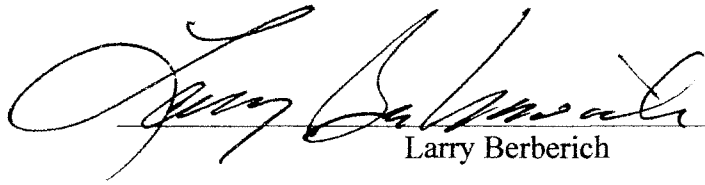
7. After September 11, 2001, I communicated with the Sheriff's Office of Sarasota County, Florida concerning the law enforcement investigation that was taking place of the owners and residents of 4224 Escondito Circle. The Sheriff's Office advised me that it was working with the FBI in connection with the investigation.

8. The Sheriff's Office advised me that it wished to obtain entrance into the home at 4224 Escondito Circle as soon as possible. Employees of the Sheriff's Office and I entered the property within several weeks after September 11, 2001, and we found that there was mail on the table, dirty diapers in one of the bathrooms, that all of the toiletries were still in place, and that the refrigerator was full of food as if the residents had just gone shopping before leaving. It also appeared to us that a computer had been removed from the home because a USB cord and a power cord for a computer remained in place at what appeared to be a station for a computer.

We also found a safe in the home had been emptied and it appeared that a computer had been removed from the property.

9. The Sheriff's Office removed from the home at 4224 Escondito Circle a telephone and a telephone answering machine.

Declarant said nothing further. Executed in Sarasota, Florida this 20 day of January, 2013.



Larry Berberich

Exhibit E

Declaration of Jone Barlow Weist in
Case No. 12-61735-Civ-Zloch (S.D. Fla.)

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-61735-Civ-Zloch

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.)

Declaration of Jone Barlow Weist

Jone Weist, pursuant to 28 U. S. C. § 1746, hereby declares under penalty of perjury as follows:

1. My name is Jone Barlow Weist.
2. I have personal knowledge of the facts set forth in this declaration.
3. I am president of Gulfside Islands Corporation, a corporation known until May 15, 2008, as The Barlow Group, Inc. The Barlow Group, Inc. provided property management services during the period from 2000 through 2008 to the Prestancia Community Association, a master association for property near Sarasota, Florida, and the Estates of Prestancia Homeowners Association which was composed of 85 homes within the Prestancia subdivision. I served as president of The Barlow Group, Inc. at that time.

4. Prestancia is a residential subdivision located between Tampa to the north and Fort Myers/Naples to the south. The subdivision includes two 18-hole Tournament Players Club golf courses and many luxury single-family homes, villas, and low-rise condominiums.

5. Esam Ghazzawi and his wife, Deborah, owned a three-bedroom, 3300-square-foot single-family home in the Prestancia subdivision at 4224 Escondito Circle throughout the time that The Barlow Group Inc. was providing property management services to Prestancia Community Association. Mr. Ghazzawi's daughter, Anoud al-Hijji, and her husband, Abdulaziz al-Hijji, resided in the home at 4224 Escondito Circle until days or weeks prior to September 11, 2001.

6. As president of The Barlow Group, Inc. I had responsibility for collecting maintenance fees from the owners of properties within Prestancia. In connection with that responsibility, I photocopied and filed all checks received from owners and residents before I deposited them in the community association's and homeowners' association's bank accounts.

7. After the terrorist attacks on the United States on September 11, 2001, neighbors of the al-Hijjis on Escondito Circle started calling me to let me know that it appeared as though the al-Hijjis had abandoned their home.

8. Within about two weeks after September 11, 2001, an agent who identified himself as working for the Federal Bureau of Investigation (FBI) contacted me by telephone and asked me to provide any financial records I might have showing how the homeowners' association dues had been paid for the property at 4224 Escondito Circle. I agreed to search for and produce the copies of the checks I had received.

9. Tropical storm Gabrielle passed through the Prestancia subdivision during the weekend after September 11, 2001, causing a lot of damage to houses and trees in the area. The

power was out for a period of time and cable television services was disrupted. This slowed my efforts to locate and reproduce the requested records.

10. In the weeks and months after September 11, 2001, it appeared to me that the Ghazzawis and the al-Hijjis had abandoned their home at Prestancia because there was no apparent activity at the home. Garbage was not placed on the curb. A car in the driveway was not moved. The lawn was not mowed. Irrigation did not run. The water in the pool had turned a dark color.

11. The FBI agent stayed in touch with me through the spring of 2002 as I searched for and found the requested records. I ultimately produced to the FBI by approximately April 2002 copies of monthly and quarterly checks that had been received for payment of the homeowners' association dues on the property at 4224 Escondito Circle. Many of the checks were drawn on New York banks.

12. Neither the Ghazzawis nor the al-Hijjis made homeowners' association payments on the property at 4224 Escondito Circle after September 11, 2001. The account for that property therefore became delinquent.

13. The attorney for the Estates of Prestancia Homeowners Association, Scott McKay, placed a lien on the property and commenced foreclosure proceedings against the Ghazzawis.

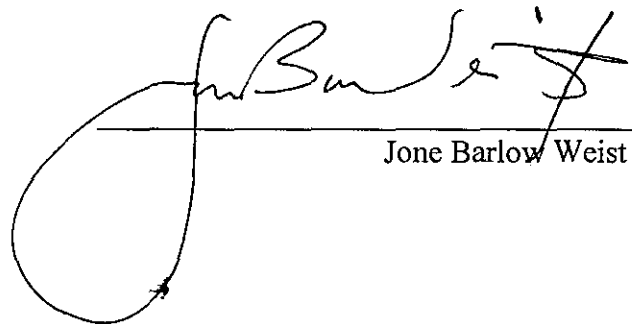
14. The FBI agent who had requested the records from me did not advise me regarding the results of the FBI's investigation.

15. On September 20, 2011, FBI Special Agent Thomas Baugher and FBI Intelligence Analyst William Battle of the Tampa Division of the FBI spoke at a political club event that I attended. I asked them what, if anything, the FBI's investigation relating to 4224

Escondito Circle had discovered. One of the agents told me that he was familiar with the file and that no action was taken or needed to be taken. He did not tell me anything further about the investigation.

16. Dan Christensen advised me on December 16, 2012, that Thomas Baugher was the lead FBI agent conducting an investigation of Wissam Hammoud. Mr. Christensen also told me that Mr. Hammoud told the FBI that Abdulazziz al-Hijji considered Osama bin Laden a hero and introduced Mr. al-Hijji to Adnan El Shukrijumah, a former Miramar, Florida resident and suspected al Qaeda leader. I have no personal knowledge, however, of Mr. Hammoud's interactions with Mr. al-Hijji or regarding Mr. Hammoud or Mr. El Shukrijumah.

Declarant said nothing further. Executed in Sarasota County, Florida on this 12th day of January 2013.



Jone Barlow Weist

Exhibit F

Declaration of Patrick Gallagher in
Case No. 12-61735-Civ-Zloch (S.D. Fla.)

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-61735-Civ-Zloch

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.)
)

Declaration of Patrick Gallagher

Patrick Gallagher, pursuant to 28 U. S. C. § 1746, hereby declares under penalty of perjury as follows:

1. My name is Patrick Gallagher. I have personal knowledge of the facts set forth in this declaration
2. I have resided with my family at 4186 Escondito Circle in the Prestancia subdivision near Sarasota, Florida since 1998.
3. My home on Escondito Circle is immediately adjacent to the home at 4224 Escondito Circle.
4. Abdulaziz and Anoud al-Hijji and their children lived in the home at 4224 Escondito Circle from approximately the time that I first moved into my home next door to them,

although I did not learn the names of the family until after September 11, 2001.

5. I met Mr. al-Hijji on one occasion before September 11, 2001, and helped him repair his lawn sprinkler system.

6. I had heard from other neighbors that Anoud al-Hijji was part of the Saudi royal family, but I do not have any personal knowledge of whether this is true.

7. On September 3, 2001, Labor Day, I went out to pick up my paper and saw trash in front of the home at 4224 Escondito Circle. I asked another neighbor what all the mess was about. She said that she had seen the family and learned from them that they were moving to Saudi Arabia. She said they had moved over the Labor Day weekend. She also said they told her that they would be putting their home on the market and would send others to take care of their things that remained in the home.

8. On September 11, 2001, I learned about the terrorist attacks on the United States and that some of the terrorists were Saudi national. My family and I were shocked by these events and then saw on a news program during the days after September 11 that the FBI wanted to hear from anyone who might have information concerning the terrorist attacks. I went to an FBI website, www.fbi.gov, and through the website advised the FBI that I had heard that my neighbors living at 4224 Escondito Circle were a part of the Saudi royal family, that it seemed unusual that they had left town quickly just days before September 11, 2001, and that I was providing this information in an abundance of caution so that the FBI could investigate whether the family had any connection to the terrorist attacks. I included in my communication to the FBI the names of the owners of the property at 4224 Escondito Circle, Esam and Deborah Ghazzawi, that I had found on the Sarasota County property appraiser's website.

9. The FBI did not reply to my communication.

10. At some point near Halloween, October 31, 2001, I came home from work and saw unmarked cars, sport utility vehicles, a marked police car or two and what appeared to be law enforcement officers wearing blue jackets at or near 4224 Escondito Circle.

