

DOD INSPECTOR GENERAL REPORT: SOCOM PURGED THEIR OSAMA BIN LADEN FILES AFTER JUDICIAL WATCH FOIA

I wanted to point to one more detail from the DOD Inspector General's report on Leon Panetta's leaks to Zero Dark 30's filmmakers.

The very last page of the report describes how Admiral William McRaven responded after realizing the SEALs who had participated in the raid on Osama bin Laden's compound had all hung around a Hollywood producer with their name badges exposed.

According to ADM McRaven, the DoD provided the operators and their families an inordinate level of security. ADM McRaven held a meeting with the families to discuss force protection measures and tell the families that additional protective monitoring will be provided, and to call security personnel if they sensed anything. ADM McRaven **also directed** that the names and photographs associated with the raid not be released. **This effort included purging these records** to another Government Agency. [my emphasis]

The report doesn't reveal when SOCOM purged its records and handed the documents to, presumably though not definitely, CIA, though if McRaven directed it, it happened after he took command in August 2011. (Update: That's probably not right, as he was in command of the operation in any case.)

But it's a relevant question because Judicial

Watch had FOIAed pictures of OBL on May 3, 2011, and sued 10 days later, so before all the leaking and presumably therefore the purging began. On June 26, 2011, just two days after Panetta's leaky party, the government stalled on the suit, saying Judicial Watch had not exhausted its administrative remedies. By September 26, DOD claimed they had no pictures of OBL (though earlier this year there were reports 7 new photos had been found) and CIA claimed none of the 52 pictures they had could be released. Along with that filing, McRaven submitted a declaration explaining why these photos couldn't be released, though the interesting parts remain redacted. John Bennett's declaration for the CIA does not describe when the Agency searched its files for photographs, and therefore doesn't indicate whether they searched before or after DOD purged its files.

Now, none of this timing would mitigate CIA's claims about the extremely grave harm that would arise from releasing OBL death porn.

But it is, at the very least, very sketchy – and all that's before having a really good sense of when the purging and the FOIA response occurred.

Update: I spoke to Judicial Watch's lawyer for this FOIA, Michael Bekesha, and they have never been informed of this purge. Though it may explain some other details about the progress of the FOIA, including some funkiness with the classification of the photos.

Update: Here's DOD's declaration about their search from September 26, 2011.

It's interesting for two reasons. First, they make claims about SOCOM files that is the exact opposite of what DOD said in the NYT/ACLU FOIA for Anwar al-Awlaki related OLC memos. Whereas in the drone FOIA, they claimed CENTCOM handled SOCOM's FOIA responses, this one says,

The mission of USSOCOM is to provide Special Operations Forces to defend the United States and its interests. A

priority of USSOCOM is to "Deter, Disrupt, and Defeat Terrorist Threats," and a primary aspect of this priority is to plan and conduct special operations. When a special operation is conducted, the military service Components of USSOCOM (U.S. Army Special Operations Command, Navy Special Warfare Command, U.S. Air Force Special Operations Command, and Marine Corps Special Operations Command) provide Special Operations Forces (personnel and equipment) to the operation. Accordingly, it is DoD FOIA policy that documents created or maintained by these military service Components during or for a joint special operation come under the cognizance of USSOCOM and not the military services for purposes of the FOIA. Therefore, USSOCOM and not the military services, is responsible for the searches of records responsive to plaintiff's FOIA request at those service components that may have participated in the subject operation.

And like CIA, they don't date their search description at SOCOM, so don't say whether it happened pre- or post-purge.

USSOCOM searched the Headquarters and relevant Components, and no records responsive to plaintiff's request were located. The specific filing systems searched at the Headquarters USSOCOM offices and relevant Components were all hard copy and electronic records including all email records during the inclusive dates of May 1, 2011, through May 31, 2011.