

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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CITIZENS FOR RESPONSIBILITY	)	
AND ETHICS IN WASHINGTON,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:19-cv-03127-CKK
v.	)	
	)	
U.S. DEPARTMENT OF HOMELAND	)	
SECURITY, and	)	
	)	
U.S. DEPARTMENT OF STATE,	)	
	)	
Defendants.	)	

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**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

Defendants, United States Department of Homeland Security (“DHS”) and United States Department of State (“State”), by and through the undersigned counsel, hereby answer Plaintiff Citizens for Responsibility and Ethics in Washington’s (“Plaintiff” or “CREW”) Complaint to compel compliance with the Freedom of Information Act (“Complaint”) as follows:

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

Some or all of the information sought by Plaintiff is exempt from release under one or more exemptions of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended.

In response to the specifically-enumerated paragraphs, as set forth in the Complaint, Defendants admit, deny and otherwise aver as follows:

**DEFENDANTS' RESPONSES TO THE NUMBERED PARAGRAPHS**

1. Paragraph 1 of the Complaint consists of Plaintiff's legal characterization of this action to which no response is required. To the extent a response is required, Defendants acknowledge that this action purports to be brought under FOIA seeking to compel Defendants to release records and otherwise deny the allegations in this paragraph.

2. Paragraph 2 characterizes the relief sought in this action to which a response is not required. To the extent a response is deemed required, Defendants deny the allegations in this paragraph.

**JURISDICTION AND VENUE**

3. Paragraph 3 contains Plaintiff's statement of jurisdiction and venue to which a response is not required. To the extent a response is deemed required, Defendants admit that this Court is a proper venue for actions under FOIA.

**PARTIES**

4. In response to Paragraph 4, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

5. In response to Paragraph 5, Defendants admit that DHS is an agency of the United States Government and that the United States Secret Service ("Secret Service") is a component of the Department of Homeland Security. The second sentence of Paragraph 5 asserts a legal conclusion to which a response is not required. To the extent a response is deemed required, Defendants aver that the Secret Service has provided a final response to the Plaintiff in response to Plaintiff's request, and otherwise denies the allegations in this paragraph.

6. In response to Paragraph 6, Defendants admit that State is an agency of the United States. The second sentence of Paragraph 6 is a legal conclusion to which a response is not required. To the extent any response is required, the allegations are denied.

**STATUTORY AND REGULATORY BACKGROUND**

7-9. Paragraphs 7 through 9 contain legal conclusions to which a response is not required. To the extent a response is deemed required, Defendants refer the Court to the referenced statutory provisions for a complete and accurate statement of their contents and deny the allegations to the extent inconsistent with those provisions.

**FACTUAL BACKGROUND**

10-14. This paragraph contains Plaintiffs' characterization of alleged background information and argument, not allegations of fact pertinent to the resolution of the claims at issue in this FOIA action to which a response would be required. To the extent any response is required, Defendants refer the Court to the referenced newspaper articles for a complete and accurate statement of their contents and otherwise lack sufficient knowledge or information to form a belief as to the truth of the allegations in these paragraphs.

*CREW's FOIA Request to DHS*

15. In response to Paragraph 15, DHS admits that on August, 28, 2019 CREW sent a FOIA request by email to the Secret Service seeking "all communications between January 1, 2019 and the present that relate to or support President Trump's assertion that the Secret Service preferred the Trump National Doral resort as a site for the G-7 summit in 2020," and refers the Court to that request for a complete and accurate statement of its contents.

16. In response to the first sentence of Paragraph 16, DHS admits that CREW sought a fee waiver. However, DHS denies the second and third sentences of paragraph 16.

17. In response to Paragraph 17, DHS admits that the Secret Service acknowledged receipt of CREW's FOIA request on August 28, 2019, and admits that the Secret Service invoked FOIA's 10-day extension to respond. All other assertions in the paragraph are denied.