11. Larry Berberich, another resident of the Prestancia subdivision at the time, came knocking on my door and said he understood that I had contacted the FBI about the possible link between the residents of 4224 Escondito Circle and the terrorist attacks on September 11, 2001. He said that his friends in the sheriff's office had told him about that. He said that law enforcement officers had found cigarettes left in the ashtrays at the al-Hijji's home and that they had removed a computer from the home.

12. Approximately a year later in 2002, we observed the wife and an older woman were in the house. Since we had been told they were in arrears with their association dues, we called the association management company representative. The management company representative said she knew the wife and her mother were in town for a couple of days and that the Sarasota County Sheriff's office said it was okay.

Declarant said nothing further. Executed in Sarasota County, Florida this 19th day of January, 2013.

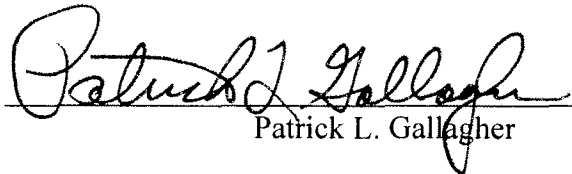

Patrick L. Gallagher

Exhibit G-1

Order Denying Summary Judgment
Case No. 12-61735-Civ-Zloch (S.D. Fla.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-61735-CIV-ZLOCH

BROWARD BULLDOG, INC.,
and DAN CHRISTENSEN,

Plaintiffs,

vs.

O R D E R

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

Defendants,

HALIFAX MEDIA HOLDINGS, LLC,
d/b/a The Sarasota Herald Tribune,

Amicus Curiae,

MIAMI HERALD MEDIA COMPANY,
d/b/a The Miami Herald,

Amicus Curiae.

THIS MATTER is before the Court upon Defendants' Motion For Summary Judgment (DE 25), Plaintiffs' Motion To Strike Hardy Declaration Or To Allow Deposition Of Hardy (DE 26), Plaintiffs' Motion For Vaughn Index And In Camera Review (DE 27), Defendants' Motion For Protective Order (DE 33), and Plaintiffs' Motion For Order Compelling Additional Search (DE 46). The Court has carefully reviewed said Motions, the entire court file and is otherwise fully advised in the premises.

By prior Order (DE 45), the Court stayed four of the above-referenced Motions (DE Nos. 25, 26, 27, & 33) pending the resolution of Plaintiffs' anticipated Motion For Order Compelling Additional Search (DE 46). Because the Court will grant

Plaintiffs' Motion For Order Compelling Additional Search (DE 46), at this time, the Court will deny the relief requested by three of the above-referenced Motions (DE Nos. 25, 26, 27) without prejudice, and with leave to refile following Defendants' compliance with the additional search the Court will require, the details of which will be set forth by separate Order.

Due to the additional search the Court will compel, the relief requested including summary judgment (DE 25), striking the Hardy declaration or permitting his deposition (DE 26), and requiring the preparation of a Vaughn index, will be more appropriately addressed, if still sought, following the subsequent search. However, with respect to Plaintiffs' request that the Court review documents in camera (See DE 27), the Court notes that Defendants have so produced the currently located universe of documents, in unredacted form, for the Court's inspection.

Finally, with respect to Defendants' Motion For Protective Order (DE 33) which seeks an order prohibiting discovery, the Court will grant this Motion and no discovery shall take place at this time except as otherwise ordered by the Court. The Court acknowledges that while discovery is not prohibited in FOIA cases, it is often unnecessary and generally limited. Tamayo v. U.S. Dept. of Justice, 544 F. Supp. 2d 1341, 1343 (S.D. Fla. Feb. 13, 2008) ("As a general rule, courts have disallowed discovery in FOIA actions or have permitted discovery, when deemed necessary, only on a limited basis.") (citing Wheeler v. C.I.A., 271 F. Supp. 2d 132, 139 (D.C.C. 2003); Schiller v. I.N.S., 205 F. Supp. 2d 648, 654 (W.D. Tex. Mar. 25, 2002)). Further, such discovery would often

occur after the submission of a motion for summary judgment, or in this case, a renewed motion for summary judgment. Id. (citing Miscavige v. I.R.S., 2 F.3d 366, 369 (11th Cir. 1993); Simmons v. Dep't of Justice, 796 F.2d 709, 711-12 (4th Cir. 1986); Murphy v. F.B.I., 490 F.Supp. 1134, 1136-38 (D.D.C. 1980); Florida Immigrant Advocacy Ctr. v. Nat'l Sec. Agency, 380 F. Supp. 2d 1332, 1341 n.6 (S.D. Fla. June 22, 2005)).

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

1. Defendants' Motion For Summary Judgment (DE 25) and Plaintiffs' Motion To Strike Hardy Declaration Or To Allow Deposition Of Hardy (DE 26) be and the same are hereby **DENIED** without prejudice;

2. Plaintiffs' Motion For Vaughn Index And In Camera Review (DE 27) be and the same is hereby **DENIED** in part without prejudice and **DENIED** in part due to mootness as follows:

a. Plaintiffs' request for a Vaughn Index be and the same is hereby **DENIED** without prejudice;


b. Plaintiffs' request for in camera review be and the same is hereby **DENIED** as moot;

3. Defendants' Motion For Protective Order (DE 33) is hereby **GRANTED**; and

4. Plaintiffs' Motion For Order Compelling Additional Search (DE 46) is hereby **GRANTED**. The Court will enter a separate Order

setting forth the details.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 31st day of March, 2014.



WILLIAM J. ZLOCH
United States District Judge

Copies Furnished:

All Counsel of Record

Exhibit G-2

Order Compelling FBI to Conduct Search
Case No. 12-61735-Civ-Zloch (S.D. Fla.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-61735-CIV-ZLOCH

BROWARD BULLDOG, INC.,
and DAN CHRISTENSEN,

Plaintiffs,

vs.

O R D E R

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

Defendants,

HALIFAX MEDIA HOLDINGS, LLC,
d/b/a The Sarasota Herald Tribune,

Amicus Curiae,

MIAMI HERALD MEDIA COMPANY,
d/b/a The Miami Herald,

Amicus Curiae.

_____/

THIS MATTER is before the Court upon Plaintiffs' Motion For Order Compelling Additional Search (DE 46) and the Court's prior Order (DE 58). The Court has carefully reviewed said Motion, the entire court file and is otherwise fully advised in the premises.

Plaintiffs Broward Bulldog, Inc., and Dan Christensen (hereinafter "Plaintiffs") brought their Complaint (DE 1) under the Freedom of Information Act, 5 U.S.C. § 552 (hereinafter "FOIA"), as amended by the OPEN Government Act of 2007, and the Declaratory Judgment Act, 28 U.S.C. § 2201, seeking "the disclosure and release of agency records concerning persons who may have provided aid and assistance to the terrorists in the days and years leading to the

[9/11 attacks].” DE 1, ¶ 2. As Plaintiffs set forth in their Complaint (DE 1), they seek to determine whether Defendant Federal Bureau of Investigation (hereinafter “Defendant FBI”) investigated such persons and, if so, what the outcome of this investigation was. By prior Order (DE 58), the Court granted Plaintiffs’ Motion For Order Compelling Additional Search (DE 46) and indicated that the instant Order would follow, setting forth the Court’s reasoning and fully articulating the manner in which this case will be proceeding.

The Court’s role in refereeing a FOIA complaint is clearly delineated by the Act itself, which states, in pertinent part:

On complaint, the district court . . . has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo . . .

5 U.S.C. § 552(a)(4)(B). The Supreme Court has explained the lack of deference required by FOIA’s de novo review: “Unlike the review of other agency action that must be upheld if supported by substantial evidence and not arbitrary or capricious, the FOIA expressly places the burden ‘on the agency to sustain its action’ and directs the district courts to ‘determine the matter de novo.’” United States Dep’t of Justice v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 755 (1989) (quoting 5 U.S.C. § 552(a)(4)(B)). See also Adejumobi v. Nat’l Sec. Agency, No. 6:07-cv-1237-Orl-31UAM, 2007 WL 4247878, at *2 (M.D. Fla. Dec. 3, 2007)

(citing Steinberg v. United States Dep't of Justice, 23 F.3d 548, 551 (D.C. Cir. 1994); Hayden v. Nat'l Sec. Agency, 608 F.2d 1381, 1384 (D.C. Cir. 1979)). When evaluating an agency's search for documents requested under FOIA, the Court applies a reasonableness standard. The Eleventh Circuit has described this test as follows: "[T]he agency need not show that its search was exhaustive. Rather, 'the agency must show beyond material doubt . . . that it has conducted a search reasonably calculated to uncover all relevant documents.'" Ray v. United States Dep't of Justice, 908 F.2d 1549, 1558 (11th Cir. 1990), rev'd on other grounds sub nom. United States Dep't of State v. Ray, 502 U.S. 164 (1991) (citing Miller v. United States Dep't of State, 779 F.2d 1378, 1383 (8th Cir. 1985) (quoting Weisberg v. United States Dep't of Justice, 705 F.2d 1344, 1351 (D.C. Cir. 1983))). And, if the agency is able to establish that its search was reasonable, then the party requesting release of documents must rebut the agency's position by showing the search was not reasonable or was not conducted in good faith. Id.

