

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 04-814 (RCL)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

PLAINTIFFS' RESPONSE TO DEFENDANT'S LOCAL RULE STATEMENT

COMES NOW plaintiff Accuracy in Media, Inc., ("AIM"), under Local Civil Rule 7(h), and respectfully submits this Response to Defendant's Statement of undisputed Material Facts.

CIA Statement:

1. On August 2, 2019, this Court ordered the CIA to “review its operational files and explain with specificity whether any additional responsive records exist and, if so, why they must be exempt from FOIA.” ECF 340. Blaine Decl. ¶ 6.

Plaintiff's Response: Admit.

CIA Statement:

2. On August 30, 2019, the CIA filed a Motion to Reconsider in response to the Court's August 2019 order to search its operational files. ECF 342. *Id.* ¶ 7

Plaintiff's Response: Admit.

CIA Statement:

3. On March 31, 2020, the Court denied the CIA's Motion to Reconsider. ECF 345. Following the Court's March 31, 2020, the CIA began the process of searching its operational files. *Id.* ¶ 8.

Plaintiff's Response: Deny. Plaintiff is without sufficient information to admit the forgoing Statement because defendant has wholly failed to describe its search.

CIA Statement:

4. On October 30, 2020, the CIA reported to the Court the search was complete and no

responsive records were located. *Id.* ¶ 9.

Plaintiff's Response: Admit.

CIA Statement:

5. The CIA conducted thorough and diligent searches of relevant systems of operational records that were reasonably calculated to find documents with respect to "1,400 live sighting reports that were reportedly displayed at Congressional briefings attended by CIA employees, as well as records of imagery and reconnaissance and rescue operations." *Id.* ¶ 10.

Plaintiff's Response: Deny. Plaintiff is without sufficient information to admit the forgoing Statement because defendant has wholly failed to describe its search.

CIA Statement:

6. In response to the Court's 2020 order, CIA information management professionals searched Agency records in operational file systems. *Id.* ¶ 11.

Plaintiff's Response: Deny. Plaintiff is without sufficient information to admit the forgoing Statement because defendant has wholly failed to describe its search.

CIA Statement:

7. The search included an exhaustive electronic and hard copy search of Agency records. In the course of this search, CIA personnel included all relevant office databases likely to contain responsive records. Experienced CIA information management professionals cast a deliberately wide net for the requested records by employing broad search terms such as "POWs," "prisoners of war," "MIA," "missing in action," "Vietnam," "task force," "House Special POW," "image," and different combinations and variations of those search terms. The search was not limited to a particular date range and was thus conducted to include records through the date of the search. *Id.* ¶ 12.

Plaintiff's Response: Deny. Plaintiff is without sufficient information to admit the forgoing Statement because defendant has wholly failed to describe its search, including whether it searched electronically, or by reading hard copies,

CIA Statement:

8. The expansive search terms used generated a few records. Each of these records was retrieved from the database and Agency personnel reviewed them to determine whether the records were responsive to the Court-ordered search with respect to "1,400 live sighting reports that were reportedly displayed at Congressional

briefings attended by CIA employees, as well as records of imagery and reconnaissance and rescue operations.” The Agency used a plain reading of the request to inform its responsiveness calls. *Id.* ¶ 13.

Plaintiff's Response: Deny. Plaintiff cannot admit the forgoing Statement because defendant has wholly failed to describe its search.

CIA Statement:

9. Following this second-level review, the Agency determined none of the potentially responsive documents retrieved using the electronic search protocols were actually responsive. In each instance, the documents the search retrieved contained at most a mere mention of one or more of the terms but did not address the actual request. *Id.* ¶ 14.

Plaintiff's Response: Deny. Plaintiff is without sufficient information to admit the forgoing Statement because defendant has wholly failed to describe its search.

CIA Statement:

10. CIA personnel conducted a thorough search of all relevant records systems that were reasonably calculated to uncover responsive records. The Agency did not locate records responsive to the request, despite the Agency's exhaustive search. *Id.* ¶ 15.

Plaintiff's Response: Deny. Plaintiff is without sufficient information to admit the forgoing Statement because defendant has wholly failed to describe its search.

Date: January 25, 2022.

Respectfully submitted,

\_\_\_\_\_/s/ John H. Clarke

John H. Clarke Bar No. 388599

1629 K Street, NW

Suite 300

Washington, DC 20006

(202) 344-0776

Fax (202) 332-3030

john@johnhclarkelaw.com

*Attorney for Plaintiff*

*Accuracy in Media, Inc.*