

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE, *et al.*,

Defendants.

Case No. 21-cv-626-RBW

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

Defendants, the U.S. Department of State (“State”) and the U.S. Department of State Office of the Inspector General (“OIG”) (collectively, “Defendants”), hereby answer the numbered paragraphs of the Complaint of Citizens for Responsibility and Ethics in Washington (“Plaintiff”), ECF No. 1, in the above-captioned Freedom of Information Act (“FOIA”) action, as follows:

1. This paragraph consists of Plaintiff’s characterization of this action and requests for relief to which no response is required.
2. This paragraph consists of Plaintiff’s characterization of this action and requests for relief to which no response is required.
3. This paragraph consists of legal conclusions to as jurisdiction, to which no response is required.
4. This paragraph consists of legal conclusions as to venue, to which no response is required.
5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in this paragraph.

6. Defendant State admits that it is an agency of the United States Government. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

7. Defendant OIG admits that it is an agency of the United States Government. The remaining allegations in this paragraph consist of legal conclusions, to which no response is required.

8. This paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.

9. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to 22 U.S.C. § 2671(c) for a full and accurate statement of its provisions.

10. This paragraph consists of allegations that are not relevant to the FOIA claim or any legal claim raised in this lawsuit, and on that basis denied.

11. This paragraph consists of Plaintiff's characterization of an NBC News article. Defendants respectfully refer the Court to that article for a full and accurate statement of its contents. Otherwise, denied.

12. This paragraph consists of Plaintiff's characterization of an NBC News article. Defendants respectfully refer the Court to that article for a full and accurate statement of its contents. Otherwise, denied.

13. This paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.

14. Defendants admit that they received four FOIA requests from Plaintiff. Defendants lack knowledge or information sufficient to form a belief about the truth of Plaintiff's allegation regarding its purpose in submitting those requests.

15. Defendant State admits that it received a FOIA request from Plaintiff dated December 7, 2020. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

16. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

17. Defendant State admits acknowledging receipt of Plaintiff's FOIA request on December 8, 2020. The remainder of this paragraph characterizes Defendant State's response, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to Defendant State's response for a full and accurate statement of its contents.

18. Defendant State admits that, as of March 9, 2021, it had not produced any records to Plaintiff or issued a final response to Plaintiff's FOIA request with any determination as to whether it would release the requested records.

19. Defendant OIG admits that it received a FOIA request from Plaintiff dated January 29, 2021. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

20. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

21. Defendant OIG admits acknowledging receipt of Plaintiff's FOIA request on February 16, 2021. The remainder of this paragraph characterizes Defendant OIG's response, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to Defendant OIG's response for a full and accurate statement of its contents.

22. Defendant OIG admits that, as of March 9, 2021, it had not produced any records to Plaintiff or issued a final response to Plaintiff's FOIA request with any determination as to whether it would release the requested records.

23. Defendants admit that OIG received a FOIA request from Plaintiff dated May 18, 2020. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

24. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

25. Defendant OIG admits acknowledging receipt of Plaintiff's FOIA request on May 18, 2020. The remainder of this paragraph characterizes Defendant OIG's response, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to Defendant OIG's response for a full and accurate statement of its contents.

26. Defendants admit that OIG received a FOIA request from Plaintiff dated May 22, 2020. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself

and is the best evidence of its contents. Defendants respectfully refer the Court to that FOIA request for a full and accurate statement of its contents.

27. Defendant OIG admits acknowledging receipt of Plaintiff's FOIA request on June 9, 2020. The remainder of this paragraph characterizes Defendant OIG's response, which speaks for itself and is the best evidence of its contents. Defendants respectfully refer the Court to Defendant OIG's response for a full and accurate statement of its contents.

28. Admitted.

29. Defendant OIG admits that, as of March 9, 2021, it had not produced any records to Plaintiff or issued a final response to Plaintiff's May 18 and May 22, 2020, FOIA requests with any determination as to whether it would release the requested records.

30. Defendants incorporate by reference their responses to Paragraphs 1 through 29 of the Complaint, as if fully set forth herein.

31. This paragraph consists of legal conclusions to which no response is required.

32. This paragraph consists of legal conclusions to which no response is required.

33. This paragraph consists of legal conclusions to which no response is required.

34. This paragraph consists of legal conclusions to which no response is required.

35. This paragraph consists of legal conclusions to which no response is required.

36. Defendants incorporate by reference their responses to Paragraphs 1 through 35 of the Complaint, as if fully set forth herein.

37. This paragraph consists of legal conclusions to which no response is required.

38. This paragraph consists of legal conclusions to which no response is required.

39. This paragraph consists of legal conclusions to which no response is required.

40. This paragraph consists of legal conclusions to which no response is required.

The remaining allegations in the Complaint constitute a prayer for relief to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiff is entitled to the relief requested, or to any relief whatsoever.

Defendants deny all allegations of the Complaint not expressly admitted or denied above.

DEFENSES

1. Plaintiff is not entitled to information that is exempt from disclosure by one or more exemptions enumerated in the FOIA.

Respectfully submitted,

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Acting Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Director

/s/ Cormac A. Early
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