



October 26, 2023

Via Web Portal Only

OSD/JS FOIA Requester Service Center
Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155
Fax (571) 372-0500

RE: FOIA Request to the United States Department of Defense (DOD) for Records regarding the vetting process of Ariane Tabatabai and her actions after the appointment.

Dear FOIA Officer:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, and the corresponding department/agency implementing regulations. The Request is made by the American Center for Law and Justice (“ACLJ”)¹ on behalf of its members. The ACLJ respectfully seeks expedited processing and a waiver of fees related to this Request as set forth in an accompanying memorandum.

To summarize, this Request seeks records pertaining to the U.S. Department of Defense’s knowledge of the events surrounding Ariane Tabatabai and her relation to the Iranian Government while she served in the Department of Defense under the Assistant of Secretary for Special Operations and Low-Intensity Conflict Christopher Maier, in the Department of Defense.

Background

Pursuant to FOIA and U.S. Department of Defense FOIA regulation 32 CFR § 286, this Background addresses the subject, timeframe, names of any individuals involved, emails,

¹ The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

memorandum, meetings, and reasons why the requester believes the Department may have records on the subject of the request.

In September 2023, Ariane Tabatabai, the chief of staff to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, was accused of being an alleged member of the Iran Experts Initiative.² She had previously served as a diplomat on the Iran nuclear negotiating team for the Biden administration.³

This group seeks to “bolster the Iranian government’s image and reinforce Tehran’s national security views.”⁴ Email evidence shows Ms. Tabatabai’s communications with the Iranian government, such as discussions regarding speaking engagements and congressional briefings regarding Iran.⁵

According to a press release from the Foreign Relations Committee:

Ariane Tabatabai, the chief of staff to the assistant secretary of defense for special operations and low intensity conflict, was reportedly engaged in an Iranian government-linked initiative to bolster the Iranian government’s image and reinforce Tehran’s national security views. Leaked emails show Tabatabai asking the Iranian government for input on her speaking engagements and offering to consult with the Iranian government on a congressional briefing that she was invited to give.⁶

The email sent on March 12, 2014 by Saeed Khatibzadeh to Mostafa Zarani shows that Ariane Tabatabai and Dina Esfandiani had been selected by the Iranian Government to this mission. It is reproduced in full below:

² Wicker, *Colleagues Demand Accountability on Iran-Linked DOD Official*, ROGER WICKER (Sept. 29, 2023), <https://www.wicker.senate.gov/2023/9/wicker-colleagues-demand-accountability-on-iran-linked-dod-official>.

³ Jay Solomon, *Inside Iran’s Influence Operation*, THE FREE PRESS (Sept. 27, 2023), <https://www.thefp.com/p/inside-iran-influence-operation>.

⁴ Wicker, *Colleagues Demand Accountability on Iran-Linked DOD Official*, *supra* note 2.

⁵ *Id.*

⁶ Risch Joins Wicker, *Colleagues in Demanding Accountability on Iran-Linked DoD Official*, FOREIGN RELS. COMM. (Oct. 2, 2023), <https://www.foreign.senate.gov/press/rep/release/risch-joins-wicker-colleagues-in-demanding-accountability-on-iran-linked-dod-official>.

Date : 14/03/2014 04:44:26
From : "Mostafa zahrani" mostafazahrani@yahoo.com
To : "jzarif@gmail.com" jzarif@gmail.com
Subject : Re: List of Names for IEI
Attachment : Names IEI_ed.docx;

On Thursday, March 13, 2014 2:31 PM, saeed khatibzadeh <saeed_khatib@yahoo.com> wrote:

-----Forwarded message-----

From: saeed_khatib@yahoo.com
To: mostafazahrani@yahoo.com
Sent: Tue, Mar 11, 2014 1:48 PM PKT
Subject: Fw: List of Names for IEI

jenabe aghaye Dr. Zahrani,
ba salam va arze adab.

As you already know, based on our previous discussions, a network of young second-generation Iranian experts was initiated and we are looking forward to hold a meeting in Vienna in mid-Farvardin.

Actually, this very idea of Iran Experts Initiative (IEI) was discussed between me and two of the young experts, we (you and me) met in the prague conference, i.e. Ariane Tabatabaei and Dina Esfandiari. We three agreed to be the core group of the IEI.

For the first meeting in Vienna and in order to establish this network in practice, we have decided to invite almost twenty scholars with established affiliation with the leading internationally well-known think-tanks.

Enclosed is the preliminary list of invitees. Please let me know if you have any reservation on the names ASAP.

By the way, as you promised, this initiative needs your financial as well as political support. For the first meeting, we need fund for cover the costs, including some tickets, hotel costs, etc.

Looking forward to hearing from you,
ba tajdide ehteram,
Saeed Khatibzadeh

Ariane Tabatabai has also published four articles mostly supporting Tehran's views on the nuclear talks.⁷

⁷ Jay Solomon, *supra* note 3.

