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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CENTER FOR CONSTITUTIONAL RIGHTS, INC.,

*Plaintiff,*

v.

DEPARTMENT OF DEFENSE; CENTRAL  
COMMAND; COAST GUARD; DEPARTMENT OF  
NAVY; EUROPEAN COMMAND; DEPARTMENT  
OF HOMELAND SECURITY; DEPARTMENT OF  
JUSTICE; AND DEPARTMENT OF STATE,

*Defendants.*

ECF Case

11 Civ. 3533

**ANSWER**

Defendants Department of Defense (“DOD”), Central Command (“USCENTCOM”), the U.S. Coast Guard, the Department of Navy (“Navy”), the European Command (“USEUCOM”), the Department of Homeland Security (“DHS”), Department of Justice (“DOJ”), and Department of State (“DOS”), and their components (collectively, “Defendants”), by their attorney, Preet Bharara, United States Attorney for the Southern District of New York, respectfully answer plaintiff’s complaint on information and belief as follows:

1. Admit that this action purports to be brought under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, against DOD, USCENTCOM, the U.S. Coast Guard, Navy, USEUCOM, DHS, DOJ, and DOS. The remaining allegations in paragraph 1 of the complaint constitutes plaintiff’s characterization of this action, to which no response is required.

2. Paragraph 2 of the complaint constitutes plaintiff’s characterization of this action, to which no response is required.

3. Admit that plaintiff has filed requests under FOIA. The remaining allegations in paragraph 3 of the complaint constitutes plaintiff’s characterization of this action, to which no response is required. To the extent that a response is required, deny the allegations in this paragraph.

4. Paragraph 4 of the complaint constitutes plaintiff’s characterization of this action and its motivations for bringing suit, to which no response is required.

5. Paragraph 5 of the complaint constitutes plaintiff’s characterization of this action and its motivations for bringing suit, to which no response is required.

6. Paragraph 6 of the complaint constitutes plaintiff’s characterization of this action and its motivations for bringing suit, to which no response is required.

7. Paragraph 7 of the complaint constitutes plaintiff’s characterization of this action and its motivations for bringing suit, to which no response is required.

8. Paragraph 8 of the complaint sets forth plaintiff’s conclusions of law regarding jurisdiction and venue to which no response is required. To the extent a response is required, deny the allegations contained in this paragraph.

9. Paragraph 9 of the complaint constitutes plaintiff’s characterization regarding the organization and activities of plaintiff Center for Constitutional Rights (“CCR”), to which no

response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 9.

10. Admit the allegations of paragraph 10 of the complaint.

11. Admit the allegations of paragraph 11 of the complaint, except deny that the Coast Guard is a component of the DOD, and aver that the Coast Guard is a component of DHS.

12. Admit the allegations of paragraph 12 of the complaint.

13. Admit that the Office of Intelligence and Analysis, the Science and Technology Directorate, the Executive Secretariat, and the Office of Policy are component offices of DHS, but deny that they are named defendants.

14. Admit the allegations of paragraph 14 of the complaint.

15. Admit the allegations of paragraph 15 of the complaint.

16. Paragraph 16 of the complaint constitutes plaintiff's characterization of certain events underlying its FOIA request, to which no response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 16 of the complaint.

17. Paragraph 17 of the complaint constitutes plaintiff's characterization of certain events underlying its FOIA request, to which no response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 17 of the complaint.

18. Paragraph 18 of the complaint constitutes plaintiff's characterization of certain events underlying its FOIA request, to which no response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 18 of the complaint.

19. Paragraph 19 of the complaint constitutes plaintiff's characterization of certain events underlying its FOIA request, to which no response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 19 of the complaint.

20. Paragraph 20 of the complaint constitutes plaintiff's characterization of certain events underlying its FOIA request, to which no response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 20 of the complaint.

21. Paragraph 21 of the complaint constitutes plaintiff's characterization of certain events underlying its FOIA request, to which no response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 21 of the complaint.

22. Paragraph 22 of the complaint constitutes plaintiff's characterization of certain events underlying its FOIA request, to which no response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 22 of the complaint.

23. Paragraph 23 of the complaint constitutes plaintiff's characterization of certain events underlying its FOIA request, to which no response is required. To the extent a response is required, defendants deny knowledge or information sufficient to form a belief as to the allegations in paragraph 23 of the complaint.

24. Paragraph 24 of the complaint constitutes plaintiff's characterization of the documents it seeks and its motivations for bringing suit, to which no response is required; to the

extent a response is required, deny knowledge or information sufficient to form a belief as to the allegations in paragraph 24 of the complaint.

25. Paragraph 25 of the complaint constitutes plaintiff's characterization of the documents it seeks and its motivations for bringing suit, to which no response is required; to the extent a response is required deny knowledge or information sufficient to form a belief as to the allegations in paragraph 25 of the complaint.

