

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

ELECTRONIC FRONTIER FOUNDATION,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 06cv1708 (CKK)
DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	
)	

ANSWER

On October 11, 2006, defendant Department of Justice was served with plaintiff Electronic Frontier Foundation’s Complaint. Defendant answers plaintiff’s complaint as follows:

1. This paragraph contains plaintiff’s characterization of this lawsuit, not allegations of fact, and thus no response is required. To the extent a response is required, defendant admits that plaintiff filed this action for injunctive and other relief pursuant to the Freedom of Information Act (“FOIA”).

2. This paragraph contains conclusions of law and plaintiff’s characterizations of various provisions of the United States Code, not allegations of fact, and thus no response is required.

3. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

4. Admit.

5. The first and second sentences of this paragraph purport to characterize a news report,

to which the Court is referred for a true and accurate statement of its contents. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in the third sentence of this paragraph.

6. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the first sentence in this paragraph. Defendant denies the second sentence, except to admit that the FBI did not use DCS-1000 to conduct Internet surveillance in fiscal years 2002 or 2003.

7. Admit.

8. Admit.

9. Admit.

10. Admit.

11. Admit.

12. This paragraph contains a conclusion of law and thus no response is required.

13. This paragraph contains a conclusion of law and thus no response is required.

14. This paragraph contains a conclusion of law and thus no response is required. To the extent a response is required, defendant denies it has wrongfully withheld records from plaintiff.

15. Defendant repeats and realleges the responses contained in paragraphs 1-14 inclusive.

16. This paragraph contains a conclusion of law and thus no response is required. To the extent a response is required, this paragraph is denied.

17. This paragraph contains a conclusion of law and thus no response is required. To the extent a response is required, this paragraph is denied.

18. This paragraph contains a conclusion of law and thus no response is required. To the

extent a response is required, this paragraph is denied.

The remaining paragraphs of the Complaint contain plaintiff's requested relief, to which no response is required. To the extent a response is deemed necessary, defendant denies the allegations contained in the remaining paragraphs of the Complaint and further avers that plaintiff is not entitled to any relief. Any allegation not specifically addressed is denied.

WHEREFORE, defendant respectfully requests that the Court enter judgment dismissing this action with prejudice and awarding defendant costs and such other relief as the Court may deem appropriate.

Respectfully submitted this 13th day of November 2006.

PETER D. KEISLER
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Assistant Branch Director

_____/s/_____
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