

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

GRANT F. SMITH, <i>PRO SE</i>	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Civil Action No. 1:18-cv-02048-TSC
	)	
U.S. NATIONAL ARCHIVES	)	
AND RECORDS ADMINISTRATION	)	
	)	
<i>Defendant.</i>	)	
	)	

**ANSWER**

Defendant, the United States National Archives and Records Administration (NARA), by and through its undersigned counsel, answers Plaintiff’s Complaint as follows:

The unnumbered introductory paragraph in Plaintiff’s Complaint consists of Plaintiff’s characterization of this lawsuit, to which no response is required.

In response to the numbered paragraphs of the Complaint, Defendant responds as follows:

1. Paragraph 1 consists of a conclusion of law regarding jurisdiction, to which no response is required.

2. Paragraph 2 consists of a conclusion of law regarding venue, to which no response is required.

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

4. Defendant admits that it is an independent establishment within the executive branch of the federal government that has a location at the listed address. The third sentence of

paragraph 4 states conclusions of law, to which no response is required.

5. Defendant admits that it received two FOIA requests from Plaintiff dated June 29, 2018 and addressed, respectively, to the George W. Bush Presidential Library and to the Clinton Presidential Library. The remainder of paragraph 5 consists of Plaintiff's characterization of those FOIA requests; Defendant respectfully refers the Court to those requests for a complete and accurate statement of their contents.

6. Paragraph 6 consists of Plaintiff's characterization of his two FOIA requests. Defendant respectfully refers the Court to the cited documents for a full, fair, and accurate account of their contents.

7. This paragraph consists of Plaintiff's characterization of the subject matter of his requests and his reasons for not seeking expedited processing, which does not require a response. Defendant respectfully refers the Court to its website for a full, fair, and accurate account of its FOIA Reference Guide. *See* <https://www.archives.gov/foia/foia-guide>.

8. Defendant admits that it responded to the Clinton Presidential Library FOIA request on July 5, 2018, but respectfully refers the Court to the cited document for a full, fair, and accurate account of its contents. Defendant admits that the request was given FOIA case number 2018-0887-F.

9. Defendant admits that it responded to the George W. Bush Presidential Library FOIA request on July 6, 2018, but respectfully refers the Court to the cited document for a full, fair, and accurate account of its contents. Defendant admits that the request was given FOIA case number 2018-0219-F.

10. This paragraph consists of Plaintiff's characterization of Defendant's responses to Plaintiff's FOIA requests, which does not require a response. To the extent a response is deemed

required, Defendant respectfully refers the Court to the cited documents for a full, fair, and accurate account of their contents.

11. Defendant admits that Plaintiff emailed the Bush and Clinton libraries' FOIA public liaison John Laster on July 6, 2018 for assistance with his requests, but respectfully refers the Court to the cited document for a full, fair, and accurate account of its contents.

12. Defendant admits it did not respond to Plaintiff's July 6, 2018 email and that Plaintiff submitted appeals dated July 16, 2018 for both requests. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations contained in paragraph 12.

13. Defendant admits it received the appeal regarding the Clinton Presidential Library FOIA request via email on July 16, 2018.

14. Defendant admits it received the appeal regarding the George W. Bush Presidential Library FOIA request via email on July 17, 2018.

15. Paragraph 15 consists of a conclusion of law to which no response is required.

16. Paragraph 16 consists of a conclusion of law to which no response is required.

17. Paragraph 17 consists of a legal characterization of Defendant's actions, to which no response is required. Defendant admits that it had not responded to either of Plaintiff's appeals as of August 31, 2018.

18. Without confirming or denying the existence of any responsive records, Defendant admits it has not provided access to any records in response to Plaintiff's FOIA requests.

19. Paragraph 19 states conclusions of law to which no response is required. Defendant admits it has not indicated when access to any requested documents, should they

exist, would be allowed.

20. Defendant incorporates by reference its answers to paragraphs 1 through 19 of the Complaint.

21. Paragraph 21 states a conclusion of law, to which no response is required.

22. Paragraph 22 states a conclusion of law, to which no response is required.

23. Paragraph 23 states a conclusion of law, to which no response is required.

The remaining unnumbered paragraph of the Complaint constitutes a request for relief, to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is entitled to the relief requested or to any relief at all.

Defendant hereby denies all allegations in Plaintiff's Complaint not expressly admitted or denied herein.

**DEFENSES**

The FOIA requests that are the subject of this lawsuit may implicate information that is protected from disclosure by one or more statutory exemptions. Disclosure of such information is not required or permitted. Plaintiff is not entitled to compelled production of any records exempt from disclosure by one or more exemptions enumerated in the FOIA, 5 U.S.C. § 552.

Dated: October 10, 2018

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

ELIZABETH J. SHAPIRO  
Deputy Director, Federal Programs Branch

/s/ Michael F. Knapp  
MICHAEL F. KNAPP (Cal. Bar No. 314104)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street  
Washington, DC 20005  
Phone: (202) 305-8613  
Fax: (202) 616-8470  
Email: michael.knapp@usdoj.gov  
*Counsel for Defendant*