26. Admit that plaintiff submitted FOIA requests dated June 30, 2010 to DOD, USCENTCOM, Coast Guard, Navy, USEUCOM, DHS, and DOS, and respectfully refer the Court to the FOIA requests for a complete and accurate description of their contents; deny knowledge or information sufficient to form a belief as to whether plaintiff submitted a FOIA request to DOJ dated June 30, 2010.

27. Paragraph 27 of the complaint characterizes plaintiff's FOIA requests, to which defendants respectfully refer the Court for a complete and accurate description of their contents.

28. Paragraph 28 of the complaint characterizes plaintiff's FOIA requests, to which defendants respectfully refer the Court for a complete and accurate description of their contents.

29. Paragraph 29 of the complaint characterizes plaintiff's FOIA requests, to which defendants respectfully refer the Court for a complete and accurate description of their contents.

30. Paragraph 30 of the complaint characterizes plaintiff's FOIA requests, to which defendants respectfully refer the Court for a complete and accurate description of their contents.

31. Paragraph 31 of the complaint characterizes plaintiff's FOIA requests, to which defendants respectfully refer the Court for a complete and accurate description of their contents.

32. Deny the allegations in paragraph 32 of the complaint.

33. Deny knowledge or information sufficient to form a belief as the allegations in paragraph 33 of the complaint.

34. Paragraph 34 of the complaint contains no substantive allegations, and accordingly no response is required.

35. Admit the allegations of paragraph 35 of the complaint, except deny knowledge or information sufficient to form a belief as to footnote 5.

36. Admit that DOD issued a letter, dated July 19, 2010, to plaintiff, and respectfully refer the Court to the letter for a complete and accurate description of its contents.

37. Admit that plaintiff appealed DOD's response in a letter dated September 10, 2010, and respectfully refer the Court to the letter for a complete and accurate description of its contents.

38. Paragraph 38 of the complaint characterizes plaintiff's September 10, 2010 letter appealing DOD's response, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

39. Paragraph 39 of the complaint characterizes plaintiff's September 10, 2010 letter appealing DOD's response, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

40. Paragraph 40 of the complaint characterizes plaintiff's September 10, 2010 letter appealing DOD's response, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

41. Paragraph 41 of the complaint characterizes plaintiff's September 10, 2010 letter appealing DOD's response, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

42. Admit that DOD acknowledged receipt of plaintiff's appeal in a letter dated November 5, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

43. Admit that DOD issued a response to plaintiff in a letter dated December 23, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

44. Admit that plaintiff appealed DOD's December 23, 2010 response in a letter dated March 14, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

45. Admit that DOD has not administratively responded to plaintiff's March 14, 2011 letter; the remaining allegations of paragraph 45 constitute conclusions of law to which no response is required.

46. Deny knowledge or information sufficient to form a belief as to the allegations in paragraph 46 of the complaint.

47. Admit that plaintiff submitted a FOIA request to USCENTCOM in a letter dated June 30, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

48. Admit that USCENTCOM sent plaintiff an email dated July 12, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

49. Admit that plaintiff submitted an appeal via a letter dated September 9, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

50. Paragraph 50 of the complaint characterizes plaintiff's September 9, 2010 letter, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

51. Admit that USCENTCOM sent plaintiff a letter dated December 8, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

52. Deny the allegations of paragraph 52 of the complaint.

53. Admit that plaintiff submitted a FOIA request to the Coast Guard in a letter dated June 30, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents; deny knowledge or information sufficient to form a belief as to the allegation that plaintiff submitted a FOIA request via email.

54. Admit that on July 19, 2010, the Coast Guard FOIA and Data Administration Division sent a letter to plaintiff, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

55. Admit that on September 22, 2010, the Coast Guard FOIA received a letter from plaintiff dated September 13, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

56. Admit that on November 15, 2010, the Coast Guard sent a letter to plaintiff, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

57. Admit that on December 3, 2010, the Coast Guard sent a letter to plaintiff, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

58. Admit that in December 2010, subcomponent offices of the Coast Guard responded to plaintiff's FOIA request via letter, to which defendants respectfully refer the Court for a complete and accurate description of their contents.

59. Deny the allegations in paragraph 59 of the complaint, except admit that the Office of Intelligence and Criminal Investigations and the National Vessel Documentation Center have not yet provided a response.

60. Admit that the Coast Guard received a letter from plaintiff dated April 1, 2011, to which defendants respectfully refer the Court for a complete and accurate description of its contents; deny knowledge or information sufficient to form a belief as to whether the letter was "filed" on April 1, 2011, and aver that the letter was received on April 5, 2011.

