

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

CITIZENS FOR RESPONSIBILITY AND :  
ETHICS IN WASHINGTON :

Plaintiff, :

v. :

Civil Action No. 07-0048 (RBW)

NATIONAL ARCHIVES AND :  
RECORDS ADMINISTRATION :

Defendant. :

**PLAINTIFF’S RESPONSE TO DEFENDANT NATIONAL ARCHIVES AND RECORD  
ADMINISTRATION’S STATEMENT OF MATERIAL FACTS AS TO  
WHICH THERE IS NO GENUINE ISSUE**

Pursuant to LCvR 7(h), Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) hereby responds to National Archives and Records Administration’s (“NARA”) statement of material facts as to which it contends there is no genuine issue and sets forth Plaintiff’s Response to Defendant’s Statement of Material Facts as follows:

1. Plaintiff neither admits nor denies. This paragraph is a characterization of the declaration of a United States Secret Service official and the declaration of NARA General Counsel Gary M. Stern.

2. Plaintiff neither admits nor denies. This paragraph is a characterization of the declaration of a United States Secret Service official.

3. Admitted.

4. Admitted.

5. Denied, except to admit that in its October 24, 2006 response to CREW’s FOIA request, NARA represented that it had searched its “operational records” and located 336 pages

of records. Defendant did not assert in its response what “operational records” are or what electronic or paper files were searched for potentially responsive records.

6. Admitted.

7. CREW admits that by letter dated October 24, 2006, NARA identified 336 pages of documents responsive to CREW’s request, disclosed 31 of those pages in full and 11 in part, and withheld in full an additional 294 pages. The remainder of this paragraph is a characterization of the arguments made by NARA, the contents of which speak for themselves.

8. Admitted.

9. CREW admits that it received a letter dated November 28, 2006, from NARA Deputy Archivist Lewis Bellardo that purported to respond to CREW’s appeal by identifying an additional 50 pages of responsive materials, of which it released 28 pages in part, and releasing in full an additional 11 pages of material it originally withheld while releasing in part an additional 57 pages of documents originally withheld. The remainder of this paragraph is a characterization of the arguments made by the administrative respondent, the contents of which speak for themselves.

10. CREW admits the first sentence. The second sentence is a characterization of NARA’s declaration and Vaughn index, the contents of which speak for themselves.

Respectfully submitted,

\_\_\_\_\_  
/s/

Anne L. Weismann  
D.C. Bar No. 298190  
Kimberly D. Perkins  
D.C. Bar No. 481460  
Citizens for Responsibility and  
Ethics in Washington  
1400 Eye Street, N.W., Suite 450  
Washington, D.C. 20005  
(202) 408-5565

Attorneys for Plaintiff

Dated: June 6, 2007