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RE: FOIA Request to the U.S. Department of State, the Office of the Director of National Intelligence, the Department of Defense, Regarding American Failures in Afghanistan

To Whom it May Concern:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, 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 communications, knowledge and efforts surrounding the failure unfolding in Afghanistan and the communications had between agencies in the months leading up to the national security and humanitarian catastrophe. Specific examples of records sought include those surrounding the breaking story that the State Department canceled, evidenced by a memo “marked sensitive but unclassified and was signed by Deputy Secretary Brian McKeon, approved the ‘discontinuation of the establishment, and termination of, the Contingency and Crisis Response Bureau (CCR).’”² Another example is this: “About two dozen diplomats working at the U.S. Embassy in Afghanistan warned Secretary of State Antony Blinken in July that Kabul risked falling to the Taliban shortly after the military’s withdrawal, according to a report from The Wall Street Journal.”³ The ACLJ also seeks records surrounding the issue of withdrawal of American troops before all Americans, allies, and Afghans supporting America’s mission, were evacuated; abandoning U.S. bases and military equipment, and the Biden White House’s and Pentagon’s blaming of U.S. Intelligence Community for the shocking failures the world is witnessing.

Background

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses “the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.” 22 C.F.R. § 171.4(b).

¹The 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.

² Adam Kredo, *Biden State Dept Moved to Abolish Crisis Response Bureau Months Before Taliban Takeover of Afghanistan*, WASHINGTON FREE BEACON (Aug. 18, 2021, 4:00 PM), <https://freebeacon.com/biden-administration/biden-state-dept-moved-to-abolish-crisis-response-bureau-months-before-taliban-takeover-of-afghanistan/>.

³ Rebecca Beitsch, *US Diplomats Warned Blinken in July Country Could Fall to Taliban: Report*, THE HILL (Aug. 19, 2021, 6:21 PM), (citing Vivian Salama, *Internal State Department Cable Warned of Kabul Collapse*, WALL ST. J. (Aug. 19, 2021, 6:44 PM), <https://www.wsj.com/articles/confidential-state-department-cable-in-july-warned-of-afghanistans-collapse-11629406993>) <https://thehill.com/policy/national-security/568674-us-diplomats-in-afghanistan-warned-blinken-in-july-country-could?rl=1>.

Possibly as early as February, a decision was made to disband the Trump era “Contingency and Crisis Response Bureau” – a program had been designed to be a lifeline to Americans abroad in times of need, for example, it successfully repatriated 100,000 Americans when countries locked down their borders during the pandemic. The formal document disbanding the bureau was signed on June 11, 2021.⁴

Sometime after January and before April of 2021,

President Joe Biden had just announced plans to withdraw all American troops from Afghanistan in April when, during a classified briefing with top national security officials on Capitol Hill, one lawmaker stood up and asked a pointed question.

What was the Biden administration’s plan to evacuate the thousands of Afghan nationals who aided the U.S. war effort, and expedite their visas?

Defense Secretary Lloyd Austin didn’t have an answer. “We’ll get back to you on that,” Austin said, according to two people in the room and a defense official familiar with the interaction.⁵

On July 6 of this year, the United States withdrew from Bagram Airfield – “the epicenter of America’s war to unseat the Taliban”- in the dark of night.⁶

Further, as reported in The Hill:

About two dozen diplomats working at the U.S. Embassy in Afghanistan warned Secretary of State Antony Blinken in July that Kabul risked falling to the Taliban shortly after the military’s withdrawal, according to a report from The Wall Street Journal.

The classified cable, sent through the State Department’s confidential dissent channel, detailed swift gains by the Taliban throughout the country, the collapse of Afghan forces and offered recommendations for speeding up evacuation efforts.

The July 13 cable also used tougher language to describe actions being taken by the Taliban, a source told the Journal, highlighting that the administration’s officials on the ground gave leaders clear warnings about the group’s advancement.⁷

⁴ Raheem J. Kassam, *EXC: Joe Biden’s State Dept Halted A Trump-Era ‘Crisis Response’ Plan Aimed At Avoiding Benghazi-Style Evacuations Just MONTHS Before Taliban Takeover*, NAT’L PULSE (Aug. 18, 2021), <https://thenationalpulse.com/exclusive/bidens-state-dept-halted-trump-era-crisis-response-plan/>.

⁵ Andrew Desiderio & Lara Seligman, ‘Complete Disaster’: Inside the Biden Team’s Chaotic Bid to Evacuate Afghan Interpreters, POLITICO (July 30, 2021, 2:00 PM), <https://www.politico.com/news/2021/07/30/biden-evacuate-afghan-interpreters-501773>.