61. Admit that on April 14, 2011, the Coast Guard sent a letter to plaintiff, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

62. Deny knowledge or information sufficient to form a belief as to the allegations of the first sentence of paragraph 62; with respect to the second sentence of paragraph 62, admit that the Coast Guard's Data Administration Division sent a letter dated April 27, 2011 to plaintiff, to which defendants respectfully refer the Court for a complete and accurate description of its contents; with respect to the third sentence of paragraph 62, admit that plaintiff sent a letter dated May 11, 2011 to the Coast Guard, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

63. Admit that the Coast Guard's District Five Office sent plaintiff a letter dated May 13, 2011, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

64. Admit the allegations of paragraph 64 of the complaint.

65. Admit the allegations of paragraph 65 of the complaint.

66. Admit that USEUCOM issued a response to plaintiff's FOIA request in a letter dated July 16, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

67. Admit that plaintiff filed an appeal of USEUCOM's July 16, 2010 decision in a letter dated September 4, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

68. Admit that DOD acknowledged receipt of plaintiff's appeal in a letter dated November 5, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

69. Admit the allegations of paragraph 69 of the complaint.

70. Admit the allegations of paragraph 70 of the complaint.

71. Admit that Navy issued a letter dated September 9, 2010 in response to plaintiff's FOIA request, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

72. Admit that plaintiff filed an appeal of Navy's September 9, 2010 decision in a letter dated November 8, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

73. Paragraph 73 of the complaint characterizes plaintiff's November 8, 2010 letter, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

74. Paragraph 74 of the complaint characterizes plaintiff's November 8, 2010 letter, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

75. Admit the allegations of paragraph 75 of the complaint.

76. Admit that the Navy issued a response to plaintiff's FOIA request in a letter dated December 10, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents..

77. Admit the allegations of paragraph 77 of the complaint.

78. Admit the allegations of paragraph 78 of the complaint.

79. Admit that DHS issued a letter, dated July 15, 2010, in response to plaintiff's FOIA request, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

80. Admit that plaintiff resubmitted its FOIA request in a letter dated, August 13, 2010, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

81. Admit that DHS issued a letter dated August 26, 2010 to plaintiff, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

82. Admit the allegations of paragraph 82 of the complaint.

83. Admit that plaintiff submitted appeals to the Office of Intelligence and Analysis and the Office of Policy on November 15, 2010 and December 13, 2010, respectively, to which defendants respectfully refer the Court for a complete and accurate description of their contents.

84. Admit that the DHS Science and Technology Directorate issued a response, dated September 21, 2010, to plaintiff's FOIA request, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

85. Admit that plaintiff filed an appeal, dated November 22, 2010, of the Science and Technology Directorate's September 21, 2010 response, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

86. Admit that the DHS Executive Secretariat issued a response, dated September 24, 2010, to plaintiff's FOIA request, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

87. Admit that plaintiff submitted an appeal, dated November 23, 2010, of the DHS Executive Secretariat's September 24, 2010 response, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

88. Admit that DHS issued letters dated January 21, 2011, to which defendants respectfully refer the Court for a complete and accurate description of their contents.

89. Deny the allegations of paragraph 89 of the complaint.

90. Deny knowledge or information sufficient to form a belief as to the allegations in paragraph 90 of the complaint.

91. Paragraph 91 of the complaint contains plaintiff's conclusions of law, to which no response is required; to the extent a response is required, deny knowledge or information sufficient to form a belief as to the allegations in paragraph 91 of the complaint.

92. Admit the allegations in paragraph 92 of the complaint.

93. Admit that DOS issued a response, dated August 24, 2010, to plaintiff's FOIA request, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

94. Admit that plaintiff filed an appeal, dated September 29, 2010, to DOS's August 24, 2010 response, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

95. Admit that DOS issued a response, dated December 14, 2010, to plaintiff's September 29, 2010 appeal, to which defendants respectfully refer the Court for a complete and accurate description of its contents.

96. Paragraph 96 of the complaint characterizes DOD's December 23, 2010 letter (referred to in paragraph 43 of the complaint), to which defendants respectfully refer the Court for a complete and accurate description of its contents.

97. Deny the allegations of paragraph 97 of the complaint.

98. Paragraph 98 of the complaint contains no substantive allegations, and accordingly no response is required.

99. Deny the allegations of paragraph 99 of the complaint.

100. Paragraph 100 of the complaint contains no substantive allegations, and accordingly no response is required.

101. Deny the allegations of paragraph 101 of the complaint.

102. Paragraph 102 of the complaint contains no substantive allegations, and accordingly no response is required.

103. Deny the allegations of paragraph 103 of the complaint.

104. Paragraph 104 of the complaint contains no substantive allegations, and accordingly no response is required.

105. Deny the allegations of paragraph 105 of the complaint.

106. The remainder of plaintiff's complaint contains plaintiff's prayer for relief, to which no response is required.

FIRST DEFENSE

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

SECOND DEFENSE

The Court lacks subject-matter jurisdiction because defendant has not improperly withheld records.

THIRD DEFENSE

The information that defendants withheld, or will withhold, in response to plaintiff's FOIA request is, or will be, properly withheld under exemptions to FOIA. *See* 5 U.S.C. § 552(b).

WHEREFORE, defendants demand judgment dismissing plaintiff's complaint and granting such further relief as this Court deems proper, including costs and disbursements.

Dated: New York, New York  
August 22, 2011

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Southern District of New York  
Attorney for Defendants

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