



**Judicial  
Watch<sup>®</sup>**

*Because no one  
is above the law!*

August 2, 2012

**VIA CERTIFIED MAIL & FACSIMILE**

Michelle Meeks  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505  
(703) 613-3007

**Re: Freedom of Information Act Request**

Dear Ms. Meeks:

The Elkridge Patch reported that a lecturer at a Central Intelligence Agency (CIA) campus in Elkridge, Maryland, “Reza Kahili,” is under criticism from the Council of American Islamic Relations (CAIR) for alleged Islamophobia. This follows reports of another defense instructor fired after similar complaints from a soldier.<sup>1</sup>

The American public has a keen interest in keeping abreast of how our country’s operatives, paid and equipped through the general treasury funded by the citizenry, are being prepared to fulfill their individual and collective mission of producing timely analysis that provides insight, warning and opportunity to the President and decision makers charged with protecting and advancing America’s interests. To this end, Judicial Watch seeks information surrounding the foregoing incidents because it aims to communicate to the American public facts obtained through official process (not leaks) as to whether and how the U.S. intelligence community may be accommodating what appear in this instance to be the competing interests of absolute readiness and cultural sensitivity.

The records herein requested will also shed light on the current state of discipline and respect for the intelligence community given how responsive leadership in this instance apparently was to one student’s displeasure with a lesson as presented. To accomplish this, Judicial Watch will use all of its media channels and contacts to broadly disseminate whatever answers to these questions it obtains through this FOIA request. These are matters of paramount public concern not just to the many Americans who themselves serve in intelligence gathering or are in some other way affiliated with the intelligence community (which individuals comprise the largest share of Judicial Watch’s following) but also to every American with a reasonable expectation of the intelligence

---

<sup>1</sup> Elkridge Patch: “Islamic Rights Group Wages Battle Against Elkridge Lecturer,” July 24, 2012  
<http://elkridge.patch.com/articles/islamic-rights-group-wages-battle-against-elkridge-lecturer>

CIA

August 2, 2012

Page 2 of 4

community's awareness and information regarding Islamic jihadism in the wake of September 11, the U.S.S. Cole bombing, and continuing attacks by Muslim extremists alone or in concert with other terrorists. Judicial Watch performs this fact promulgation function absent of any profit motive whatsoever, driven solely by the twin objectives of advancing government transparency and accountability and ensuring fidelity to the rule of law.

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the CIA produce the following within twenty (20) business days:

1. All complaints of anti-Islamic content in any educational or training material by any individual;
2. Any educational or training material (including Powerpoint slides) complained of as being anti-Islamic or containing anti-Islamic content whether it was later deemed to be so or not;
3. All communications, including interagency or third-party communications, regarding the identification, alteration, or elimination of educational or training material alleged at any point to be anti-Islamic or contain anti-Islamic content whether it is ultimately deemed to be so or not.

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA... The presumption of disclosure should be applied to all decisions involving FOIA.<sup>2</sup>

The memo further provides that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails."

Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Laughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5

---

<sup>2</sup> Freedom of Information Act. Pres. Mem. of January 21, 2009, 74 Fed. Reg. 4683.

CIA

August 2, 2012

Page 3 of 4

U.S.C. § 552(b).

For purposes of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data compilations from which information can be obtained; and (5) any materials using other means of preserving thought or expression.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. §§ 552(a)(4)(A)(ii)(II) and (a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. *Cf. National Security Archive v. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989)(defining news media within FOIA context). Judicial Watch has also been recognized as a member of the news media in other FOIA litigation. *See, e.g., Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Department of Defense*, 2006 U.S. Dist. LEXIS 44003, \*1 (D.D.C. June 28, 2006). Judicial Watch regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.

5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under Section 6(b)

CIA

August 2, 2012

Page 4 of 4

of the OPEN Government Act of 2007, which amended FOIA at 5 U.S.C. § (a)(4)(A)(viii).

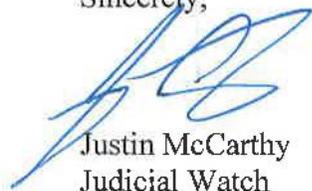
Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately at 202-646-5172 or [jmccarthy@judicialwatch.org](mailto:jmccarthy@judicialwatch.org). We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Justin McCarthy  
Judicial Watch