⁶ Kathy Gannon, *US Left Afghan Airfield at Night, Didn’t Tell New Commander*, AP NEWS (July 6, 2021), <https://apnews.com/article/bagram-afghanistan-airfield-us-troops-f3614828364f567593251aaaa167e623>.

⁷ Beitsch, *supra* note 3.

In an August 18, 2021, press conference watched by the world, “[t]op US General Mark Milley sa[id] he wasn’t aware of any intelligence reports indicating the Afghan military and government would collapse in just 11 days — despite claims officials had been warning for months of a quick Taliban takeover.”⁸

Then, President Biden engaged a shocking interview with ABC News’ George Stephanopoulos:

“Back in July, you said a Taliban takeover was highly unlikely. Was the intelligence wrong, or did you downplay it?” Stephanopoulos asked.

“I think there was no consensus,” Biden responded. “If you go back and look at the intelligence reports, they said it was more likely sometime by the end of the year.”⁹

Further:

In another exchange, Stephanopoulos pressed Biden if he thought the withdrawal could have been “handled better in any way.”

“No. I don’t think it could’ve been handled in a way that- we’re going to go back in hindsight and look but the idea that somehow there was a way to have gotten out without chaos ensuing, I don’t know how that happens,” Biden said.

“So for you, that was always priced in the decision?” Stephanopoulos followed.

“Yes,” Biden answered.¹⁰

And:

Stephanopoulos grilled the president, pointing out that Biden “didn’t put out a timeline” and that he “flat-out said it was highly unlikely that the Taliban would take over.” Biden pushed back, suggesting the fall of Afghanistan was only predicated on the 300,000 Afghan troops to “somehow” collapse.

“When you look at what’s happened over the past week, was it a failure of intelligence, planning, execution, or judgment?” Stephanopoulos asked.

“Look, it was a simple choice, George,” Biden responded. “When you had the government of Afghanistan, the leader of that government get in a plane and taking off and going to another country, when you saw the significant collapse of the Afghan troops we had trained- up to 300,000 of them- just leaving their equipment

⁸ Emily Crane & Juliegrace Brufke, *Nothing I Saw Indicated a Collapse of This Government in 11 Days*: Milley on Afghanistan, N.Y. POST (Aug. 18, 2021, 4:17 PM), <https://nypost.com/2021/08/18/milley-says-no-one-couldve-predicted-afghan-collapse-in-11-days/>.

⁹ Joseph A. Wulfsohn, *Biden Says Ongoing 'Chaos' in Afghanistan was 'Priced' into Withdrawal Decision During ABC Interview*, FOX NEWS (Aug. 18, 2021), <https://www.foxnews.com/media/biden-abc-interview-afghan-withdrawal>.

¹⁰ *Id.*

and taking off, that was, you know, I'm not- that's what happened. That's simply what happened.”¹¹

As reported by The Hill:

Billions of dollars of U.S. weapons are now in the hands of the Taliban following the quick collapse of Afghan security forces that were trained to use the military equipment.

Among the items seized by the Taliban are Black Hawk helicopters and A-29 Super Tucano attack aircraft.

Photos have also circulated of Taliban fighters clutching U.S.-made M4 carbines and M16 rifles instead of their iconic AK-47s. And the militants have been spotted with U.S. Humvees and mine-resistant ambush protected vehicles.¹²

There are indications that the treatment of women will change:

. . . the Taliban is on a charm offensive. . . .

Afghan women know the Taliban's history all too well. When they were previously in power from 1996 to 2001, they banned most education for women and girls and confined women to their homes unless a male family member was with them, denying them access to most jobs — or even freedom to leave their house for a walk.

Even in the news conference designed to reassure women, cracks were showing. Mujahid also said: “[T]here's not going to be any discrimination against women, but of course within the frameworks that we have. Our women are Muslim. They will also be happy to be living within our frameworks of Sharia.”

‘Framework of Islam’

During their previous years in power as well, the Taliban claimed they were granting women all rights within their interpretation of the “frameworks of Islam,” and that the restrictions were in response to the ongoing conflict. They have not explained whether their views have changed, and their actions on the ground have often been out of sync with, and much harsher than, their statements.

Their abuses are not in the distant past either. In recent weeks, as they gained territory, there were reports of them barring girls and women from education in

¹¹ *Id.*

¹² Rebecca Kheel, *Billions in US Weaponry Seized by Taliban*, THE HILL (Aug. 19, 2021, 6:00 AM), <https://thehill.com/policy/defense/568493-billions-in-us-weaponry-seized-by-taliban>.

some districts, pushing women out of jobs, and ordering women not to go out in public without a male family member—all shades of pre-2001.¹³

Much the same applies to the Taliban and religious minorities:

The Taliban has a hit list of known Christians they are targeting to pursue and kill. The US Embassy is defunct and there is no longer a safe place for believers to take refuge. All borders to neighboring countries are closed and all flights to and from have been halted, with the exception of private planes. People are fleeing into the mountains looking for asylum. They are fully reliant on God, who is the only One who can and will protect them.

