

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

AMERICAN CIVIL LIBERTIES UNION,)	
and AMERICAN CIVIL LIBERTIES)	
UNION FOUNDATION,)	
)	
Plaintiffs,)	Civil Action No. 1:13-cv-01870 (JEB)
)	
v.)	
)	
CENTRAL INTELLIGENCE AGENCY,)	
)	
Defendant.)	

DEFENDANT’S ANSWER

Defendant, the Central Intelligence Agency (“CIA”), hereby answers Plaintiffs’ Complaint as follows:

1. Admit that Plaintiffs purport to bring this lawsuit under the Freedom of Information Act (“FOIA”), and that they seek the release of a report by the Senate Select Committee on Intelligence (“SSCI”) concerning the Central Intelligence Agency’s (“CIA”) former detention and interrogation program (the “Report”), and the CIA’s response to that Report (“CIA Response”). Plaintiffs’ characterization of the documents as “agency records” consists of a legal conclusion, to which no response is required. The remainder of the paragraph contains Plaintiffs’ characterization of the Report and the CIA Response, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the documents speak for themselves and respectfully refers the Court to those documents for a complete and accurate statement of their contents.

2. This paragraph contains Plaintiffs’ subjective characterization of the CIA’s former detention and interrogation program, to which no response is required.

3. First sentence: this sentence contains Plaintiffs' subjective characterization of the reasons for SSCI's undertaking the study that resulted in the Report, to which no response is required. Second sentence: Admit that in December 2012, the SSCI approved what it has described as a study of the CIA's former detention and interrogation program. The remainder of the sentence contains Plaintiffs' characterization of the Report, to which no response is required. Third sentence: This sentence contains Plaintiffs' characterization of the report by "those involved," to which no response is required. Fourth sentence: This sentence contains Plaintiffs' characterization of a statement by Dianne Feinstein regarding the Report, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the statement speaks for itself and respectfully refers the Court to the statement (or documents containing the statement) for a complete and accurate statement of its contents. Fifth sentence: Admit that the CIA received a copy of the SSCI report, and issued a report in response. Sixth sentence: This sentence contains Plaintiffs' characterization of the CIA's Response, to which no response is required.

4. First sentence: Admit that by letter to Defendant dated February 14, 2013, the Plaintiff American Civil Liberties Union Foundation transmitted via facsimile a copy of a FOIA request to the Defendant dated February 13, 2013, which sought a copy of "the recently adopted report of the Senate Select Committee on Intelligence relating to the CIA's post-9/11 program of rendition, detention, and interrogation" ("February 14, 2013 FOIA request"). Admit that by letter to Defendant dated June 28, 2013, Plaintiff American Civil Liberties Union Foundation submitted a FOIA request seeking disclosure of "the CIA's recently adopted report in response to the SSCI Report on the CIA's rendition, detention, and interrogation program in the years

following 9/11.” Second sentence: Admit. Third sentence: Admit that Plaintiffs purport to file this lawsuit under FOIA. The remainder of the sentence consists of legal conclusions, to which no response is required.

5. This paragraph consists of Plaintiffs’ subjective characterization of the public interest in the Report and the CIA Response, to which no response is required.

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

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8.

9. Admit.

10. Admit that in 2009 the SSCI began what it considered to be a study of the CIA’s former detention and interrogation program, which it approved in December 2012 (“the Report”). The remainder of this paragraph consists of Plaintiffs’ subjective characterization of the reasons for SSCI’s study, to which no response is required.

11. First and second sentences: Admit that on December 13, 2012, the SSCI voted to approve the Report. The remainder of the first and second sentences of this paragraph contain Plaintiffs’ characterization of the Report, to which no response is required. Third sentence: this sentence contains Plaintiffs’ characterization of a statement by Dianne Feinstein regarding the Report, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the statement speaks for itself and respectfully refers the

Court to the statement (or documents containing the statement) for a complete and accurate statement of its contents.

12. This paragraph contains Plaintiffs' characterization of statements by certain individuals regarding the Report, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the statements speak for themselves and respectfully refers the Court to those statements (or documents containing those statements) for a complete and accurate statement of their contents.

13. This paragraph contains Plaintiffs' characterization of an article in the news media regarding the Report, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the article speaks for itself and respectfully refers the Court to the article for a complete and accurate statement of its contents.

