

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 18-00569
)	
NATIONAL SECURITY AGENCY, et al.)	
)	
Defendants.)	
)	

DEFENDANTS’ ANSWER TO PLAINTIFF’S COMPLAINT

Defendants National Security Agency and Central Intelligence Agency (“Defendants”) hereby answer the Complaint filed by Plaintiff Citizens for Responsibility and Ethics in Washington (“the Complaint”) (Dkt. No. 1). Defendants answer the Complaint in the following numbered paragraphs, which correspond to the Complaint’s numbered paragraphs:

1. This paragraph contains Plaintiff’s characterization of the Complaint, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Complaint for a full and accurate statement of its contents.
2. This paragraph contains Plaintiff’s characterization of the Complaint, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Complaint for a full and accurate statement of its contents.
3. This paragraph contains legal conclusions, to which no response is required.
4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

5. With regard to the first sentence, Defendants admit that the National Security Agency (“NSA”) and the Central Intelligence Agency (“CIA”) are agencies of the United States within the meaning of 5 U.S.C. § 552(f)(1). Regarding the second sentence, Defendants admit that the NSA is a component within the Department of Defense. The third sentence contains legal conclusions, to which no response is required.

6. Admit.

7. The allegations in this paragraph do not set forth a claim for relief or aver facts in support of a claim to which an answer is required.

8. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, which contain vague and ambiguous language.

9. Defendants admit that on May 16, 2017, President Trump posted the following statement on Twitter: “As President I wanted to share with Russia (at an openly scheduled W.H. meeting) which I have the absolute right to do, facts pertaining to . . . terrorism and airline flight safety. Humanitarian reasons, plus I want Russia to greatly step up their fight against ISIS & terrorism.”

10. Defendants admit that in a letter dated May 16, 2017, Plaintiff forwarded, via facsimile, the instant Freedom of Information Act (“FOIA”) request to the NSA. The remaining allegations in this paragraph consist of Plaintiff’s characterization of the FOIA request it submitted to the NSA, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the request for a full and accurate statement of its contents.

11. This paragraph consists of Plaintiff’s characterization of the May 16, 2017 letter it submitted to the NSA, to which no response is required. To the extent a response is deemed

required, Defendants respectfully refer the Court to the letter for a full and accurate statement of its contents.

12. Defendants admit that the NSA responded to Plaintiff's FOIA request by letter dated August 30, 2017. Defendants also admit that the NSA assigned the FOIA request Number 101635A. The remaining allegations in this paragraph consist of Plaintiff's characterization of the August 30, 2017 letter from the NSA, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the letter for a full and accurate statement of its contents.

13. Defendants admit that in a letter dated November 27, 2017, Plaintiff delivered, via email and facsimile, a timely administrative appeal to the NSA. The remaining allegations in this paragraph consist of Plaintiff's characterization of the appeal, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the appeal for a full and accurate statement of its contents.

14. Admit.

15. Defendants admit that in a letter dated May 16, 2017, Plaintiff forwarded, via facsimile, its FOIA request to the CIA. The remaining allegations in this paragraph consist of Plaintiff's characterization of the FOIA request it submitted to the CIA, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the request for a full and accurate statement of its contents.

16. This paragraph consists of Plaintiff's characterization of the May 16, 2017 letter it submitted to the CIA, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the letter for a full and accurate statement of its contents.

17. Defendants admit that the CIA acknowledged receipt of Plaintiff's FOIA request by letter dated May 17, 2017. Defendants also admit that in the May 17, 2017 letter, the CIA granted Plaintiff's request for expedited processing. The remaining allegations in this paragraph consist of Plaintiff's characterization of the May 17, 2017 letter from the CIA, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the letter for a full and accurate statement of its contents.

18. Defendants deny the allegations in the first sentence. Defendants admit the allegations in the second sentence.

19. Defendants repeat and incorporate by reference their responses to paragraphs 1 through 18 of the Complaint.

20. This paragraph contains legal conclusions, to which no response is required.

21. This paragraph contains legal conclusions, to which no response is required.

22. This paragraph contains legal conclusions, to which no response is required.

23. This paragraph contains legal conclusions, to which no response is required.

24. Defendants repeat and incorporate by reference their responses to paragraphs 1 through 23 of the Complaint.

25. This paragraph contains legal conclusions, to which no response is required.

26. Admit.

27. Defendants admit that the CIA has not yet made a determination with regard to Plaintiff's FOIA request.

28. This paragraph contains legal conclusions, to which no response is required.

29. This paragraph contains legal conclusions, to which no response is required.

The remaining paragraphs contain Plaintiff's requested relief, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations and aver that Plaintiff is not entitled to any relief. Defendants also deny all allegations in the Complaint not expressly admitted or denied.

DEFENSES

FIRST DEFENSE

Some or all of the requested documents and information are exempt from disclosure. *See* 5 U.S.C. § 552(b).

SECOND DEFENSE

Defendants have exercised due diligence in processing Plaintiff's FOIA requests and exceptional circumstances exist that necessitate additional time for Defendants to complete the processing of the FOIA request. *See* 5 U.S.C. § 552(a)(6)(C).

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WHEREFORE, having fully answered the claims in Plaintiff's Complaint, Defendants assert that Plaintiff is not entitled to the relief requested, or to any relief whatsoever. Thus, Defendants request that they be given such other relief as the Court deems just and proper.

Dated: April 26, 2018

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

MARCIA BERMAN
Assistant Director, Federal Programs Branch

/s/ Stephen M. Elliott

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2018, I electronically transmitted the foregoing to the clerk of court for the United States District Court for the District of Columbia using the CM/ECF filing system.

/s/ Stephen M. Elliott

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