The Taliban are going door-to-door taking women and children. The people must mark their house with an “X” if they have a girl over 12 years old, so that the Taliban can take them. If they find a young girl and the house was not marked they will execute the entire family. If a married woman 25 years or older has been found, the Taliban promptly kill her husband, do whatever they want to her, and then sell her as a sex slave.¹⁴

Furthermore, both Russia and China are poised to take advantage of the American withdrawal, albeit with some concerns of their own:

According to the Kremlin, during a telephone call the Russian and Chinese leaders “expressed their readiness to step up efforts to combat threats of terrorism and drug trafficking coming from the territory of Afghanistan”.

They also spoke of the “importance of establishing peace” in Afghanistan and “preventing the spread of instability to adjacent regions”.

Putin and Xi “agreed to intensify bilateral contacts” and “make the most of the potential” of the Shanghai Cooperation Organisation (SCO) that is due to convene a summit in Tajikistan next month. . . .

Putin has also criticised the involvement of outside powers in Afghanistan’s domestic affairs and said Moscow had “learnt lessons” from the Soviet Union’s decade-long invasion of the country.

For its part, after the Taliban swept to power on Aug 15, China said it is ready to deepen “friendly and cooperative relations” with Afghanistan.¹⁵

¹³ Heather Barr, *Should Anyone Believe Taliban Pledges to Respect Women’s Rights?*, HUM. RTS. WATCH (Aug. 19, 2021, 7:00 AM), <https://www.hrw.org/news/2021/08/19/should-anyone-believe-taliban-pledges-respect-womens-rights>.

¹⁴ *Afghanistan: Official Statement from Leaders in the Underground Church*, FAI MISSION (Aug. 17, 2021), <https://www.faimission.org/wire/afghanistan-official-statement-underground-church>.

¹⁵ AFP, *Putin, Xi Agree to Jointly Combat Afghanistan ‘Threats’*, DAWN (Aug. 26, 2021), <https://www.dawn.com/news/1642662/putin-xi-agree-to-jointly-combat-afghanistan-threats>.

The Taliban has blown up statues,¹⁶ assassinated comics for making fun of them,¹⁷ confirmed that music will be prohibited again,¹⁸ freed Al-Qaeda members from prison¹⁹, and entrapped foreigners in Afghanistan.²⁰ All actions consistent with what they did before:

Many [Afghans] also fear the Taliban will reimpose the harsh interpretation of Islamic law that they relied on when they ran Afghanistan from 1996 to 2001. Back then, women were barred from attending school or working outside the home. They had to wear the all-encompassing burqa and be accompanied by a male relative whenever they went outside. The Taliban banned music, cut off the hands of thieves and stoned adulterers.²¹

On August 30, 2021, rockets were launched against Kabul Airport. ISIS-K has claimed responsibility.²²

Additional national and international media coverage of the multiple stories surrounding the Biden Administration's actions in Afghanistan and the actions of the Taliban are abundant and need not be repeated here.

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 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

¹⁶ Associated Press, *Taliban Blow Up Statue of Shiite Militia Leader*, MARKETWATCH (Aug. 18, 2021, 4:16 AM), <https://www.marketwatch.com/story/taliban-blow-up-statue-of-shiite-militia-leader-01629274587>.

¹⁷ *Afghanistan: Mounting Taliban Revenge Killings*, HUM. RTS. WATCH (July 30, 2021, 12:49 PM), <https://www.hrw.org/news/2021/07/30/afghanistan-mounting-taliban-revenge-killings>.

¹⁸ Faye Brown, *Music will be Banned in Afghanistan and Women will Need Chaperone for Long Trips*, METRO (Aug. 26, 2021, 6:22 PM), <https://metro.co.uk/2021/08/26/afghanistan-music-will-be-banned-and-women-will-need-male-chaperones-15157906/>.

¹⁹ Sophia Ankel, *Video Shows Thousands of Prisoners, Reportedly Including Islamic State and Al Qaeda Fighters, Freed From Kabul Jail by the Taliban*, BUS. INSIDER (Aug. 15, 2021, 12:09 PM), <https://www.businessinsider.com/watch-afghan-prisoners-isis-al-qaeda-fighters-freed-by-taliban-2021-8>.