18. DHS admits that as of the date of the Complaint the Secret Service had not responded to the request, but it avers that the Secret Service has since provided a final response to the Plaintiff.

*CREW's FOIA Request to the State Department*

19. State admits that Plaintiff submitted a FOIA request dated August 1, 2019, and refers to that request for a complete and accurate statement of its contents. State denies the allegations in this paragraph to the extent inconsistent with the content of the request.

20. In response to first sentence of Paragraph 20, State admits that CREW sought a fee waiver. To the extent a further response is required, State refers to Plaintiff's FOIA request for a complete and accurate statement of its contents and denies the remaining allegations in this paragraph to the extent inconsistent with the content of the request.

21. In response to Paragraph 21, State admits that it sent Plaintiff an acknowledgement letter on August 21, 2019, and refers to that letter for a complete and accurate statement of its contents. State denies the allegations in this paragraph to the extent inconsistent with the content of the letter. State further avers that its August 21, 2019 letter informed Plaintiff that Plaintiff's request had been assigned tracking number F-2019-08479.

22. In response to Paragraph 22, State admits that as of the date of the Complaint, State had not issued any further responses to Plaintiff's request.

23. In response to Paragraph 23, State admits that Plaintiff submitted a second FOIA request dated August 1, 2019, and refers to that request for a complete and accurate statement of

its contents. State denies the allegations in this paragraph to the extent inconsistent with the content of the second request.

24. In response to the first sentence of Paragraph 24, State admits that CREW sought a fee waiver. To the extent a further response is required, State refers to Plaintiff's second FOIA request for a complete and accurate statement of its contents and denies the remaining allegations in this paragraph to the extent inconsistent with the content of the second request.

25. In response to Paragraph 25, State admits that State sent Plaintiff a second acknowledgement letter on August 21, 2019, and refers to that letter for a complete and accurate statement of its contents. State denies the allegations in this paragraph to the extent inconsistent with the content of the second letter. State further avers that its second August 21, 2019 letter informed Plaintiff that Plaintiff's second request had been assigned tracking number F-2019-08478.

26. In response to Paragraph 26, State admits that as of the date of the Complaint, State had not issued any further responses to Plaintiff's second request.

27. State admits that Plaintiff submitted a third FOIA request dated August 28, 2019, and refers to that request for a complete and accurate statement of its contents. State denies the allegations in this paragraph to the extent inconsistent with the content of the request.

28. In response to the first sentence of Paragraph 28, State admits that CREW sought a fee waiver. To the extent a further response is required, State refers to Plaintiff's third FOIA request for a complete and accurate statement of its contents and denies the remaining allegations in this paragraph to the extent inconsistent with the content of the third request.

29. In response to Paragraph 29, State admits that it sent Plaintiff an acknowledgement letter on August 30, 2019, and refers to that letter for a complete and accurate

statement of its contents. State denies the allegations in this paragraph to the extent inconsistent with the content of the letter. State further avers that its August 30, 2019 letter informed Plaintiff that Plaintiff's third request had been assigned tracking number F-2019-09218.

30. In response to Paragraph 22, State admits that as of the date of the Complaint, State had not issued any further responses to Plaintiff's third request.

### **PLAINTIFF'S CLAIMS FOR RELIEF**

#### *CLAIM ONE*

31. Defendants repeat and re-allege their responses to paragraphs 1-30 set forth above.

32-35. Paragraphs 32 through 35 contain legal conclusions to which a response is not required. To the extent a response is deemed required, Defendants deny these assertions.

#### *CLAIM TWO*

36. Defendants repeat and re-allege their responses to paragraphs 1-35 set forth above.

37-40. Paragraphs 37 through 40 contain legal conclusions to which a response is not required. To the extent a response is deemed required, Defendants deny these assertions.

The remainder of the Complaint consists of Plaintiff's prayer 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 or to any relief whatsoever. Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendants assert a general denial as to those allegations contained in the Complaint that are not specifically admitted herein.

Respectfully submitted,

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