

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

AMERICAN OVERSIGHT et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF STATE et al.,

Defendants.

No. 1:19-cv-1773 TNM

ANSWER

Defendants the United States Department of State (“State”), Michael R. Pompeo, in his official capacity as U.S. Secretary of State, National Archives and Records Administration (“NARA”), and David Ferriero, in his official capacity as Archivist of the United States (“Defendants”), by and through its undersigned counsel, hereby answer the numbered paragraphs of the complaint of plaintiffs American Oversight and Democracy Forward Foundation (“Plaintiffs”) [ECF No. 1], as follows:

1. This paragraph consists of Plaintiffs’ characterization of this lawsuit to which no response is required.

2. This paragraph consists of Plaintiffs’ characterization of this lawsuit to which no response is required.

3. Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph.

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

5. Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph, except that Defendants admit that American Oversight has submitted FOIA requests to the State Department and NARA in the past, including FOIA

requests to the State Department dated January 17, 2019, and January 25, 2019. Defendant the State Department further avers that it sent two letters dated April 4, 2019, acknowledging the requests dated January 17, 2019 and January 25, 2019 and assigning them tracking numbers F-2019-02593 and F-2019-02519, respectively. Defendant the State Department admits that, as of the filing of Plaintiffs' Complaint, no records have been released to American Oversight in response to either the January 17, 2019, or January 25, 2019 request.

6. Defendants lack knowledge or information sufficient to form a belief about the truth of the averments in this paragraph, except that Defendants admit that Democracy Forward has submitted FOIA requests to the State Department and NARA in the past, including a FOIA request to the State Department dated January 30, 2019. Defendant the State Department further avers that it sent a letter dated June 22, 2019, acknowledging Democracy Forward's request dated January 30, 2019 and assigning it tracking number F-2019-03342. Defendant the State Department admits that, as of the filing of Plaintiffs' Complaint, no records have been released to Democracy Forward in response to the January 30, 2019 request.

7. Admitted.

8. The first sentence of this paragraph is admitted. The second sentence of this paragraph consists of legal conclusions to which no response is required.

9. Admitted.

10. The first sentence of this paragraph is admitted. The second sentence of 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.

Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

14. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

15. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

16. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

17. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

18. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

19. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

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

21. 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.

22. 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.

23. 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.

24. 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.

25. Denied.

26. This paragraph consists of Plaintiffs' characterization of State Department policies and is denied to the extent Plaintiffs' characterization is inconsistent with the cited policies or incomplete. Defendants respectfully refer the Court to the cited policies for a complete and accurate statement of their contents.

27. This paragraph consists of Plaintiffs' characterization of State Department policies and is denied to the extent Plaintiffs' characterization is inconsistent with the cited policies or incomplete. Defendants respectfully refer the Court to the cited policies for a complete and accurate statement of their contents.

28. Denied, except that Defendants admit that an employee of the State Department's Office of Language Services served as President Trump's translator during the July 7, 2017 meeting in Hamburg.

29. Denied.

30. Denied.

31. Denied, except that Defendants admit that the letter attached to the Complaint as Exhibit A was sent to Secretary Pompeo and Mr. Ferriero.

32. Denied except that Defendants admit that the quoted language appears in the

letter.

33. Denied, except that Defendants admit that the letter attached to the Complaint as Exhibit B was sent to Secretary Pompeo and Mr. Ferriero. Defendants respectfully refer the Court to the cited policies for a complete and accurate statement of their contents.

34. Denied, except that Defendants admit that the letter attached to the Complaint as Exhibit B was sent to Secretary Pompeo and Mr. Ferriero. Defendants respectfully refer the Court to the cited policies for a complete and accurate statement of their contents.

35. Admitted.

36. Denied, except that Defendants admit that no enforcement and recovery action was initiated in response to Plaintiffs' letters.

37. Denied, except that Defendants admit that no enforcement and recovery action was initiated in response to Plaintiffs' letters.

38. Denied.

39. Denied.

40. Denied.

41. Defendants incorporate by reference their responses to the preceding paragraphs.

42. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

43. This paragraph consists of legal conclusions to which no response is required. Defendants respectfully refer the Court to the cited statutory provisions for a complete and accurate statement of their contents.

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

45. This paragraph consists of legal conclusions to which no response is required.
46. This paragraph consists of legal conclusions to which no response is required.
47. This paragraph consists of legal conclusions to which no response is required.
48. This paragraph consists of legal conclusions to which no response is required.
49. This paragraph consists of legal conclusions to which no response is required.
50. This paragraph consists of legal conclusions to which no response is required.
51. This paragraph consists of legal conclusions to which no response is required.

The remainder of the Complaint sets forth Plaintiffs' requested relief, to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiffs are entitled to the relief that they seek or to any other relief in this action.

Defendants deny any and all allegations in Plaintiffs' Complaint not expressly admitted herein.

Dated: January 10, 2020

Respectfully submitted,

JOSEPH H. HUNT
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MARCIA BERMAN
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer
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