

1 Defendant, the Department of Homeland Security, by and through undersigned counsel,
2 hereby answer's plaintiffs' complaint in the above-captioned matter as follows:

3 1. The allegations contained in this paragraph consist of plaintiffs' characterization
4 of its complaint, to which no response by defendant is required.

5 2. Admit.

6 3. Admit.

7 4. Admit.

8 5. Defendant lacks knowledge sufficient to form a belief as to the truth of the
9 allegations of this paragraph.

10 6. Defendant lacks knowledge sufficient to form a belief as to the truth of the
11 allegations of this paragraph.

12 7. Defendant admits the allegations contained in the first two sentences of this
13 paragraph. Defendant denies the allegations contained in the third sentence of this paragraph.
14 Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations of the
15 fourth sentence of this paragraph. With respect to the allegations contained in the first clause of
16 the fifth sentence, defendant admits that it possesses some of the records sought by plaintiffs, but
17 lacks information sufficient to confirm or deny that it possesses all records sought by plaintiffs.
18 The allegations contained in the second clause of the fifth sentence of this paragraph consist of
19 legal conclusions regarding the Freedom of Information Act (FOIA), to which no response is
20 required.

21 8. Defendant denies the allegations of the first sentence of this paragraph.
22 Defendant lacks knowledge sufficient to form a belief as to the truth of the allegations of the
23 second sentence of this paragraph. The allegations contained in the third sentence of this
24 paragraph constitute plaintiffs' characterizations of matters contained in published news reports,
25 not allegations of fact, and thus no response is required; to the extent a response is deemed
26 necessary, deny, except to admit the existence of the cited news reports, to which the Court is
27 referred for a full and accurate statement of their contents.

1 15. The allegations contained in this paragraph constitute conclusions of law to which
2 no response is required.

3 16. Deny.

4 17. Defendant repeats and realleges the responses made in paragraphs 1-16.

5 18. The allegations contained in this paragraph constitute conclusions of law to which
6 no response by defendant is required. To the extent a response is deemed required, the
7 allegations are denied.

8 19. The allegations contained in this paragraph constitute conclusions of law to which
9 no response is required. To the extent a response is deemed required, the allegations are denied.

10 20. The allegations contained in this paragraph constitute conclusions of law to which
11 no response is required. To the extent a response is deemed required, the allegations are denied.

12 21. The allegations contained in this paragraph constitute conclusions of law to which
13 no response is required. To the extent a response is deemed required, the allegations are denied.

14 WHEREFORE, having fully answered plaintiffs' complaint, defendant prays for a
15 judgment dismissing the complaint with prejudice and for such further relief as the Court may
16 deem just.

17
18 DATED: March 17, 2008

Respectfully submitted,

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20 Acting Assistant Attorney General

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22 United States Attorney

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24 /s/ John R. Coleman
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CERTIFICATE OF SERVICE

I hereby certify on this 17th day of March, 2008, that a true and correct copy of Defendant's Answer to Plaintiffs' Complaint for Injunctive Relief was served via the Electronic Case Filing System of the Northern District of California on the following individuals:

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