

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

AMERICAN CIVIL LIBERTIES)
UNION, et al.,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES DEPARTMENT)
OF HOMELAND SECURITY, et al.,)
)
Defendants.)
_____)

Case No. 1:16-cv-221 (CKK)

EIGHTH JOINT STATUS REPORT

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Eighth Joint Status Report in response to the Court’s June 21, 2017 Order.

BACKGROUND

This lawsuit arises out of a FOIA Request (the “Request”) dated May 13, 2015 for records concerning the government’s Countering Violent Extremism (“CVE”) programs.¹ On June 20, 2017, the parties filed their seventh joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 25. On June 21, 2017, the Court ordered the parties to file a further joint status report by September 21, 2017.

UPDATED STATUS

The parties continue to confer regarding Defendants’ responses to Plaintiffs’ Request.

¹ Plaintiffs’ FOIA claims against Defendant Department of Education pertain only to a FOIA request dated October 15, 2015 concerning CVE.

Defendants state the following regarding their production of responsive, non-exempt records:²

Department of Homeland Security. Pursuant to the processing and production schedule in the parties' December 21, 2016 Joint Status Report, the Department of Homeland Security ("DHS") Privacy Office made interim productions on June 28, 2017, July 27, 2017, and August 28, 2017. The DHS Privacy Office has approximately 30,100 potentially responsive pages remaining to be processed. The DHS Privacy Office will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

The Federal Emergency Management Agency at DHS made a production on July 11, 2017 of material referred to it for direct release to Plaintiffs.

Pursuant to the March 20, 2017 Joint Status Report, the National Protection and Programs Directorate ("NPPD") at DHS made interim productions or responses on June 30, 2017, July 25, 2017, and August 30, 2017.³ NPPD also completed its conversion of records, which will permit the processing of responsive non-exempt information for release in future interim releases. NPPD has approximately 77,000 potentially responsive pages and 11 potentially responsive videos remaining to be processed. NPPD will continue its processing and release of records in accordance with the March 20, 2017 Joint Status Report.

Department of State. Pursuant to the processing and production schedule in the parties December 21, 2016 Joint Status Report, the Department of State ("State") made interim productions on June 30, 2017, July 31, 2017, and August 30, 2017. State will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

² Plaintiffs do not concede that the searches Defendants have conducted to this point are adequate or that the material Defendants have withheld in part or in full is properly subject to exemption.

³ NPPD determined that all pages processed during August were exempt from production, nonresponsive, or duplicative.

The parties are currently discussing whether the scope of the FOIA request to State, DHS Privacy Office, and DHS NPPD can be narrowed to facilitate the timely processing and production of documents. The parties need additional time for these discussions and will update the Court of any progress in their next joint status report.

REQUESTED COURT ACTION

The parties respectfully suggest that the Court order the parties to file a joint status report no later than January 19, 2018.

Dated: September 19, 2017

Respectfully submitted,

/s/ Hugh Handeyside

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