Based on the record in this case, and taking seriously the role of non-deferential review FOIA demands, the Court finds that it does not yet possess enough information to assess the reasonableness of the search conducted in the above-styled cause. In Miccosukee Tribe of Indians of Florida v. United States, the Eleventh Circuit described the inquiry that precedes the

reasonableness of the search determination:

The Tribe first argues that the evidence presented by the EPA was simply not sufficient for the district court to determine on the merits whether the search was adequate and reasonable. This is a threshold issue. Setting aside the question of whether the search was reasonable based upon the Rule 56 record, the court must determine whether the Rule 56 record before the trial court was adequate for it to make a summary judgment determination.

516 F.3d 1235, 1244 (11th Cir. 2008) (emphasis added). In Miccosukee Tribe, discovery and testimony had been permitted, and the court found that the record had been sufficiently developed to allow for a reasonableness determination. Id. at 1248 ("We answer this threshold question in the affirmative."). In the above-styled cause, however, at this point, the Court answers this threshold question in the negative. Therefore, by its prior Order (DE 58) and by the requirements set forth herein, the Court makes no conclusive finding as to the reasonableness of the search conducted or whether any of the claimed exemptions of Defendants United States Department of Justice and its component, Federal Bureau of Investigation (hereinafter "Defendants") are appropriately invoked.

The Court has exercised its discretion to review in camera the unredacted versions of the thirty-five pages of material which Defendants contend comprise the totality of documents relevant to Plaintiffs' request. Section 552(a)(4)(B) of Title 5 of the United States Code indicates that the Court "may examine the contents of such agency records in camera to determine whether such records or

any part thereof shall be withheld under any of the exemptions set forth." Discussing the necessity of more rigorous review in some cases, the Sixth Circuit explained that, "In certain circumstances the court must play a more active role because no party or institution is available to ensure that the agency's assertions are reliable." Jones v. FBI, 41 F.3d 238, 243 (6th Cir. 1994) (emphasis in original).

At this point, the Eleventh Circuit's decision in Ely v. FBI is instructive.¹ In Ely, the Court canvassed methods by which the district court might establish that it had an adequate factual basis when deciding FOIA cases, and in describing in camera review stated that, "If the court elects to satisfy this requirement by means of in camera review, then a priori the government must, at a minimum, tell the court whether the documents in dispute exist. Once that is done, the statute envisions an activist role for the trial court." 781 F.2d 1487, 1492 (11th Cir. 1986). The Court then cautioned, "Failure of a trial court to undertake this probing and exacting review constitutes an erroneous default of its

¹ Defendants correctly state in their Reply To Plaintiffs' Memorandum In Opposition To Defendants' Motion For Summary Judgement (DE 30) that in Miscavige v. IRS, the Court noted that "[Ely] cannot be deemed to be binding authority that affidavits will never be sufficient, however, because the district court there 'required no Vaughn Index, no in camera inspection, no hearing, not even the filing of an affidavit to support the government's claim.'" 2 F.3d 366, 368 (11th Cir. 1993) (quoting Ely, 781 F.2d at 1494). In other respects, Ely remains undisturbed. The Court is not required to review documents in camera, or even to order a Vaughn Index in every case. At times, other methods, such as affidavits, will suffice. But when the Court decides to review documents in camera, Ely explains the withholding agency's obligation in that process.

obligations under the statute.” Id. (citing Stephenson v. IRS, 629 F.2d 1140, 1146 (5th Cir. 1980)).² The Ely court concluded by describing the effect of such a failure as “giv[ing] the government an absolute, unchecked veto over what it would or would not divulge, in clear violation of the provisions of the statute.” Id. at 1494. Describing Ely’s exhortation to diligent review, the district court in McNamera v. United States Dep’t of Justice explained that, “What the Ely court did was remind the district courts that FOIA intended for them to have a very active role in construing the applicability of the claimed exemptions.” 974 F. Supp. 946, 956 (W.D. Tex. Aug. 12, 1997). In the instant cause, the Court cannot plausibly take an active role in determining whether specific exemptions apply until the Court has knowledge of the existence or non-existence of and access to the materials Plaintiffs are actually seeking, that is, until the Court is confident that a reasonable search has been performed.

This case is not about the thirty-five pages of material produced, the majority of which Plaintiffs have now received in redacted form and which the Court has reviewed in unredacted form. At the core of the dispute between the Plaintiffs and Defendants is Plaintiffs’ belief that Defendants have a large number of relevant documents, detailing a thorough investigation, and Defendants’

² In Bonner v. City of Pritchard, 661 F. 2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

strident assertion that the only documents which are relevant to Plaintiffs' inquiry are those already produced by the search they argue was reasonable.³ Defendants have refused to conduct searches utilizing the names of individuals, arguing that such searches would be outside of the scope of Plaintiffs' FOIA request and, additionally, protected by privacy exemptions. But Defendants' eagerness to assert exemptions and wooden method of interpreting Plaintiffs' FOIA requests essentially deprives the Court of its role in examining any relevant documents and independently determining whether any exemptions may apply. In order to assess whether a reasonable search has been performed, and then to make legal determinations about exemptions, the Court must be satisfied it has before it a search which looks where documents can be found.

³ With respect to assessing the reasonableness of the search, a determination the Court is not able to make at this time, the Court has no concern with what the results of such an investigation were if it did take place. At times, without so stating in unequivocal terms, the Parties imply that this case is about the results of an investigation. For example, in Defendants' February 7, 2002 letter in response to Plaintiffs' second FOIA request, Defendants include an entire paragraph discussing the results of the investigation:

As the FBI has publically stated, a review of our records revealed that in the aftermath of the 9/11 attacks, the FBI received a large number of calls from the public reporting suspicious activity. At no time during the course of its investigation of the attacks, known as the PENTTBOM [sic] investigation, did the FBI develop credible evidence that connected the address at 4224 Escondido [sic] Circle, Sarasota, Florida to any of the 9/11 hijackers.

DE 1-11. Instead, the Court's inquiry as to the reasonableness of the search is merely about the existence of an investigation and about whether such an investigation, if it did exist, produced documents which may be relevant to Plaintiffs' FOIA request. The only conceivable pertinence of the results of any investigation would be to a later stage, when the Court is required to balance various interests in determining the application of particular exemptions.

No in camera review or Vaughn Index or permission to engage in discovery could compensate for a search which has been preemptively narrowed in scope based on agency decisions that categories of documents are exempt and thus, will not even be sought.

Plaintiffs' second FOIA request of October 27, 2011, exhausted through Defendants' appeal process, states that Plaintiffs seek information that "pertains to the FBI investigation into the 9/11 terrorist attacks," and more specifically, "information pertaining to an anti-terrorism investigation regarding activities at the residence at 4224 Escondito Circle, in the Prestancia development near Sarasota, Florida prior to 9/11/2001," activities which "involve apparent visits to that address by some of the deceased 9/11 hijackers." DE 1-7. The primary difference between this request and Plaintiffs' original request of September 26, 2011, is that the earlier request listed the names of the family members who owned and resided at the address. See DE 1-5. Throughout the duration of the requests, the appeal of the second request through agency review, and the litigation in the above-styled cause, Defendants maintain any search they perform should not in any way involve the names of the individuals who would have been the subjects of the investigation about which Plaintiffs seek information. The Declaration Of David M. Hardy (DE 25-1), submitted with Defendants' Motion For Summary Judgement (DE 25), lists all of the search terms employed, and these include only

variations on the address and location. See DE 25-1, ¶ 23. This remains Defendants' position, as they argue:

The FBI should not be required to search for records using the names of individuals who are not the subject of plaintiff's request. Plaintiffs are being disingenuous in suggesting that the Court should require the FBI to search for records identified by individual names despite the fact that they purposefully modified their request, explicitly stating that they were not interested in any records regarding individuals.

DE 47, p. 8. First, Defendants' characterization of Plaintiffs' second request is literal to the point of being nonsensical. While the second request did not mention the names of any individuals and included a footnote stating that it "concerns no third parties," DE 1-7, it is evident that an inquiry about a particular investigation necessarily concerns the activities of individuals, whether these individuals are denominated by their names or by their residence or sphere of activity. Second, even under Defendants' explanation in response to Plaintiffs' first request, which did list the names of specific individuals, Defendants list several conditions under which records pertaining to third parties may be released, one of which is "a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records." DE 1-6.

As rationale for their response to Plaintiffs' first request, Defendants cited both the Privacy Act, 5 U.S.C. § 552a (hereinafter "Privacy Act") and FOIA exemptions under 5 U.S.C. § 552(b)(6) and

(b) (7) (C) . See DE 1-6. The Court will not—indeed should not—evaluate said exemptions before it can be determined whether a reasonable search took place in the first instance. Indeed, whether an exemption may be claimed once relevant requested information is located should have no bearing on how a reasonable search should be conducted. A reasonable search seeks the documents requested, and when the agency believes these located documents are exempt, then—and only then—should the agency claim an appropriate exemption.

