



October 24, 2023

Via OSD/JS Request Portal

OSD/JS FOIA Requester Service Center
Freedom of Information Division
1155 Defense Pentagon
Washington, DC 20301-1155

**Freedom of Information Act Request: OUSDP/ASD for Special Operations
and Low-Intensity Conflict/Ariane Tabatabai**

Dear FOIA Officer:

America First Legal Foundation 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 180,000 followers, and the X page of our Founder and President has over 530,000 followers.

I. Custodian

1. Ariane Tabatabai
2. Christopher Maier
3. Elizabeth M. Phu

II. Requested Records

- A. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from Ms. Tabatabai containing any one of the following phrases or words: "Robert Malley," "Malley," "IEI," " Hamas," "Hezbollah," "Iran," "Zionist," "clearance," "TS/SCI," "terrorist," "Palestinian," "House," or "Senate."

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

- B. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications between custodian Maier and/or custodian Phu with custodian Tabatabai containing any one of the following phrases or words: “Robert Malley,” “reporting,” “Iran,” “IEI,” “clearance,” “Senate,” “House,” “TS/SCI,” “testimony.”
- C. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications between any of the listed custodians and Dina Esfandiary (aka “Dina Esfandiari”).
- D. Ms. Tabatabai’s Form SF-86, Form SF-50, resumes, and conflict of interest disclosure forms.

III. Fee Waiver and Production

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; AFL’s 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 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. *See* 22 CFR § 171.17. We are, of course, available to provide additional information in writing or offline to support this request. If AFL’s request for a fee waiver is not granted in full, please contact us immediately.

Processing should strictly comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.¹ If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

IV. 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.

¹ U.S. DEPT JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation