



October 22, 2024

Via Email: ODNI_FOIA@odni.gov

Gregory Koch
Director, Information Management Office
ATTN: FOIA/PA
Office of the Director of National Intelligence
Washington, DC 20511

Freedom of Information Act Request: USG Intelligence Leak to Iran

Dear FOIA Officer:

America First Legal Foundation (AFL) is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 294,000 followers, and the X page of our Founder and President has over 756,000 followers.

I. Background

Multiple news outlets confirmed on October 20, 2024, that the United States Government is investigating a leak of highly classified intelligence documents about Israel's plans for retaliation against Iran to Iranian interests.¹ The documents, dated

¹ *E.g.*, Zeke Miller et al., *The US Is Investigating an Unauthorized Release of Classified Documents on Israel's Iran Attack Plan*, AP NEWS (Oct. 20, 2024), <https://perma.cc/57P2-ZKTT>; Danielle Wallace, *US Investigating Release of Classified Docs on Israel's Planned Strike on Iran*, FOX NEWS (Oct. 20, 2024), <https://perma.cc/59HD-MXRE>; John Bacon, *US Investigates Leak on Intelligence About Israel's Iran Attack Plans*, USA TODAY (Oct. 20, 2024), <https://perma.cc/WH5U-3X45>.

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October 15 and 16, began circulating online on Friday, October 18, 2024.² They are referred to herein as the “Classified Documents.”

Reportedly, a Telegram channel called “Middle East Spectator” claimed that it had received documents from a source in the U.S. intelligence community about Israel’s preparations for an attack on Iran.³ The channel routinely publishes pro-Iranian content, and the profile of the X account affiliated with it says that it is in Iran.⁴

The Classified Documents include an alleged Visual Intelligence report by the National Geospatial-Intelligence Agency distributed inside the U.S. intelligence community last week.⁵ The alleged report details measures that have been carried out in recent days at several Israeli Air Force bases, including the transfer of advanced munitions, which, according to the report, were intended for an attack on Iran.⁶ It also states that according to U.S. signals intelligence, the Israeli Air Force conducted a large exercise this week involving intelligence planes and likely fighter jets trained for a possible attack against Iran.⁷ The alleged report also detailed preparations in Israeli drone units for an attack against Iran.⁸

The first document is reportedly titled: “Israel: Air Force Continues Preparations for Strike on Iran and Conducts a Second Large-Force Employment Exercise.”⁹ It describes activities, including ballistic and air-to-surface missile handling.¹⁰ The second document is reportedly titled: “Israel: Defense Forces Continue Key Munitions Preparations and Covert UAV Activity Almost Certainly for a Strike on Iran.”¹¹ UAVs are also known as drones.¹²

The evidence suggests very close and detailed surveillance by U.S. intelligence of Israel’s preparations for an attack on Iran, including the use of satellites to spy on operations carried out at Israeli Air Force bases.

² Adam Kredo, *‘Deadly Serious Breach’: Classified US Docs on Israel Reach Iranian News Entity, Signaling Jewish State ‘Can’t Trust Washington,’* WASH. FREE BEACON (Oct. 20, 2024), <https://perma.cc/RE5N-7VH3>.

³ *Id.*

⁴ See Middle East Spectator (@Spectator_MENA), X, <https://perma.cc/E4TG-SB9W>.

⁵ Barak Ravid, *Pro-Iranian Account Leaks Alleged U.S. Intel on Israel’s Attack Plans*, AXIOS (Oct. 19, 2024), <https://perma.cc/6ETU-5J6C>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *US Investigates Leak on Intelligence About Israel’s Iran Attack Plans*, REUTERS (Oct. 20, 2024), <https://perma.cc/B43A-VJZH>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

II. Custodians

- A. Avril Haines, Director of National Intelligence
- B. Stacey Dixon, Principal Deputy Director of National Intelligence
- C. Matthew Rhoades, Assistant DNI, Legislative Affairs
- D. Charles Luftig, Deputy DNI, Policy & Capabilities
- E. Sheena A. Styles, Chief of Staff

III. Records Requested

- A. All communications to or from any of the custodians regarding or referring to the Classified Documents.
- B. All communications to or from any of the custodians regarding or referring to a briefing conducted for members of Congress regarding U.S. surveillance of Israel and/or the Classified Documents.
- C. All communications to or from any of the custodians containing any one of the following terms: “Iran,” “Israel,” “leak,” “investigation,” OR “Telegram.” The relevant time frame is October 10, 2024, to the date of this request.
- D. All communications to or from any of the custodians regarding or referring to the authorization or the existence of satellite, signals, or other surveillance of the Government of Israel, the Israel Defense Forces, the Israeli Air Force, Israeli military operations or facilities, or Israeli preparations for an attack on Iran. The relevant time frame is September 1, 2024, to the date of this request.

IV. Processing and Fee Waiver

Processing should strictly comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.¹³

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; our status as a representative of the news media has been recognized by other agencies; we have been granted fee waivers by the Departments of State, Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest in this request, which is made

¹³ U.S. DEP’T JUST. (Mar. 15, 2022), <https://perma.cc/U3NQ-AS5K>.

entirely to serve the public interest. Finally, 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 the government and of government operations. We are available to provide additional information in writing or offline to support this request. Please contact us immediately if our fee waiver is not granted in full.

V. Expedited Processing

AFL requests expedited processing of this request. There is a compelling need for expedited processing of a request 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.” 32 C.F.R. § 1700.6(h)(2). AFL’s officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. As reported in numerous published articles, the information requested raises significant public concern regarding the security of classified information and the effect of the leak on America’s strategic foreign policy relationships.¹⁴ AFL certifies as true and correct its compelling need for expedited processing under 5 U.S.C. § 552(a)(6)(E) and 32 C.F.R. § 1700.6(j).

VI. Conclusion

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation

¹⁴ See, e.g., *supra* notes 1, 2, 5, 6, 10.