Additionally, with respect to the relationship between the Privacy Act and FOIA exemptions, the Eleventh Circuit held in News-Press v. United States Dep't of Homeland Sec., that, "The net effect of the interaction between the two statutes [the Privacy Act and FOIA] is that where the FOIA requires disclosure, the Privacy Act will not stand in its way, but where the FOIA would permit withholding under an exemption, the Privacy Act makes such withholding mandatory upon the agency." 489 F.3d 1173, 1189 (11th Cir. 2007). As in News-Press, then, when the Court ultimately evaluates privacy concerns, "the dispositive question" will be "whether disclosure . . . 'would constitute a clearly unwarranted invasion of personal privacy' under FOIA Exemption 6," or any other FOIA privacy-related exemptions. Id. (citing 5 U.S.C. § 552(b) (6)).

The remedy the Court will provide flows not only from the

preceding recognition of the issues at play at the heart of this matter, but also from the Court's ensuing observations based on the record, pleadings, and in camera inspection of unredacted documents. These observations touch upon various inconsistencies and concerns about whether the search conducted thus far is one which "beyond material doubt" has been "reasonably calculated to uncover all relevant documents." Ray, 908 F.2d at 1558.

The first concern relates to the substance of the universe of responsive documents currently produced based on Plaintiffs' second request. As chronologized by Plaintiffs, see DE 46, p. 8, excepting of course the pages Bates stamped SARASOTA 29 through and including SARASOTA 32 which Plaintiffs have not viewed, the apparent gaps between the documents in this list are unaccounted for.⁴ From September 19, 2001, to September 25, 2001, seven separate documents comprising sixteen of the thirty-five pages located, record initial calls and follow-up interviews related to the address mentioned in Plaintiffs' request. The next document, dated April 16, 2002, is a summary of work performed. Many details in this particular document seem to indicate that investigative work, in addition to that mentioned in the previous seven documents, took place. The second paragraph notes that there were "repeated citizen calls." DE 25-2, SARASOTA 5. Next, this document

⁴ In this discussion, the Court will of course refrain from referring to any unredacted documents or details and will base its comments solely on the redacted pages to which all Parties have access.

mentions an inspection, admittedly not conducted by Defendants per se, but by another federal agency. Another paragraph directly mentions the "[f]urther investigation," and goes on to describe various details which were therein learned. No reports of underlying inspections and investigation have been produced. Defendants may offer many reasons why no documents in between those from September of 2001 and this document dated April of 2002 were produced. Defendants may also argue that some of such documents and details, if they exist, should be exempt from FOIA discovery, or are in some other way not relevant to the allegedly reasonable search conducted based on Plaintiffs' request. However, based on the limited information before it now, the Court is unable to glean the whole truth. It notes simply that an investigation took place during this time period that apparently resulted in certain findings, yet, seemingly, the search yielded no documentation of this investigation. This alone moves the Court to believe a further search is necessary. And, this is not the only chronological jump in the documents which strikes the Court as highly unusual.

After the April 2002 document, SARASOTA 7 through and including SARASOTA 10 contain a letter and interview record, also dating from 2002. The final group of documents located by the initial search are from a much later period in time. These

documents purport to be from 2010 to 2013,⁵ and many reference the newspaper articles by Plaintiffs and other publications and summarize again what appears to have been a past investigation. Again, these materials seem to indicate that there was indeed an investigation, and again, according to Defendants, somehow this investigation yielded no documentation that would be relevant to Plaintiffs' FOIA request which directly sought information about this very subject.

The Court also observes that not only does the library of located documents presented seem incomplete, but the summary documents do in fact seem to contradict one another. In SARASOTA 5-6, one paragraph concludes, "Further investigation of the [redacted] family revealed many connections between the [redacted] and individuals associated with the terrorist attacks on 09/11/2001." DE 25-2, SARASOTA 5 (emphasis added). But in SARASOTA 1-2, the first paragraph states, "The FBI found no evidence that connected the family members mentioned in the Miami Herald article to any of the 9/11 hijackers, nor was any connection found between the family and the 9/11 plot." DE 25-2, SARASOTA 1. The Court is not, as previously noted, concerned at this point with what was discovered or was not discovered in terms of the

⁵ The Court is curious about the date on the document marked SARASOTA 1 through and including SARASOTA 2. This document is dated "15 September 2010," but if Plaintiffs are correct that the newspaper articles referenced in the first paragraph began appearing in September 2011, it does not seem that the date on this document can be correct. See DE 1, ¶¶ 17-18.

investigation. But these statements seem to be in conflict, and there is nothing in Defendants' thirty-five produced pages that reconciles this stark contradiction. Further, the documents appear to be summarizing information external to the thirty-five produced pages. Naturally, the Court cannot know what else might exist, but these gaps and inconsistencies within the current universe of documents underscore the need for a more thorough search, after which the Court will be better able to determine if said efforts truly have been reasonable.

Next, the Court turns to the additional reasons from the record, aside from the documents themselves, which support the Court's hesitation to find that the search efforts by Defendants up to this point have been reasonable. The Court is concerned about the time line of the production of the documents. In his Declaration, Hardy merely states that as a result of Plaintiffs' second request, word searches were conducted, six documents were located, and they were originally withheld due to FOIA exemptions. See DE 25-1, ¶ 23. Next, Hardy states, "Subsequent to learning of this litigation, the Tampa Field Office ("TPFO") was contacted regarding this matter." Id. at ¶ 24. As a result of contacting the Tampa Field Office and the search this office performed, after the lawsuit had been filed, "fourteen documents, consisting of 35 pages, were located. The 35 pages located as a result of this search included the pages previously located during the

administrative phase.” Id. In Miccosukee Tribe, the court explained that an adverse inference need not always be drawn from the late production of documents. 516 F.3d at 1256-57. At the conclusion of this discussion, the court found: “We are not certain that a ‘one size fits all’ answer to that question exists. Rather than announcing that a certain inference can always be drawn from such a late production, we believe that the better course is to evaluate the reasoning behind the delay.” Id. at 1257. In that case, the court was satisfied that the agency had offered a reasonable explanation for its delay and found that the district court had not erred by failing to draw any adverse inferences due to the delay. Id.

But as to the search at issue here, Defendants do not explain to the Court’s satisfaction why additional steps were undertaken or were suddenly reasonable to undertake merely because a lawsuit was filed. Hardy’s Declaration references its steps as being “the FBI’s current policy.” Id. at ¶ 23, n.3; ¶ 25. In contacting the Tampa Field Office, documents were located that had not been located previously. The Court is less concerned with the FBI’s policy than with whether it can be determined that a particular search under particular circumstances was reasonable. The Court is troubled by the fact that the filing of the above-styled cause appears to be cited by Defendants as a rationale or at least a prompt for performing further searches. The Court cannot

understand why the imminence of judicial review of an agency's search in response to a FOIA request would by itself cause the agency to reevaluate its procedure. While it is the Court's responsibility to assess reasonableness after such a suit is filed, it is the agency's responsibility to conduct reasonable searches at all times and in response to every FOIA request, even a request which does not lead to litigation. According to Hardy's Declaration (DE 25-1), "[The Tampa Field Office] would be the most logical [field office] which could assist with the search for responsive records, should they exist, since it was the [field office] which handled the alleged complaint in regard to the address subject of this FOIA request." DE 25-1, ¶ 24. This statement explains why this particular field office was selected for further inquiry, but it does not explain why such inquiry only became part of performing a reasonable search after Plaintiffs' filed the above-styled cause.

Because the Court is ordering additional steps be taken by Defendants, a detailed assessment of the sufficiency of Hardy's Declaration is not appropriate at this time. The Court will require an updated declaration in any event, documenting all future searches. But at this juncture, the Court advises Defendants to make certain that any future declaration is sufficiently thorough. Hardy's Declaration (DE 25-1), which purports to provide a detailed summary of all steps taken, by Defendants' own admission, was not

updated to include all past steps. Neither this Declaration (DE 25-1) nor any subsequent update mentions any use of the Sentinel case management system. But, in response to Plaintiffs' Motion (DE 46) in which Plaintiffs requests that this search system be used, Defendants state that, "This is unnecessary because the FBI has already conducted a Sentinel search using the same search terms as were used for the ACS search." DE 47, p. 6. Additionally, Hardy's Declaration (DE 25-1) is conspicuously vague in its description of the search at the Tampa Field Office. Many of the additional steps required herein will provide the Court with the necessary clarification as to all searches performed at this Field Office in order for the Court to make its reasonableness determination.