14. This paragraph contains Plaintiffs' subjective characterization of the importance of disclosure of the Report and the CIA's response thereto, to which no response is required.

15. Admit that by letter to Defendant dated February 14, 2013, the Plaintiff American Civil Liberties Union Foundation transmitted via facsimile a copy of a FOIA request to the Defendant dated February 13, 2013. The remainder of the paragraph contains Plaintiffs' characterization of the February 14, 2013 FOIA request, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the request speaks for itself and respectfully refers the Court to that request for a complete and accurate statement of its contents.

16. This paragraph contains Plaintiffs' characterization of the February 14, 2013, FOIA request, to which no response is required. To the extent that a response is required,

Defendant denies the allegations on the ground that the request speaks for itself and respectfully refers the Court to that request for a complete and accurate statement of its contents.

17. This paragraph contains Plaintiffs' characterization of the February 14, 2013, FOIA request, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the request speaks for itself and respectfully refers the Court to that request for a complete and accurate statement of its contents.

18. This paragraph contains Plaintiffs' characterization of the February 14, 2013, FOIA request, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the request speaks for itself and respectfully refers the Court to that request for a complete and accurate statement of its contents.

19. Admit that by letter dated February 22, 2013, Michele Meeks, the CIA's Information and Privacy Coordinator responded to Plaintiff American Civil Liberties Union Foundation's FOIA request. The remainder of the paragraph contains Plaintiffs' characterization of the CIA's February 22, 2013 letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

20. Admit that the Plaintiffs sent a letter dated April 25, 2013 to the Defendant. The remainder of the paragraph contains Plaintiffs' characterization of the April 25, 2013 letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

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

22. Admit that by letter dated June 28, 2013, Plaintiff American Civil Liberties Union Foundation submitted a FOIA request to Defendant. The remainder of the paragraph contains Plaintiffs' characterization of the June 28, 2013, letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

23. This paragraph contains Plaintiffs' characterization of the June 28, 2013, letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

24. This paragraph contains Plaintiffs' characterization of the June 28, 2013, letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

25. This paragraph contains Plaintiffs' characterization of the June 28, 2013, letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

26. Admit that by letter dated July 11, 2013, Michele Meeke, the CIA's Information and Privacy Coordinator, responded to Plaintiff American Civil Liberties Union Foundation's June 28, 2013, FOIA request. The remainder of the paragraph contains Plaintiffs'

characterization of the July 11, 2013, letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

27. Admit.

28. Admit that the CIA received from Plaintiff American Civil Liberties Union a letter dated September 9, 2013. The remainder of the paragraph contains Plaintiffs' characterization of the September 9, 2013, letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

29. Admit that by letter dated September 25, 2013, Michele Meeks, the CIA's Information and Privacy Coordinator, responded to Plaintiff American Civil Liberties Union Foundation's September 9, 2013, letter providing clarification to the June 28, 2013, FOIA request. The remainder of the paragraph contains Plaintiffs' characterization of the September 25, 2013, letter, to which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

30. Admit that by letter dated October 31, 2013, Michele Meeks, the CIA's Information and Privacy Coordinator, responded to Plaintiff American Civil Liberties Union Foundation's June 28, 2013, FOIA request, as clarified by the September 9, 2013, letter. The remainder of the paragraph contains Plaintiffs' characterization of the October 31, 2013, letter, to

which no response is required. To the extent that a response is required, Defendant denies the allegations on the ground that the letter speaks for itself and respectfully refers the Court to that document for a complete and accurate statement of its contents.

31. Admit that Defendant has not substantively responded to Plaintiff American Civil Liberties Union Foundation's June 28, 2013, FOIA request, as clarified by the September 9, 2013, letter.

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

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

WHEREFORE, having fully answered, Defendant asserts that Plaintiffs are not entitled to the relief requested, or to any relief whatsoever, and requests that Defendant be given such other relief as the Court deems just and proper.

FIRST AFFIRMATIVE DEFENSE

Defendant objects to the Complaint to the extent that answering it imposes obligations upon it that exceed those imposed by the FOIA.

SECOND AFFIRMATIVE DEFENSE

Plaintiff is not entitled to compel the production of records protected from disclosure by FOIA, subject to any applicable FOIA exemptions, or to which FOIA does not apply.

Dated: January 8, 2014

Respectfully submitted,

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