For example, in one article written by Ariane, co-written with Dina Esfandiary, they argued that Iran was “too powerful” to be contained and that “Tehran doesn’t need an agreement to be empowered and to strengthen its foothold in the region.”⁸

She continues with an argument that while U.S. allies in the region focus on preventing a nuclear agreement, Tehran continues to consolidate its gains in the Middle East.⁹ “The nuclear agreement is not what determines Iran’s regional standing. Iran is already a dominant state in the Middle East.”¹⁰... “Ultimately, a final nuclear deal would facilitate such coordination. For better or worse, all further engagement of Iran is predicated on the nuclear issue being resolved. But in the current climate, Tehran doesn’t need an agreement to be empowered and to strengthen its foothold in the region. While regional actors are busy trying to derail the talks to weaken Iran, Tehran is consolidating its presence and influence in the region.”¹¹

She also appears to have sought Iranian assistance regarding presentations. Writing about an upcoming talk, she wrote “I’m scheduled to go to Congress to give a talk about the nuclear program. I will bother you in the coming days. It will be a little difficult since both Will (Tobey) and Gary (Samore) do not have favourable views on Iran.”¹²

When the above came to light, the DOD investigated. After an internal review, the DOD decided to let Ms. Tabatabai keep her security clearance.¹³ According to the Assistant Secretary of Defense, Rheanne E. Wirkkala, “[w]e have confirmed that Ms. Tabatabai’s employment and clearance processes were carried out in accordance with all appropriate laws and policies.”¹⁴

The DOD did not disclose any information regarding how the review of Ms. Tabatabai was held, nor did they disclose any evidence showing why Ms. Tabatabai was eligible to keep her clearance.

The “review” does not answer the question of why Ms. Tabatabai retained access to information in the Office of Special Operations and Low Intensity Conflict –a position that by definition must, at least, know of operations against Hamas and other terrorist organizations- or was appointed to that position at all.

Records Requested

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited

⁸ Ariane Tabatabai, THE NATIONAL INTEREST, *Mission Impossible Iran is too Powerful to Contain* (Apr. 11, 2015) <https://nationalinterest.org/feature/mission-impossible-iran-too-powerful-contain-12606>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Alireza Nader (@AlirezaNader), TWITTER (Oct. 1, 2023, 5:57 PM), <https://twitter.com/AlirezaNader/status/1708602130481733707>.

¹³ Adam Kredo, *Member of Iranian Influence Network to Keep Security Clearance After Pentagon Review*, FREE BEACON (Oct. 18, 2023), <https://freebeacon.com/biden-administration/member-of-iranian-influence-network-to-keep-security-clearance-after-pentagon-review/>.

¹⁴ *Id.*

copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person.

For purposes of this Request, the term “DoD official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DoD any Mission of the United States, or any Delegation of the United States, or any office or function of these agencies, in any capacity; (2) contracted for services by or on behalf of the DoD, any Mission of the United States, or any Delegation of the United States, or any office or function of these agencies, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DoD, any Mission of the United States, or any Delegation of the United States, or any office or function of these agencies; or (4) any such person’s staff, agent or employee; all without regard to the component of the Department of Defense, Pentagon, or office in which that person serves.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 20, 2021, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the U.S. Department of Defense produce the following:

- 1. All records, all communications, and all briefings created by Ariane Tabatabai.**
- 2. The scheduling calendar of Ariane Tabatabai.**
- 3. All records of communications by or with Secretary of Defense Lloyd James Austin III, involving or regarding in any way Ariane Tabatabai.**
- 4. All records of communications by or to Mr. Christopher Maier about Ariane Tabatabai.**

5. **All records of communications by or with any DoD official within the DoD, involving or regarding the hiring or appointment of Ariane Tabatabai to her present position.**
6. **Records of the vetting process conducted by the Federal Bureau of Investigation before Ariane Tabatabai's hiring.**
7. **Records of any communications the DOD has regarding Ariane Tabatabai's vetting process with the Central Intelligence Agency.**

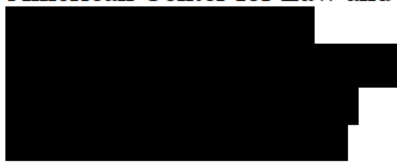
Each request seeks records which include, but are not limited to, any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DHA electronic mail or message accounts, non-DHA electronic mail or message accounts, personal electronic mail or message accounts, DHA servers, non-DHA servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

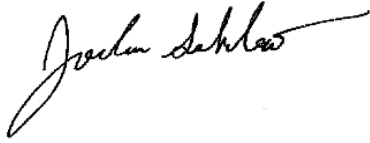
Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jordan Sekulow".

Jordan Sekulow
Executive Director

A handwritten signature in black ink, appearing to read "Ben P. Sisney".

Benjamin P. Sisney
Senior Litigation Counsel

A handwritten signature in blue ink, appearing to read "John A. Monaghan".

John A Monaghan
Senior Litigation Counsel