Further, the declarations submitted by Plaintiffs, considered in conjunction with Defendants' responses, point to the existence of responsive, relevant documents that Defendants' searches have not located. The Court acknowledges that the reasonableness of a search is not ultimately tied solely to the fact that it does not find certain extant documents. See Nation Magazine v. United States Customs Serv., 71 F.3d 885, 892 n.7 (D.C. Cir. 1995) ("[T]here is no requirement that an agency produce all responsive documents." (emphasis in original) (citing Perry v. Block, 684 F.2d 121, 128 (D.C. Cir. 1982))). Yet, "[i]n certain circumstances, a court may place significant weight on the fact that a records search failed to turn up a particular document in analyzing the

adequacy of a records search.” Iturralde v. Comptroller of Currency, 315 F.3d 311, 315 (D.C. Cir. 2003) (citing Krikorian v. Dep’t of State, 984 F.2d 461, 468 (D.C. Cir. 1993)). In this case, the Court needs additional information in order to weigh the allegations by Plaintiffs that particular documents exist against Defendants’ arguments that they have taken sufficient steps to uncover all relevant documents. In particular, Plaintiffs provided the Declaration of former U.S. Senator D. Robert Graham (DE 29-5). Senator Graham describes how, after being contacted by Plaintiff Christensen, he began researching Christensen’s information about a 9/11-related Sarasota investigation. DE 29-5, ¶ 28. At one point during Senator Graham’s own inquiry, he was shown two documents, an April 16, 2002 document and a September 16, 2002 document, which he reviewed and believed contradicted Defendant FBI’s public statements about the Sarasota investigation. Id. at ¶¶ 35-36. Graham states that after reviewing the thirty-one redacted pages he concluded that the April 16, 2002 document he was shown was included, but the September 16, 2002 document was not included. Id. at ¶ 50. The Court cannot make any determination about whether this document should reasonably have been located by the search at issue here. The existence of this document, however, is not speculative. At one time, it was believed relevant to Graham’s inquiry, and his inquiry sprung from Plaintiffs’ own research. Additionally, Graham was informed that other documents

in existence that he was never shown, were relevant to his inquiry, which again, is similar to Plaintiffs' inquiry. Id. at ¶¶ 37-41. Plaintiffs' Motion (DE 46) specifically targets Jacqueline Maguire of the FBI, with whom Graham spoke about these documents. Defendants claim that Maguire has been contacted, but their explanation does not appear to account for the documents that Graham was told existed, but that he was never shown. In order for the Court to conduct its review in this case, it must know whether such documents exist. The Court does not intend by referencing this example alone to provide an exhaustive catalogue of disagreements by the Parties about the existence of various documents.

Finally, the Court has carefully reviewed Defendants' descriptions of Defendants' own filing system. And, while the Court recognizes that FOIA requires agencies to be responsible for navigating the intricacies of their own record retrieval capabilities and explaining these processes to the Court, in this particular case, the ambiguities in Defendants' system—combined with the Court's previously cited concerns—have contributed to its decision to compel the additional production and search detailed herein.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that Plaintiffs' Motion For Order Compelling Additional Search (DE 46) be and the same is hereby

GRANTED as follows:

1. To the extent Defendants have not already done so, and with respect to any searches ordered herein which were not previously performed, Defendants shall use the Sentinel case management system to conduct searches for responsive documents. Defendants are further ordered to perform all searches detailed herein in any other databases, whether accessible through the Sentinel system, or through another system, where responsive documents may be found. Defendants are specifically instructed to perform searches in any systems which contain information that has not been migrated into the Sentinel system, or which are in any other way not contained in or subsumed by the Sentinel system;

2. Defendants are hereby **ORDERED** to perform the following automated text searches:

- a. "Esam Ghazzawi"
- b. Esam AND Ghazzawi
- c. Esam AND Ghaz!
- d. "Deborah Ghazzawi"
- e. Deborah AND Ghazzawi
- f. Deborah AND Ghaz!
- g. "Abdulaziz al-Hijji"
- h. Abdulaziz AND al-Hijji
- i. Abdulaziz AND al-Hij!
- j. "Anoud al-Hijji"

- k. Anoud AND al-Hijji
- l. Anoud AND al-Hij!
- m. Prestancia AND "Huffman Aviation"
- n. Prestancia AND "Mohamed Atta"
- o. Prestancia AND Terror!
- p. Prestancia AND gatehouse
- q. Prestancia AND "phone records"
- r. Prestancia AND PENTTBOMB
- s. Prestancia AND PENTTBOM
- t. Escondito AND "Huffman Aviation"
- u. Escondito AND "Mohamed Atta"
- v. Escondito AND Terror!
- w. Escondito AND gatehouse
- x. Escondito AND "phone records"
- y. Escondito AND PENTTBOMB
- z. Escondito AND PENTTBOM
- aa. Sarasota AND PENTTBOMB
- bb. Sarasota AND PENTTBOM

The Court notes with respect to the names set forth above, these names have already been made a part of the public record by Plaintiffs' filings. Additionally, some of the names are matters of Sarasota County public record as the owners of the property in question. Defendants have never requested the Court redact or seal the names published by Plaintiffs.

3. In order to allow the Court to conduct manual document review to determine the reasonableness of the search, Defendants are hereby **ORDERED** to provide to the Court for in camera inspection photocopies of all documents containing the universal case file number 265D-NY-280350-TP. Additionally, with respect to the case file numbers, known to Defendants and to the Court, but redacted from documents produced to Plaintiffs, Defendants are likewise ordered to provide photocopies of all documents containing these case file numbers to the Court for in camera review by the Court. Finally, the Court notes that some of the thirty-five produced pages contain no case file number. Accordingly, Defendants alone know where any like documents in the Tampa Field Office relating to the 9/11 investigation would be located and how they are maintained. Photocopies of such documents shall also be produced for the Court's in camera inspection. All production set forth in this paragraph shall be completed by noon on Friday, April 18, 2014;

4. Defendants shall likewise conduct a manual review for responsiveness to Plaintiffs' FOIA request of the documents described in paragraph 3, as well as manually reviewing any documents located by the automated text searches described in paragraph 2. Defendants will provide a Report to the Court concerning the same and setting forth its search results by noon on Friday, June 6, 2014;

5. Defendants shall provide any declarations necessary to describe in detail with appropriate specificity all steps taken in compliance with this Order. The declarant or declarants providing such statements shall have personal knowledge of the steps taken therein. Defendants will provide such declaration or declarations to the Court by noon on Friday, June 6, 2014;

6. Defendants shall advise the Court of any documented communications between Defendants and other government agencies concerning the investigation which is the subject of Plaintiffs' FOIA request. Information about such communications shall also be included in the Report referenced in paragraph 4; and

7. While the production of all documents ordered in paragraph 3 exists to assist the Court in its reasonableness determination, should the Defendants locate any documents responsive to Plaintiffs' request, these shall be produced to Plaintiffs at the time they are located, either in unredacted or redacted form, should Defendants locate such documents but seek to assert FOIA exemptions to information contained therein.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 4th day of April, 2014.


WILLIAM J. ZLOCH
United States District Judge

Copies Furnished:
All Counsel of Record

Exhibit H

FBI Report of April 3, 2002

~~SECRET~~
185CLASSIFIED BY NSICG0324000001
REASON: 1.4 (B, D)
DECLASSIFY ON: 06-03-2039
DATE: 06-03-2014

(Rev. 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Precedence: ROUTINE

Date: 04/03/2002

To: Tampa

From: Tampa

Ft. Myers RA

Contact: [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED] slw*

Case ID #: [REDACTED] (Pending)

b6
b7C
b7E

Title: [REDACTED]

Derived from G 3

Declassify on X 1

Synopsis: To request [REDACTED] be opened.

b7E

Details: On 10/31/2001, the Manatee County Sheriff's Office interviewed [REDACTED] white male, DOB [REDACTED] [REDACTED] had an F1 visa from Tunisia. The Manatee County SO was called after [REDACTED] was observed disposing of items in a dumpster behind his storage facility in Bradenton, Florida. After the interview, closer examination revealed that the items discarded in the dumpster included a self-printed manual on terrorism and jihad, a map of the inside an unnamed airport, a rudimentary last will and testament, a weight to fuel ratio calculation for a Cessna 172 Aircraft, flight training information from the Flight Training Center in Venice, Florida, and printed maps of Publix Shopping Centers in Tampa Bay.

b6
b7C

[REDACTED]

b1
b3
b6
b7C

SarasotaTrdPty-4

~~SECRET~~

~~SECRET~~
183

To: Tampa From: Tampa
 Re: [REDACTED] 04/03/2002

b7E

(S)

b1
 b3
 b6
 b7C

b6
 b7C
 b7E

The Tampa Division of the FBI has investigated [REDACTED] pursuant to the Penttbom investigation. As a result of the investigation of [REDACTED] Tampa Division FBI has determined that [REDACTED] is an antagonist of the United States of America. [REDACTED] resides in Jerusalem. [REDACTED] allegedly has held regular and recurring meetings at his residence to denounce and criticize the United States of America and its policies. [REDACTED] is allegedly an international businessman with great wealth.

b6
 b7C

In November 2001, [REDACTED] visited the United States for the first time. He traveled to Sarasota, Florida, opened a bank account and made initial queries into the purchase of property in south central Florida. [REDACTED] intends to establish a Muslim compound in Central Florida. [REDACTED] revealed that [REDACTED] is fearful of [REDACTED] and fears that [REDACTED] intends to begin offensive operations against the United States if he is able to purchase property and establish a Muslim compound in Central Florida.

b6
 b7C

b6
 b7C
 b7E

Pursuant to the Penttbom investigation by the FBI, Tampa Division FBI became aware of [REDACTED] [REDACTED] is allegedly a wealthy and successful international businessman. [REDACTED] and his family resided in a \$530,000.00 home in an affluent section of Sarasota, Florida. On or about 08/27/2001, the [REDACTED] fled their home.

b6
 b7C

Based upon repeated citizen calls following 09/11/2001, FBI Tampa 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

b6
 b7C

~~SECRET~~

SarasotaTrdPty-5

~~SECRET~~
183

To: Tampa From: Tampa
Re: [REDACTED] 04/03/2002

b7E

quickly and suddenly. They left behind valuable items, clothing, jewelry, food and in a manner that indicated they fled unexpectedly, without prior preparation and permanently.

Further investigation of the [REDACTED] family revealed many connections between the [REDACTED] family members and the investigation of the attacks on 09/11/2001. More specifically, a [REDACTED] family member, [REDACTED] aka, [REDACTED] DOB [REDACTED]

b6
b7C

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

Additionally, [REDACTED] DOB [REDACTED] last known address [REDACTED] Florida, was also a flight student at Huffman Aviation.

b6
b7C

Additionally, [REDACTED] aka, [REDACTED] DOB [REDACTED] last known address [REDACTED] Florida, was arrested numerous times by Sarasota County Sheriff's Office and lived with flight students of Huffman Aviation.

b6
b7C

♦♦

~~SECRET~~

Exhibit I

July 15, 2016 Statement of
the Director of National Intelligence

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Statement by the ODNI on the Declassification of Part Four of the SSCI and HPSCI's 2002 Report on the Committees' Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001

Friday, July 15, 2016

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511
July 15, 2016

Statement by the Office of the Director of National Intelligence on the Declassification of Part Four of the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence's 2002 Report on the Committees' Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001.

Congress has today released additional portions of the Congressional report, *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001*, that have been declassified. The ODNI coordinated a declassification review—pursuant to Executive Order 13526—before sending the report back to Congress for their release. The decision to authorize the release of this information is not an endorsement of, or concurrence in, its accuracy or reliability.

[Additionally, the ODNI today is releasing a declassified executive summary of a 2005 joint CIA–FBI memorandum prepared in response to a congressional directive on the same topic.](#)

The Joint Inquiry report, completed in December 2002, detailed the findings and conclusions of a year-long inquiry by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence into the activities of the U.S. Intelligence Community in connection with the 9/11 attacks. After a classification review by the Executive Branch, three of the four parts that make up the Joint Inquiry report were publicly released in December 2002. Part Four, entitled "Finding, Discussion, and Narrative Regarding Certain Sensitive National Security Matters," was withheld in full, because it contained still-sensitive national security and law enforcement information. The Committees and the Intelligence Community instead agreed to release a brief unclassified summary of Part Four, which stated in relevant part that "[t]hrough its investigation, the Joint Inquiry developed information suggesting specific sources of foreign support for some of the September 11 hijackers while they were in the United States."

In response to inquiries about Part Four, and after careful consideration by the relevant Departments and agencies, the Executive Branch determined that the harm to national security by releasing portions of Part Four of the report at this time is outweighed by the public interest in additional transparency concerning the Committees' findings. Some information has been redacted because the document includes discussion of properly classified matters the disclosure of which would still cause significant harm to national security.

The newly released portion of Part Four relates to the Joint Inquiry's finding that "[w]hile in the United States, some of the September 11 hijackers were in contact with, and received support or assistance from, individuals who may be connected to the Saudi Government." As noted above, the decision to authorize the release of a portion of Part Four does not indicate the Intelligence Community's agreement with Part Four's accuracy or concurrence with any information it contains. The Committee itself highlighted that it "has made no final determinations as to the reliability or sufficiency of the information regarding these issues...[and that it] was not the task of this Joint Inquiry to conduct the kind of extensive investigation that would be required to determine the true significance of such alleged support to the hijackers..."

In that regard, Congress subsequently established the bipartisan 9/11 Commission. The 9/11 Commission built on existing investigations and information, including that of the Joint Inquiry, but had greater access to senior officials and classified information. Its final report concluded that it "found no evidence that the Saudi government as an institution or senior Saudi officials individually funded [al Qaeda]." Similarly, in 2013, Congress directed the FBI to establish the 9/11 Review Commission to further assess any available evidence; that Review Commission concluded that there was no new evidence that "would change the 9/11 Commission's findings regarding responsibility for the 9/11 attacks."

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Exhibit J

September 1, 2005 Summary
Summary of FBI-CIA Intelligence Report

183

SSCI# 1005 3590

~~TOP SECRET//HCS//SI G//ORCON,NOFORN//MR~~



September 1, 2005

Honorable Pat Roberts
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

~~(S)~~ The Intelligence Authorization Act for FY 2004, Classified Annex S. 1025/S. Report 108-44, required the Director of the Federal Bureau of Investigation and the Director of the Central Intelligence Agency to submit a joint FBI-CIA intelligence report assessing the nature and extent of Saudi Government support of terrorism [REDACTED]

(U) Pursuant to the above, enclosed please find this report.

Sincerely,

Sincerely,

Robert S. Mueller III
Director
Federal Bureau of Investigation

Porter J. Goss
Director
Central Intelligence Agency

Enclosure

(1) Honorable John D. Rockefeller, IV
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

~~DOCUMENT IS CLASSIFIED~~
~~SECRET WHEN DETACHED~~
~~FROM TOP SECRET~~
~~ENCLOSURE~~

~~TOP SECRET//HCS//SI G//ORCON,NOFORN//MR~~

~~TOP SECRET//NOFORN//SI//REL//NOFORN//NOFORN//NOFORN~~

(U) Executive Summary

~~(S//NF)~~ Since the 11 September 2001 attacks, the United States Intelligence Community (USIC) has been working to assess Saudi Arabia's ties to terrorism, including the 2001 terrorist acts, in order to address questions arising about the country's support for organizations that may have provided support for previous al-Qa'ida attacks. Our assessment to date is as follows:

- There is no evidence that either the Saudi Government or members of the Saudi royal family knowingly provided support for the attacks of 11 September 2001 or that they had foreknowledge of terrorist operations in the Kingdom or elsewhere.
- There is evidence that official Saudi entities, [REDACTED] and associated nongovernmental organizations (NGOs), provide financial and logistical support to individuals in the United States and around the world, some of whom are associated with terrorism-related activity.
- The Saudi Government and many of its agencies have been infiltrated and exploited by individuals associated with or sympathetic to al-Qa'ida.
- [REDACTED] Saudi-funded clerics have been found to be [REDACTED] Saudi-Americans and other communities in the United States.
- [REDACTED] in the United States, including diplomats, are engaged in a campaign to influence public perception and policy.
- The Saudi Government and private Saudi individuals support the propagation of the conservative Wahhabi-Salafi¹ sect of Sunni Islam in the United States. Jihadists adhere to and interpret this sect's beliefs to justify their actions.
- There is no information to indicate that either Omar al-Bayoumi or Osama Basnan materially supported the hijackers wittingly, were intelligence officers of the Saudi Government or provided material support for the 11 September attacks, contrary to media speculation.

~~(S//NF)~~ Recent cooperation between Saudi intelligence and the USIC is largely driven by the Saudi royal family's recognition of the domestic threat posed to it by al-Qa'ida following several bombings by the group inside Saudi Arabia, starting in May 2003.

- In the past, the Saudi Government found itself in a precarious position, on the one hand it was denouncing al-Qa'ida as a threat, yet on the other hand it was underestimating al-Qa'ida's vitality within the Kingdom and treating the group with special consideration. Raids by the General Directorate for Investigations (Mabahith) following the attacks in May 2003, which have resulted in the death or arrest of al-Qa'ida members in Saudi Arabia, demonstrate how this policy has changed.

¹ Salafism is a strict form of Sunni Islam that rejects modern commentary and interpretation of the Koran. Wahhabism is the Arabian variant of Salafism, and has many variants in Saudi Arabia. The founder of Wahhabism, Muhammad Ibn 'Abd al-Wahhab, formed a symbiotic relationship with the Saudi Royal Family that continues to have a profound effect on the Saudi monarchy. (U)

~~TOP SECRET//NOFORN//SI//REL//NOFORN//NOFORN//NOFORN~~

Attachment 2 to Julin Declaration

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 16-61289-Civ-Altonaga/O'Sullivan

BROWARD BULLDOG, INC., a Florida)
corporation not for profit, and DAN)
CHRISTENSEN, founder, operator and editor)
of the FloridaBulldog.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.)
_____)

Declaration of Dan Christensen In Opposition
to the Defendants' Third Motion for Summary Judgment

I, Dan Christensen, declare under penalty of perjury that the following statement is true and correct:

1. My name is Dan Christensen. I am a plaintiff in this lawsuit. I have personal knowledge of the following facts.
2. I previously filed a declaration in this action on January 12, 2017, DE-28-1, in opposition to the FBI's motion for summary judgment on Counts 2 and 3 of the Complaint.
3. This declaration provides facts that have occurred since I filed that declaration and that are relevant to the issues raised by the FBI's second and third motions for summary judgment. DE-66 & DE-83.