²⁰ Hannah Ellis-Petersen, *Afghanistan: Thousands Stranded in Kabul as Taliban Go Door-To-Door*, GUARDIAN (Aug. 20, 2021), <https://www.theguardian.com/world/2021/aug/20/afghanistan-kabul-evacuations-thousands-taliban-search>.

²¹ Joseph Krauss, *Taliban Take Over Afghanistan: What We Know and What's Next*, AP NEWS (Aug. 17, 2021), <https://apnews.com/article/taliban-takeover-afghanistan-what-to-know-1a74c9cd866866f196c478aba21b60b6>.

²² Alex Marquardt & Jessie Yeung, *As Many as 5 Rockets were Fired on Kabul Airport, Says US Official*, CNN (Aug. 30, 2021, 9:30 AM), <https://www.cnn.com/2021/08/30/asia/rockets-fired-kabul-airport-intl-hnk/index.html>.

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 “DOS official” or “DOD official” or “ODNI/IC official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS, DOD, or ODNI/IC, 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 DOS, DOD or ODNI/IC, 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 DOS, DOD, or ODNI/IC, 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, bureau, 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 DOS produce the following:

1. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way Taliban plans or intentions to persecute, enumerate or limit the civil rights of the religious minorities, such as Christians, Sikhs, Hindus, Buddhists, Shi’a Muslims and Baha’i adherents,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.
2. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way Taliban plans or**

intentions to persecute, avenge perceived wrongs, feud, or limit the civil rights of the ethnic minorities, such as Tajik, Hazara, Uzbek, Baloch, Turkmen, Nuristani, Pamiri, Aimaq, and others, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

3. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official in Afghanistan, referencing, connected to, or regarding in any way reports of atrocities by the Taliban,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

4. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD—including General Austin Scot Miller, or ODNI/IC official referencing, connected to, directing or regarding in any way the closure of Bagram airfield,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

5. **The record and communication of the internal State Department cable of July 13, 2021, sent on its confidential dissent channel, warning of rapid Taliban advance against crumbling Islamic Republic of Afghanistan armed forces, advising a speeding up of the evacuation of Americans from Afghanistan and urging tougher language regarding Taliban atrocities,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-

ODNI 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.

6. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way the withdrawal of the U.S. military or presence in Afghanistan by a certain date,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

7. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way a report or recommendation concerning the impact of American withdrawal on the stability of the Islamic Republic of Afghanistan,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

8. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way evacuation of Americans from Afghanistan,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

9. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way the State Department's termination of the Contingency and Crisis Response Bureau, as evidenced by a memo marked sensitive but unclassified and signed by Deputy Secretary Brian McKeon,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

10. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way the impact of American withdrawal on women in Afghanistan,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

11. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way the leaving in Afghanistan of American military vehicles, equipment, and weapons, whether having been given to the military of the Islamic Republic of Afghanistan or having been abandoned by the U.S. military,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

12. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way warnings that Afghanistan risked falling to the Taliban shortly, or within any particular approximate or specific length of time, after the military's withdrawal,** including but not limited to any record located on backup tapes,

archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

13. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official of Taliban public announcements or other publicity meant for Afghan consumption referencing, connected to, or regarding in any way the United States withdrawal from Afghanistan, the application Sharia law to adherents of other religions, future Taliban intentions to the United States, Al-Qaeda and other terrorist organizations, Americans, and future or present intentions to Buddhist, Christian or other religious works of art,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

14. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way a possible rapprochement between China and the Taliban,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

15. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way the Shanghai Cooperation Organization and its activities or public announcements about the Taliban,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

16. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way reports of the Taliban confiscating America passports,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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. All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way the Shanghai Cooperation Organization and its activities or public announcements about the Taliban, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

17. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way the Taliban preventing Americans and Allied Nationals from traveling to Kabul or bordering countries,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

18. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, DOD, or ODNI/IC official referencing, connected to, or regarding in any way the Taliban or ISIS, ISIS-K and the August 30, 2021 bombing of Kabul airport,** including but not limited to any record located on

backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI 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.

Moreover, as explained in an accompanying memorandum, the ACLJ is entitled to a waiver of all fees associated with this Request and to expedited processing. The ACLJ reserves the right to appeal a decision to withhold any information sought by this request and/or to deny the separate application for expedited processing and waiver of fees.

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

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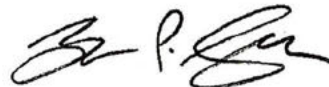
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I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,



Jordan Sekulow
Executive Director



Benjamin P. Sisney
Senior Litigation Counsel



John A Monaghan
Senior Litigation Counsel