

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON,

*Plaintiff,*

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,

*Defendants.*

Civil Action No. 21-0475 (ABJ)

**ANSWER TO PLAINTIFF’S COMPLAINT**

Defendants, the United States Department of Homeland Security (“DHS”) and the United States Department of the Interior (“Interior”), by and through their undersigned counsel, hereby respond to the separately numbered paragraphs and prayer for relief contained in Plaintiff’s Complaint (“Complaint”). All allegations not specifically admitted are denied.

**RESPONSES TO NUMBERED PARAGRAPHS**

1. This paragraph consists of Plaintiff’s characterization of its lawsuit and conclusions of law, to which no response is required. To the extent that a response is required, Defendants deny the allegations, except that Defendants admit that Plaintiff has sought, through Freedom of Information Act (“FOIA”) requests, records from the United States Secret Service, a component of DHS, and the National Park Service, a component of Interior.

2. This paragraph contains Plaintiff’s further characterization of its lawsuit and conclusions of law, to which no response is required. To the extent a response is required, Defendants deny the allegations in this paragraph.

**Jurisdiction and Venue**

3. This paragraph contains conclusions of law, to which no response is required. To the extent a response is required, Defendants admit that this Court has subject matter jurisdiction under FOIA, as limited by the relief available under FOIA, and that venue is proper in this district. Defendants otherwise respectfully refers the Court to the cited authorities for a full and accurate statement of their contents.

**Parties**

4. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in this paragraph.

5. Defendants admit that DHS is an agency of the United States Government and that the Secret Service is a component agency of DHS. Defendants admit that the Secret Service possesses records responsive to Plaintiff's FOIA request and is currently responding to that request.

6. Defendants admit that Interior is an agency of the United States Government and that the National Park Service is a component agency of Interior. Defendants admit that the National Park Service possesses records responsive to Plaintiff's FOIA request and is currently responding to that request.

**Statutory and Regulatory Background**

7. This paragraph contains conclusions of law, to which no response is required. To the extent a response is required, Defendants respectfully refer the Court to the FOIA statute for a full and accurate statement of its contents.

8. This paragraph contains conclusions of law, to which no response is required. To the extent a response is required, Defendants respectfully refer the Court to the FOIA statute for a full and accurate statement of its contents.

9. This paragraph contains conclusions of law, to which no response is required. To the extent a response is required, Defendants respectfully refer the Court to the FOIA statute for a full and accurate statement of its contents.

10. This paragraph contains conclusions of law, to which no response is required. To the extent a response is required, Defendants respectfully refer the Court to the FOIA statute for a full and accurate statement of its contents.

**Factual Background**

11. The allegations in this paragraph characterize news stories. Defendants respectfully refer the Court to those news stories for a full and accurate statement of their contents and deny any allegation inconsistent therewith.

12. The allegations in this paragraph characterize news stories. Defendants respectfully refer the Court to those news stories for a full and accurate statement of their contents and deny any allegation inconsistent therewith.

13. The allegations in this paragraph characterize news stories. Defendants respectfully refer the Court to those news stories for a full and accurate statement of their contents and deny any allegation inconsistent therewith.

14. The allegations in this paragraph characterize news stories. Defendants respectfully refer the Court to those news stories for a full and accurate statement of their contents and deny any allegation inconsistent therewith.

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16. The allegations in this paragraph characterize news stories. Defendants respectfully refer the Court to those news stories for a full and accurate statement of their contents and deny any allegation inconsistent therewith.

17. The allegations in this paragraph characterize news stories and a tweet. Defendants respectfully refer the Court to those news stories and the tweet for a full and accurate statement of their contents and deny any allegation inconsistent therewith.

18. The allegations in this paragraph characterize news stories. Defendants respectfully refer the Court to those news stories for a full and accurate statement of their contents and deny any allegation inconsistent therewith.

19. The allegations in this paragraph characterize news stories. Defendants respectfully refer the Court to those news stories for a full and accurate statement of their contents and deny any allegation inconsistent therewith.

*The Secret Service FOIA Request*

20. Defendants admit that Plaintiff submitted a FOIA request to the Secret Service and respectfully refer the Court to that request for a full and accurate statement of its contents.

21. Defendants admit that Plaintiff's FOIA request sought a fee waiver. Defendants respectfully refer the Court to Plaintiff's request for a full and accurate statement of its contents.

22. This paragraph contains Plaintiff's further description of its FOIA request. Defendants respectfully refer the Court to that request for a full and accurate statement of its contents.

23. This paragraph contains Plaintiff's further description of its FOIA request. Defendants respectfully refer the Court to that request for a full and accurate statement of its contents.

24. Defendants admit that the Secret Service acknowledged receipt of Plaintiff's FOIA request via a letter dated June 4, 2020. Defendants respectfully refer the Court to that letter for a full and accurate statement of its contents.

25. Defendants admit that the Secret Service sent Plaintiff a Status Letter dated July 8, 2020. Defendants respectfully refer the Court to that letter for a full and accurate statement of its contents.

26. Admitted.

27. The allegations in this paragraph consist of legal conclusions, to which no response is required.

*The National Park Service FOIA*

28. Admitted. Defendants respectfully refer the Court to Plaintiff's referenced FOIA request for a full and accurate statement of its contents.

29. Admitted. Defendants respectfully refer the Court to Plaintiff's referenced FOIA request for a full and accurate statement of its contents.

30. Admitted.

31. Admitted.

32. The allegations in this paragraph consist of legal conclusions, to which no response is required.

**PLAINTIFF'S CLAIM FOR RELIEF**

33. Defendants repeat their responses to paragraphs 1-32 above.

34. Defendants admit only that Plaintiff submitted FOIA requests to DHS and Interior and deny the remaining allegations in this paragraph.

35. Denied.

36. Denied.

The remaining portions of Plaintiff's Complaint contain its request for relief, to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to the relief requested.

### **DEFENSES**

Any allegations not specifically admitted, denied, or otherwise responded to are hereby denied. In further response to the Complaint, Defendants raise the following defenses:

#### **FIRST DEFENSE**

This Court lacks subject matter jurisdiction over any of Plaintiff's requests for relief that exceed the relief authorized by FOIA. Pursuant to FOIA, jurisdiction is limited to the district courts' authority to "enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant." 5 U.S.C. § 552(a)(4)(B).

#### **SECOND DEFENSE**

Plaintiff is not entitled to compel the production of records protected from disclosure by one or more of the exemptions to FOIA. *See* 5 U.S.C. § 552(b).

#### **THIRD DEFENSE**

Plaintiff is neither eligible nor entitled to attorney fees under 5 U.S.C. § 552(a)(4)(E).

Defendants may have additional defenses which are not known at this time but which may become known through further proceedings. Accordingly, Defendants reserve their right to

assert each and every defense that may be available, including any defenses available pursuant to Federal Rules of Civil Procedure 8 and 12.

Dated April 14, 2021

Respectfully submitted,

CHANNING D. PHILLIPS  
Acting United States Attorney

BRIAN P. HUDAK  
Acting Chief, Civil Division

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