

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GEORGE MACMASTERS,

Plaintiff,

v.

DEPARTMENT OF DEFENSE,

Defendant.

Civil Action No. 25-2162 (TNM)

ANSWER

Defendant the Department of Defense, hereby answers the numbered paragraphs of Plaintiff's Complaint¹ as follows.

JURISDICTION²

1. The allegations contained in this paragraph consist of legal conclusions to which no response is required. To the extent a response is deemed required, Defendant admits the Court has jurisdiction over proper claims under the Administrative Procedure Act ("APA") and arising from the Constitution.

¹ The opening unnumbered paragraphs of the Complaint consist of characterizations of this lawsuit, legal argument, and conclusions of law to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained therein.

² Merely for ease of reference, Defendant's Answer replicates the headings contained in the Complaint. Although Defendant believes no response is required to such headings (Fed R. Civ. P. 10(b)), to the extent a response is deemed required and to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

VENUE

2. The allegations contained in this paragraph consist of legal conclusions to which no response is required. To the extent a response is deemed required, Defendant admits that venue is proper.

PARTIES

3. Defendant is without knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

4. Defendant admits that the Department of Defense is an agency as defined by 5 U.S.C. § 701. The remainder of the allegations in Paragraph 4 consist of legal conclusions to which no response is required. To the extent a response is deemed required, Defendant denies.

FACTS

5. Defendant admits that Plaintiff submitted a manuscript to the Department on or around December 13, 2023. The remainder of this paragraph consists of characterizations of the contents of Plaintiff's manuscript. As to the characterizations of the manuscript, Defendant respectfully refers the Court to the manuscript for a full and accurate statement of its contents and denies all allegations inconsistent therewith.

6. Defendant admits that it responded via letter dated December 3, 2024, and respectfully refers the Court to that letter for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

FIRST CAUSE OF ACTION (FIRST AMENDMENT/DECLARATORY JUDGMENT – RIGHT TO PUBLISH – CLASSIFICATION CHALLENGE)

7. Defendant incorporates by reference its responses to paragraphs 1-6 as if forth fully herein.

8. The allegations contained in this paragraph consist of legal conclusions to which no response is required. To the extent a response is deemed required, Defendant admits the allegations contained therein.

9. This paragraph consists of characterizations of the contents of Plaintiff's manuscript and legal conclusions. As to the characterizations of the manuscript, Defendant respectfully refers the Court to the manuscript for a full and accurate statement of its contents and denies all allegations inconsistent therewith. As to the legal conclusions, no response is required. To the extent a response is deemed necessary, Defendant denies that the manuscript discusses only unclassified details of the investigations referenced therein.

10. This paragraph consists of characterizations of the contents of Plaintiff's manuscript and legal conclusions. As to the characterizations of the manuscript, Defendant respectfully refers the Court to the manuscript for a full and accurate statement of its contents and denies all allegations inconsistent therewith. As to the legal conclusions, no response is required. To the extent a response is deemed necessary, Defendant denies that the manuscript discusses only unclassified details of the investigations referenced therein. Defendant further avers that it acted in accordance with security classification guidance and Executive Order 13526.

11. This paragraph consists of characterizations of the contents of Plaintiff's manuscript and legal conclusions. As to the characterizations of the manuscript, Defendant respectfully refers the Court to the manuscript for a full and accurate statement of its contents and denies all allegations inconsistent therewith. As to the legal conclusions, no response is required. To the extent a response is deemed necessary, Defendant denies that the manuscript discusses only unclassified details of the investigations referenced therein. Defendant further avers that it acted in accordance with security classification guidance and Executive Order 13526.

12. This paragraph consists of characterizations of the contents of Plaintiff's manuscript and legal conclusions. As to the characterizations of the manuscript, Defendant respectfully refers the Court to the manuscript for a full and accurate statement of its contents and denies all allegations inconsistent therewith. As to the legal conclusions, no response is required. To the extent a response is deemed necessary, Defendant denies that the manuscript discusses only unclassified details of the investigations referenced therein. Defendant further avers that it acted in accordance with security classification guidance and Executive Order 13526.

13. This paragraph consists of characterizations of the contents of Plaintiff's manuscript and legal conclusions. As to the characterizations of the manuscript, Defendant respectfully refers the Court to the manuscript for a full and accurate statement of its contents and denies all allegations inconsistent therewith. As to the legal conclusions, no response is required. To the extent a response is deemed necessary, Defendant denies that Defendant's redactions have infringed on Plaintiff's First Amendment rights. Defendant further avers that it acted in accordance with security classification guidance and Executive Order 13526.

14. Denied.

15. This paragraph consists of legal conclusions to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations in this paragraph.

16. Defendant is without knowledge or information sufficient to admit or deny the allegations contained in this paragraph.

**SECOND CAUSE OF ACTION
(FIRST AMENDMENT/DECLARATORY JUDGMENT – LEGAL COUNSELS' ACCESS
TO CLASSIFIED INFORMATION/UNREDACTED MANUSCRIPT)**

17. Defendant incorporates by reference its responses to paragraphs 1-6 as if forth fully herein.

18. This paragraph consists of characterizations of the contents of Plaintiff's manuscript and legal conclusions. As to the characterizations of the manuscript, Defendant respectfully refers the Court to the manuscript for a full and accurate statement of its contents and denies all allegations inconsistent therewith. As to the legal conclusions, no response is required. To the extent a response is deemed necessary, Defendant denies. Defendant further denies the allegations in this paragraph consisting of Plaintiff's characterizations of an ongoing lawsuit, *Zaid v. Exec. Off. of the Pres.*, Civ. A. No. 25-1365 (D.D.C.) (AHA).

19. This paragraph consists of Plaintiff's conclusion of law to which no response is required. To the extent a response is deemed necessary, Defendant denies.

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

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

Dated: September 30, 2025
Washington, DC

Respectfully submitted,

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United States Attorney

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