4. While this lawsuit has been pending, I have continued to gather information through means other than Freedom of Information Act requests in an effort to better understand the significance of the investigation that the FBI conducted of Abdulaziz al-Hijji, Anoud Ghazzawi al-Hijji, and Esam Ghazzawi.

5. My prior investigation already had shown, and I had reported in articles published through FloridaBulldog.org and *The Miami Herald*, that

- Esam Ghazzawi owned the home located at 4224 Escondito Circle in the Prestancia subdivision of Sarasota, Florida from 1995 through 2002;
- Anoud Ghazzawi is Mr. Ghazzawi's daughter;
- Abdulaziz al-Hijji was married to Anoud Ghazzawi and lived with her and their children in the home at 4224 Escondito Circle until August 27, 2001, when they suddenly left the United States;
- The FBI had conducted in 2001 and 2002 an investigation of the al-Hijjis sudden departure from the United States;
- An FBI agent found in April 2002, many connections between the al-Hijji family and persons associated with the terrorist attacks on the United States;
- The FBI had not, according to former U.S. Senator Robert Graham, reported the results of its investigation to the Joint Inquiry of the U.S. House and Senate Intelligence Committees that had been tasked in December 2001 with gathering from U.S. law enforcement agencies all relevant information they had assembled before and after the September 11, 2001, attacks.

6. This reporting left unanswered the important question of why the FBI had not provided the Joint Inquiry, which had been co-chaired by Sen. Graham, with information about its investigation of the al-Hijjis' sudden departure from the United States and the connections that had been found between them and the 9/11 hijackers, including Mohamed Atta, who has been widely identified as one of the leaders of the September 11 attacks.

7. This reporting also left unanswered the question of why the FBI publicly denied

that it had found any connections between the al-Hijjis and the 9/11 hijackers, claimed that it had informed Congress about its investigation of the al-Hijjis, and told the Meese Commission (a/k/a the 9/11 Review Commission) that its report finding connections between the al-Hijjis and the 9/11 hijackers was poorly written and wholly unsubstantiated.

8. In order to answer these questions, I submitted the FOIA requests that are the subject of this and a prior lawsuit, but I also have continued to gather information about the al-Hijji and Ghazzawi families through other means.

9. One way that I regularly search for new information is by making Internet searches. During the course of this research, I have found information showing that Esam Ghazzawi recently created a website relating to his business activities.

10. According to the website maintained by the Internet Corporation for Assigned Names and Numbers (ICANN) the following website was created on July 31, 2016: www.esamghazzawidesigns.com. The site states: "Esam Ghazzawi, A Saudi Arabian interior designer who has transformed homes into palaces, bringing life to what the client desires and exceeds their own imagination for thier [sic] homes. From classic to contemporary [sic] designs, Esam Ghazzawi has no limits to what he can expeirment [sic] with." Until recently, however, the website provided little additional information about Mr. Ghazzawi.

11. I periodically have reviewed the website and found on April 3, 2017, that the website contained this new page: <https://www.esamghazzawidesigns.com/copy-of-landscaping?lightbox=dataItem-iqvusq1t1>. It states: "Mr. Ghazzawi has been featured in a wide range of magazines such as Architectual [sic] digest, Almanzil, Arabian nights, On Design, Sayidaty and many more." The website also contains images of magazine articles featuring Mr. Ghazzawi with various Saudi and U.S. government officials.

12. I carefully reviewed the images and the magazine articles on the website and found the following.

13. Esam Ghazzawi is depicted in the following undated photograph shaking hands with former U.S. President George H.W. Bush, which appears to have been inscribed and signed: “To Esam A. Ghazzawi Best Wishes George Bush.”



14. Esam Ghazzawi is depicted in the following undated photograph with the former Prime Minister of Pakistan, Benazir Bhutto:



15. Esam Ghazzawi is depicted in the following undated photograph with former Prime Minister of the United Kingdom John Major and Saudi Prince Fahd bin Salman:



16. Esam Ghazzawi is depicted in the following photograph with Saudi Prince Fahd bin Salman:



17. One of the articles on the website provides a profile of Esam Ghazzawi. That profile is reproduced on the following page.

Saudi Arabian-based designer, Esam A. Ghazzawi, provides turnkey design conceptualization, consultation and installation services, primarily for grand-scale residential interiors within the Kingdom of Saudi Arabia. A gifted, self-taught designer, Mr. Ghazzawi has become a specialist in very exclusive, one-of-a-kind interior design for both new construction and renovation/redesigning projects. His clients are well educated, well traveled and very affluent. To date, most have been high-ranking government hierarchy in his home country.

A representation of Mr. Ghazzawi's interior design talents may be seen at the Luxury Home Collection showroom in Riyadh, Saudi Arabia. There, he has created vignettes of various rooms, incorporating furniture, accessories, lighting and art from sources worldwide. The showroom is being met with great response because the designs reflect the designer's departure from what is considered customary or typical in that area of the world.

For over two decades, as a hobby and labor of love, Mr. Ghazzawi took on interior design projects for family, friends and associates. However, as the new millennium approached at the end of 1999, and after much encouragement, he decided to pursue this endeavor as a profession. This more serious focus on interior design projects became a natural offshoot of Esam Arabian Projects Est., his commercial landscape design/execution and exterior lighting contract business that he began 25 years ago and still



*MORE ABOUT
ESAM A. GHAZZAWI
DESIGNER*

owns/operates. Mr. Ghazzawi has extensive knowledge in these areas (including the technical aspects) and the capability to enhance residential exteriors. "I believe that there must be a compatible, synergistic relationship between the inside and the outside of any project I undertake," he says.

HIS MISSION

- To make a home beautiful, exciting and enjoyable inside and out.
- To create original interior spaces, with a grand sense of global style, that are in harmony with the exterior facade and immediate surroundings.

HIS STRENGTHS

- Innovative design talent and capabilities resulting in a perfect balance between aesthetics and functionality.

- Resourcefulness and passion for his work has led to his hands-on participation and supervision of each special project.
- A keen eye for architectural elements as well as the most infinitesimal detail.
- A full-time staff of architects, draftsmen, CADD operators and artists who interpret his visions and give them life. He also employs tradesmen (i.e., carpenters, plumbers, tile setters, painters, etc.) in order to meet time constraints, and to control quality and costs. It is not unusual for Mr. Ghazzawi to have hundreds of workers on site at one time, if that's what it takes to get the job done and do it to his exacting standards.

PERSONAL

- Graduated high school in Saudi Arabia. Attended college in the U.S.: completed two years at the University of Southern California; transferred and graduated from Chapman College in California in 1975 with a Bachelor of Science degree in Business Administration.
- Married to Deborah Ghazzawi. They have five children.
- Mr. Ghazzawi is fluent in Arabic and English.
- Mr. Ghazzawi maintains residences all over the world — The family's primary residence (which is a sprawling beach house) is in Al Khobar, Saudi Arabia, on the Arabian Gulf. Mr. Ghazzawi also has a large city penthouse in Riyadh and other secondary residences in Maidenhead on the Thames in London, England; on the Gulf of Mexico in Sarasota, Florida; and in Arlington, Virginia, USA.

18. The text of this undated article reads, in relevant part:

*MORE ABOUT
ESAM A. GHAZZAWI
DESIGNER*

Saudi Arabian based designer, Esam A. Ghazzawi, provides turnkey designs conceptualization, consultation and installation services, primarily for grand-scale residential interiors within the Kingdom of Saudi Arabia. A gifted, self-taught designer, Mr. Ghazzawi has become a specialist in very exclusive, one-of-a-kind interior design for both new construction and renovation/redesigning projects. His clients are well educated, well traveled and very affluent. To date, most have been high-ranking government hierarchy in his home country.

* * *

PERSONAL

- Graduated high school in Saudi Arabia. Attended college in the U.S.: completed two years at the University of Southern California, transferred and graduated from Chapman College in California in 1975 with a Bachelor of Science degree in Business Administration.
- Married Deborah Ghazzawi. They have five children.
- Mr. Ghazzawi is fluent in Arabic and English,
- Mr. Ghazzawi maintains residences all over the world – The family's primary residence (which is a sprawling beach house) is in Al Khobar, Said Arabia, on the Arabian Gulf. Mr. Ghazzawi also has a large city penthouse in Riyadh and other secondary residences in Maidenhead on the Thames in London, England, on the Gulf of Mexico in Sarasota, Florida, and in Arlington, Virginia USA.

19. Esam Ghazzawi also is depicted in the following undated article from Volume 9, Issue No. 3 of On Design magazine:

NEWSLETTER

SAUDI ARABIAN HOSPITALITY AT HIGH POINT

East met West in October during High Point Market when designer Esam A. Ghazzawi of Saudi Arabia rolled out the red carpet and welcomed select American manufacturers to a soiree that the town — and those in it — are still talking about!



Mr. Ghazzawi was a most affable host, along with his family and colleagues from The Luxury Home Collection showroom; they, too, were on hand at the beautiful Grandover Resort in Greensboro, NC to meet and mingle with the hundreds of guests in attendance. Never one to do "the expected" or what's typical, the designer was pleased to entertain manufacturers with whom he has established relationships.

