

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
CITIZENS FOR RESPONSIBILITY)	
AND ETHICS IN WASHINGTON,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 21-cv-2574-CJN
)	
U.S. DEPARTMENT OF JUSTICE)	
)	
U.S. DEPARTMENT OF HOMELAND SECURITY)	
)	
OFFICE OF THE DIRECTOR OF NATIONAL)	
INTELLIGENCE,)	
)	
<i>Defendants.</i>)	
_____)	

ANSWER

Defendants, the U.S. Department of Justice (“DOJ”), the U.S. Department of Homeland Security (“DHS”), and the Office of the Director of National Intelligence (“ODNI”), hereby answer the Complaint (ECF No. 1) (“Complaint”) filed by Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) on October 4, 2021, in this Freedom of Information Act (“FOIA”) action as follows, in correspondingly numbered paragraphs:

1. This paragraph sets forth Plaintiff’s characterization of this lawsuit and legal conclusions, to which no response is required.
2. This paragraph sets forth Plaintiff’s characterization of this lawsuit and requests for relief, to which no response is required.
3. This paragraph consists of Plaintiff’s legal conclusions regarding jurisdiction, to which no response is required.

4. This paragraph consists of Plaintiff's legal conclusions regarding venue, to which no response is required.

5. This paragraph consists of Plaintiff's characterization of itself and its work, to which no response is required and about which Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations.

6. Admitted that DOJ is an agency of the federal government and that the Environment and Natural Resources Division ("ENRD") and the Office of Information Policy ("OIP") are components of DOJ. The remaining allegations consist of Plaintiff's legal conclusions, to which no response is required.

7. Admitted that DHS is an agency of the federal government. The remaining allegations consist of Plaintiff's legal conclusions, to which no response is required.

8. Admitted that ODNI is an agency of the federal government. The remaining allegations consist of Plaintiff's legal conclusions, to which no response is required.

9. The allegations in this paragraph do not set forth a claim for relief or facts in support of a claim to which an answer is required. Defendants respectfully refer the Court to the cited article, which is the best evidence of its contents.

10. The allegations in this paragraph do not set forth a claim for relief or facts in support of a claim to which an answer is required. Defendants respectfully refer the Court to the cited article, which is the best evidence of its contents.

11. The allegations in this paragraph do not set forth a claim for relief or facts in support of a claim to which an answer is required. Defendants respectfully refer the Court to the cited articles, which are the best evidence of their contents.

12. The allegations in this paragraph do not set forth a claim for relief or facts in support of a claim to which an answer is required. Defendants respectfully refer the Court to the cited article, which is the best evidence of its contents.

13. Admitted that CREW submitted FOIA requests on June 9, 2021, to OIP, DHS, and ODNI. Admitted that on July 30, 2021, CREW submitted a FOIA request to ENRD. Defendants respectfully refer the Court to the cited requests, which are the best evidence of their contents. The remaining allegations constitute Plaintiff's characterization of their claims, to which no response is required.

14. Admitted that CREW submitted FOIA requests on June 9, 2021, to OIP, DHS, and ODNI. Defendants respectfully refer the Court to the cited requests for full and accurate statements of their contents, and deny any allegations inconsistent therewith.

15. Admitted. Defendants respectfully refer the Court to the cited requests, which are the best evidence of their contents.

16. Admitted that OIP sent an acknowledgement letter dated July 2, 2021. Defendants respectfully refer the Court to the cited document for a full and accurate statement of its contents, and deny any allegations inconsistent therewith.

17. Admitted that DHS sent an acknowledgement letter dated June 17, 2021. Defendants respectfully refer the Court to the cited document for a full and accurate statement of its contents, and deny any allegations inconsistent therewith.

18. Admitted that ODNI sent an acknowledgment letter dated July 7, 2021. Defendants respectfully refer the Court to the cited document for a full and accurate statement of its contents, and deny any allegations inconsistent therewith.

19. Admitted that OIP and ODNI have not sent additional communications regarding Plaintiff's FOIA requests submitted on June 9, 2021. Denied with respect to DHS, which avers that it has sent Plaintiff two automated status updates regarding its June 9, 2021 FOIA request.

20. Admitted that on July 30, 2021, CREW submitted a FOIA request to ENRD. Defendants respectfully refer the Court to the cited request for a full and accurate statement of its contents, and deny any allegations inconsistent therewith.

21. Admitted. Defendants respectfully refer the Court to the cited request, which is the best evidence of its contents.

22. Admitted that ENRD sent an acknowledgement letter dated August 4, 2021. Defendants respectfully refer the Court to the cited document for a full and accurate statement of its contents, and deny any allegations inconsistent therewith.

23. Denied. DOJ avers that on July 30, 2021, ENRD sent Plaintiff an email communication confirming receipt of the request, and that on September 8, 2021, ENRD sent Plaintiff an email communication providing additional information about the status of the request.

24. Defendants incorporate by reference their responses to paragraphs 1-23.

25. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

26. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

27. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

28. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

29. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

30. This paragraph consists of Plaintiff's legal conclusions and request for relief, to which no response is required.

31. Defendants incorporate by reference their responses to paragraphs 1-30.

32. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

33. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

34. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

35. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

36. This paragraph consists of Plaintiff's legal conclusions and request for relief, to which no response is required.

37. Defendants incorporate by reference their responses to paragraphs 1-36.

38. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

39. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

40. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

41. This paragraph consists of Plaintiff's legal conclusions, to which no response is required.

42. This paragraph consists of Plaintiff's legal conclusions and request for relief, to which no response is required.

The remaining paragraphs of the Complaint consist of Plaintiff's request for relief, to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to any of the relief requested in paragraphs (1) through (6) of the Requested Relief, or to any other relief.

Defendants hereby deny all allegations in the Complaint not expressly admitted or denied.

DEFENSES

1. Plaintiff is not entitled to compel production of records exempt from disclosure by one or more exemptions to the FOIA, 5 U.S.C. § 552.

2. The Court lacks jurisdiction to award any requested relief that exceeds the relief authorized by the FOIA, 5 U.S.C. § 552.

Dated: November 17, 2021

Respectfully submitted,

BRIAN D. NETTER
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ELIZABETH J. SHAPIRO
Deputy Director
Federal Programs Branch

/s/ Amber Richer
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2021, I electronically transmitted the foregoing to the parties and the clerk of court for the United States District Court for the District of Columbia using the CM/ECF filing system.

/s/ Amber Richer
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