

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MARK A. ALLEN,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,  
et al.,

Defendants.

Civil Action No. 78-1743

A N S W E R

First Defense

The complaint fails to state a claim upon which relief can be granted.

Second Defense

The Court lacks jurisdiction over the subject matter of the action because the agency document at issue has been properly withheld from the plaintiff, 5 U.S.C. §552(a)(4)(B).

Third Defense

Plaintiff's claim is foreclosed because Senior United States District Judge John J. Sirica in Fensterwald v. CIA, Civil Action No. 75-0897 (D.D.C.) held that the same document at issue in this action was properly withheld from public disclosure.

Fourth Defense

The Director of the Central Intelligence Agency, Admiral Stansfield Turner, is not a proper defendant in this action, 5 U.S.C. §552(a)(4)(B).

Fifth Amendment

Answering specifically the numbered paragraphs of the complaint, the defendant states as follows:

1. This paragraph contains plaintiff's characterization of his action to which no answer is required, but insofar as an answer may be deemed to be required, deny.

2. Deny.

3. The defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in this paragraph.

4. Admit, but aver that Stansfield Turner is not a proper defendant in this action.

5-7. Admit that the letters described in these paragraphs were written, and the Court is referred to the cited letters for a full and complete statement of the contents thereof.

8. First sentence - admit. Second sentence - defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in this sentence.

9. Admit.

10. Deny.

Prayers For Relief - defendant is not required by the Federal Rules of Civil Procedure to respond to plaintiff's prayers for relief.

The defendant specifically denies all of the allegations of the complaint not hereinbefore otherwise answered.

Respectfully submitted,

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EARL J. SILBERT  
United States Attorney


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ROYCE C. LAMBERTH  
Assistant United States Attorney

  
LAWRENCE T. BENNETT  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Answer has been made upon plaintiff pro se by mailing a copy thereof to him, Mark A. Allen, 102 Shamrock Road #16, Charlottesville, Virginia 22903, on this 19th day of October, 1978.

  
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