

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN  
WASHINGTON,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF HOMELAND  
SECURITY,

Defendant.

Civil Action No. 22-cv-03248

**ANSWER**

Defendant, United States Department of Homeland Security (“Defendant” or “DHS”), by and through undersigned counsel, hereby responds to the numbered paragraphs of the Complaint of Plaintiff 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 as to jurisdiction and venue to which no response is required.
4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

5. The first sentence is denied except to admit that Defendant DHS is an agency for purposes of the FOIA, and that the U.S. Secret Service is a component of DHS. The second sentence consists of legal conclusions, to which no response is required.
6. This paragraph consists of legal conclusions to which no response is required.
7. This paragraph consists of legal conclusions to which no response is required.
8. This paragraph consists of legal conclusions to which no response is required.
9. This paragraph consists of legal conclusions to which no response is required.
10. This paragraph consists of legal conclusions to which no response is required.
11. This paragraph consists of legal conclusions to which no response is required.
12. This paragraph consists of legal conclusions to which no response is required.
13. This paragraph consists of legal conclusions to which no response is required.
14. This paragraph consists of legal conclusions to which no response is required.
15. Defendant admits that DHS Inspector General Joseph V. Cuffari sent a letter dated July 13, 2022, to the House and Senate Homeland Security committees (the “Cuffari Letter”). Defendant respectfully refers the Court to that letter for a full and accurate statement of its contents. The remainder of this paragraph cites various newspaper articles to which no response is required. Defendant respectfully refers the Court to those articles for full and accurate statements of their contents.
16. This paragraph consists of Plaintiff’s characterization of the Cuffari Letter and a New York Times article. Defendant respectfully refers the Court to the Cuffari Letter and that article for full and accurate statements of their respective contents. Otherwise, this

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

17. This paragraph consists of Plaintiff's characterization of the Cuffari Letter and a Washington Post article. Defendant respectfully refers the Court to the Cuffari Letter and that article for full and accurate statements of their respective contents. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.
18. This paragraph consists of Plaintiff's characterization of a statement released by the Secret Service on July 14, 2022. Defendant respectfully refers the Court to that statement for a full and accurate statement of its contents. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.
19. This paragraph consists of Plaintiff's characterizations of news articles in the Washington Post and New York Times respectively. Defendant respectfully refers the Court to those articles for full and accurate statements of their contents. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.
20. This paragraph consists of Plaintiff's characterization of an NBC News article. Defendant respectfully refers the Court to that article for a full and accurate statement of its contents. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.
21. Defendant admits that the text messages discussed in the Cuffari Letter would include any messages sent during the period of time when the U.S. Capitol was attacked on

January 6, 2021. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.

22. This paragraph consists of Plaintiff's characterization of a New York Times article.

Defendant respectfully refers the Court to that article for a full and accurate statement of its contents. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.

23. This paragraph consists of Plaintiff's characterization of an article from The Intercept.

Defendant respectfully refers the Court to that article for a full and accurate statement of its contents. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.

24. This paragraph consists of Plaintiff's characterization of an article from The Intercept.

Defendant respectfully refers the Court to that article for a full and accurate statement of its contents. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.

25. This paragraph consists of Plaintiff's characterization of an article from USA Today.

Defendant respectfully refers the Court to that article for a full and accurate statement of its contents. Otherwise, this paragraph does not set forth a claim for relief or aver facts in support of a claim to which a response is required.

26. Defendant admits that Plaintiff submitted a FOIA request via email to the Secret Service on August 16, 2022. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.

27. Defendant admits that CREW requested expedited review in its FOIA request on August 16, 2022. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
28. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
29. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
30. Defendant admits that Plaintiff requested a fee waiver in the first letter it sent to the Secret Service on August 16, 2022. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
31. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
32. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.

33. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
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36. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
37. Defendant admits that Plaintiff requested a fee waiver in the first letter it sent to the Secret Service on August 16, 2022. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
38. Defendant admits that along with its FOIA request, and included in the same email sent on August 16, 2022, Plaintiff sent an additional letter reiterating its request for expedited release of records. The remainder of this paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.

39. This paragraph characterizes Plaintiff's request, which speaks for itself and is the best evidence of its contents. Defendant respectfully refers the Court to that FOIA request for a full and accurate statement of its contents.
40. Admitted.
41. Admitted.
42. Admitted.
43. Admitted.
44. Admitted.
45. Admitted that Defendant sent an additional letter to Plaintiff as a result of a duplicative FOIA request mistakenly being opened after two letters were received from Plaintiff on August 16, 2022.
46. Admitted.
47. Admitted.
48. Admitted.
49. Admitted.
50. Defendant reasserts its responses to the allegations in paragraphs 1 through 49 above, as if set forth fully herein.
51. This paragraph consists of legal conclusions to which no response is required.
52. This paragraph consists of legal conclusions to which no response is required.
53. This paragraph consists of legal conclusions to which no response is required.
54. This paragraph consists of legal conclusions to which no response is required.
55. This paragraph consists of legal conclusions to which no response is required.

56. Defendant reasserts its responses to the allegations in paragraphs 1 through 55 above, as if set forth fully herein.

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

58. Admitted that Defendant informed Plaintiff that it would charge Plaintiff for its FOIA request as a media requester. Otherwise, this paragraph consists of legal conclusions to which no response is required.

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

60. Defendants reasserts its responses to the allegations in paragraphs 1 through 59 above, as if set forth fully herein.

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

62. Defendant denies that any records have been improperly withheld. The search and processing related to Plaintiff's request was ongoing, and no final determination, either to withhold or release any potentially responsive documents, had been made at the time this Complaint was filed. The remainder of this paragraph consists of legal conclusions to which no response is required.

63. 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.

Defendant denies 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 of the exemptions or exclusions enumerated in the FOIA.

Dated: January 6, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Director

*/s/ Cormac A. Early*  
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