

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KNIGHT FIRST AMENDMENT INSTITUTE)
AT COLUMBIA UNIVERSITY, *et al.*,)

Plaintiffs,)

v.)

CENTRAL INTELLIGENCE AGENCY, *et al.*,)

Defendants.)

Civil Action No. 1:18-cv-2709 (TNM)

ANSWER

Defendants hereby answer Plaintiffs' First Amended Complaint ("FAC"), Dkt. No. 17, as follows:

1. The allegations contained within this paragraph constitute the Plaintiffs' characterization of their suit to which no response is required.
2. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning vague references to news reports and what those reports do or do not contain. In addition, 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.
3. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations concerning vague references to news reports and what those reports do or do not contain. Defendants admit that Intelligence Community Directive 191 governs "Duty to Warn." Defendants respectfully refer the Court to that Directive for a full and accurate statement of its contents.

4. Defendants admit that Plaintiff Knight First Amendment Institute at Columbia University (“Knight Institute”) submitted FOIA requests to Defendants on or about October 19, 2018, and that Plaintiff Committee to Protect Journalists (“CPJ”) submitted substantively identical requests, to the same Defendant agencies, on or about November 20, 2018. Defendants respectfully refer the Court to the FOIA requests for a full and accurate statement of their contents. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

5. Defendants admit that as of the date of this filing, they have not released any records in response to the relevant requests. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

6. The allegations in this paragraph constitute a conclusion of law to which no response is required.

7. The allegations in this paragraph constitute a conclusion of law to which no response is required.

8. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in the first three sentences of this paragraph. The allegations in the fourth sentence of this paragraph constitute conclusions of law to which no response is required.

9. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in the first three sentences of this paragraph. The allegations in the fourth sentence of this paragraph constitute conclusions of law to which no response is required.

10. Admit that the Central Intelligence Agency (“CIA”) is an agency. The allegations in the second sentence of this paragraph constitute conclusions of law to which no response is required.

11. Admit that the Department of Justice (“DOJ”) is an agency. The allegations in the second sentence of this paragraph constitute conclusions of law to which no response is required.

12. Admit that the National Security Agency (“NSA”) is an agency. The allegations in the second sentence of this paragraph constitute conclusions of law to which no response is required.

13. Admit that Office of the Director of National Intelligence (“ODNI”) is an agency. The allegations in the second sentence of this paragraph constitute conclusions of law to which no response is required.

14. Admit that the Department of State (“DOS”) is an agency. The allegations in the second sentence of this paragraph constitute conclusions of law to which no response is required.

15. Defendants admit that Plaintiff Knight Institute submitted its FOIA requests to Defendants on or about October 19, 2018. Defendants respectfully refer the Court to those requests for a full and accurate statement of their contents.

16. Admitted.

17. Admit. Defendants respectfully refer the Court to the FOIA requests for a full and accurate statement of their contents.

18. Admit. Defendants respectfully refer the Court to the FOIA requests for a full and accurate statement of their contents.

19. Defendants admit only that Plaintiffs requested expedited processing. The remainder the allegations in this paragraph constitute conclusions of law to which no response is required. To the extent a response is deemed required, Defendants deny that Plaintiffs satisfied the standard for expedited processing.

20. Defendants admit only that Plaintiff Knight Institute requested a waiver of fees. The remainder of the allegations in this paragraph constitute conclusions of law to which no response is required.

21. Defendants admit only that Plaintiff CPJ requested a waiver of fees. The remainder of the allegations in this paragraph constitute conclusions of law to which no response is required.

22. Admitted.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted.

31. Admitted, except to clarify that on December 6, 2018, NSA further responded to CPJ by letter, denying its request for expedited processing.

32. Admitted, except to clarify that on February 4, 2019, the Department of State responded to CPJ by letter, acknowledging its FOIA request and denying its request for expedited processing.

33. Admitted.

34. The allegations in this paragraph constitute conclusions of law to which no response is required.

35. Defendants assert and incorporate their responses to paragraphs 1 through 34 as if fully stated herein.

36. The allegations in this paragraph constitute conclusions of law to which no response is required.

37. The allegations contained within this paragraph constitute conclusions of law to which no response is required.

38. The allegations contained within this paragraph constitute conclusions of law to which no response is required.

39. The allegations contained within this paragraph constitute conclusions of law to which no response is required.

40. The allegations contained within this paragraph constitute conclusions of law to which no response is required.

41. The allegations contained within this paragraph constitute conclusions of law to which no response is required.

42. The allegations contained within this paragraph constitute conclusions of law to which no response is required.

The remaining unnumbered paragraph constitutes a prayer for relief to which no response is required. To the extent a response is deemed necessary, Defendants deny that Plaintiffs are entitled to the relief requested or to any relief whatsoever.

Defendants further deny all allegations in Plaintiffs' First Amended Complaint not expressly admitted or denied.

AFFIRMATIVE DEFENSE

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

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director

_____/s/_____
Antonia Konkoly
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L St. NW, Room 11110
Washington, DC 20005
(202) 514-2395 (direct)
(202) 616-8470
antonia.konkoly@usdoj.gov

Counsel for the Defendants

DATED: February 11, 2019