The invitation, written in the "first person" for a personal touch, stated "As one of our most valued suppliers, you have played an important role in The Luxury Home Collection's success." Mr. Ghazzawi is the chairman/chief executive officer of the showroom that opened in Riyadh in May 2000 and displays vignettes of numerous rooms with exquisite furniture, lighting, accessories and art from his worldwide sources. The new facility continues to receive rave reviews since the designs are a departure from what is considered customary in the Kingdom of Saudi Arabia.

Because many of the manufacturers had not had an opportunity to visit The Luxury Home Collection yet, or to see their products used in the designer's grand scale residential projects in his part of the world, Mr. Ghazzawi lined the elegant hallways leading to the resort's ballroom with dozens of oversized, full-color installation photographs.

The designer also displayed other giant photos showcasing the beautiful Saudi Arabia landscape and depicting the country's intriguing customs. Worthy of mention as well was that, as Ghazzawi family members interacted with guests, they offered explanations of some of their time-honored traditions.

Commenting on Esam Ghazzawi and his hospitality, Jeffrey Gaynor, president of Jetco, said, "Esam is a pleasure to do business with and he is a pleasure on a personal level as well. He is a very interesting and honorable man, an astute businessman, and a gracious host." Jetco V.P. Ian Morton added, "Esam is a gentleman, well-mannered, bright and creatively wonderful. He is one of our best international customers because of his style and ability to understand our culture and communicate what is going on in his culture."

Alex Malouf, president of the John Richard Collection, offered another opin-

72 • on design vol. 9 no. 3

20. The text of this article reads:

SAUDI ARABIAN HOSPITALITY
AT HIGH POINT

East Met West in October during High Point Market when designer Esam A. Ghazzawi of Saudi Arabia rolled out the red carpet and welcomed select American manufacturers to a soiree that the town – and those in it – are still talking about!

Mr. Ghazzawi was a most affable host, along with his family and colleagues from The Luxury Home Collection; they, too, were on hand at the beautiful Grandover Resort in Greensboro, NC to meet and mingle with the hundreds of guests in attendance. Never one to do “the expected: or what’s typical, the designer was pleased to entertain manufacturers with whom he has established relationships.

The invitation, written in the “first person” for a personal touch, stated “As one of our most valued suppliers, you have played an important role in the Luxury Collection’s success.” Mr. Ghazzawi is the chairman/chief executive officer of the showroom that opened in Riyadh in May 2000 and displays vignettes of numerous rooms with exquisite furniture, lighting, accessories and art from his worldwide sources. The new facility continues to receive rave reviews since the designs are a departure from what is considered customary in the Kingdom of Saudi Arabia.

Because many of the manufacturers had not had an opportunity to visit The Luxury Home Collection yet, or to see their products used in the designer’s grand-scale residential projects in his part of the world, Mr. Ghazzawi lined the elegant hallways leading to the resort’s ballroom with dozens of oversized, full-color installation photographs.

The designer also displayed other giant photos, showcasing the beautiful Saudi Arabia landscape and depicting the country’s intriguing customs. Worthy of mention as well was that, as Ghazzawi family members interacted with guests, they offered explanations of some of their honored traditions.

Commenting on Esam Ghazzawi and his hospitality, Jeffrey Gaynor, president of Jeffco, said, “Esam is a pleasure to do business with and he is a pleasure on a personal level as well. He is a very interesting and honorable man, an astute businessman, and a gracious host.” Jeffco V.P. Tom Morton added, “Esam is a gentleman, well mannered, bright and creatively wonderful. He is one of the best international customers because of his style and ability to understand our culture and communicate what is going on in his culture.”

Alex Malouf, president of The John Richard Collection, offered another opin-

21. The rest of this article was not reproduced on the website and I have been unable to locate a copy of the full article elsewhere. The captions with the photograph were not available on the website. One of the photographs appears to depict Esam Ghazzawi with former U.S. Representative Patrick Kennedy.

22. Another of the articles appears to depict Esam Ghazzawi's father, Saudi Ambaassador Abbas Faiq Ghazzawi, in the following photographs with Saudi Kings Faisal, Fahd bin Abdulaziz al Saud, and Saud bin Abdulaziz al Saud:



23. On September 22, 2011, two weeks after I first had reported about the FBI's investigation of the al-Hijjis and the Ghazzawis, Russ Baker, a well-known journalist with whom I have no association or affiliation, but who had written in-depth about the Bush family,¹ followed up on my reporting through an article stating that Abbas Ghazzawi had first come to the United States in the 1950s with a delegation of high-ranking Saudi officials, including Faisal al-Hegelan who would become Saudi ambassador to the United States and who would be instrumental in acquiring for the Saudi Air Force U.S.-made command and control aircraft known as AWACS. See Russ Baker, *Saudi Royal Ties to 9/11 Hijackers Via Florida Saudi Family?* (<http://whowhatwhy.org/2011/09/22/saudi-royal-ties-to-911-hijackers-via-florida-saudi-family-0/>).

24. Baker also reported in the same article that he had documents identifying Ambassador Ghazzawi's son, Esam, as a director of EIRAD Management Company, the UK division of EIRAD Trading and Contracting Co. Ltd., which held the Saudi franchise for many multinational brands, including United Parcel Service. Baker reported that Esam's brother Mamdouh is the Executive Managing Director of the parent firm, EIRAD Holding Co. Ltd., and that the chairman of that company was Prince Sultan bin Salman bin Abdul Aziz Al-Saud.

25. I reported that that both Esam Ghazzawi and his son-in-law, Abdulaziz al Hijji had been on a watch list at the FBI predating the 9/11 attacks.

26. I also independently verified Baker's reporting to my satisfaction. That, together with the photographs and articles on Esam Ghazzawi's website, strongly suggest to me that the FBI quickly ascertained after September 11, 2001, that the 9/11 hijackers had contact with Esam

¹ See Russ Baker, *FAMILY OF SECRETS – THE BUSH DYNASTY, AMERICA'S INVISIBLE GOVERNMENT, AND THE HIDDEN HISTORY OF THE LAST FIFTY YEARS* (Bloomsbury Press 200).

Ghazzawi's family members, or had reason to contact Ghazzawi's family members, prior to September 11, 2001; that the FBI either deliberately concealed this information from Congress in order to protect the Ghazzawi family or negligently failed to conduct a proper investigation of the possible complicity of Ghazzawi family members in the 9/11 attacks; and that the FBI is now improperly withholding, in whole or in part, records responsive to my FOIA requests not because disclosure of those records would harm national security, result in an unwarranted invasion of personal privacy, disclose confidential sources, interfere with law enforcement investigations, or otherwise cause harm; but, rather because disclosure of the records would result in valid and important public criticism of the actions that the FBI took in the wake of the 9/11 attacks on the United States.

Executed in Broward County, Florida, on April 18, 2017.

s/ Dan Christensen

Dan Christensen

Attachment 3 to Julin Declaration

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 16-61289-Civ-Altonaga/O'Sullivan

BROWARD BULLDOG, INC., a Florida)
corporation not for profit, and DAN)
CHRISTENSEN, founder, operator and editor)
of the FloridaBulldog.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.)
)

Declaration of Terry Strada

I, Terry Strada, declare under penalty of perjury that the following statement is true and correct:

1. My husband, Tom Strada, was killed in the terrorist attack at the World Trade Center on September 11, 2001.
2. Since then I personally have been seeking answers, including from the U.S. government, about whether the hijackers had accomplices and, if so, why no one has been prosecuted.
3. The government has not provided me or others with full or adequate answers.

4. I and thousands of other relatives of victims of the 9/11 attacks retained counsel to gather evidence that the hijackers were knowingly assisted in their preparation for the 9/11 attacks.

5. Based on evidence that has been assembled, I and other plaintiffs have filed lawsuits alleging that the Kingdom of Saudi Arabia and other Saudi government-related entities provided material support to the hijackers.

6. Initially, the suit alleging that the Saudi Kingdom's responsibility for the 9/11 attacks was dismissed on grounds of foreign sovereign immunity.

7. I, and a number of other 9/11 Family members and survivors, spent substantial time over the past several years persuading Congress that the Court's decision to afford the Saudi Kingdom immunity from liability for its alleged role in the 9/11 attacks was unfair; and, as a result, Congress recently lifted that immunity through enactment of the Justice Against Sponsors of Terrorism Act.

8. The Act recognizes that the public interest in justice for the victims is far greater than any hypothetical concerns about how disclosure of the truth could affect national security, law enforcement investigations, or privacy.

9. The lawsuit will now move forward, including allegations against the Saudi Kingdom defendants, and it is of critical importance that we obtain whatever evidence the FBI gathered in the aftermath of 9/11 of Saudi government support for the hijackers.

10. Any interests that may support continued secrecy cannot compare to the enormous harm that we have already suffered and that we will continue to suffer if we are denied the truth about 9/11, both in an effort to achieve a degree of accountability from those alleged to have played a role in supporting the attacks and also in an effort to deter would be actors from playing any comparable role in a future attack.

Executed on January 12, 2017, in New Vernon, New Jersey.

A handwritten signature in blue ink, appearing to read "Terry Strada", is written above a horizontal line.

Terry Strada