

**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)

TWELFTH JOINT STATUS REPORT

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Twelfth Joint Status Report in response to the Court’s July 18, 2018 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 July 18, 2018, the parties filed their eleventh joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 29. That same day, the Court ordered the parties to file a further joint status report on or before October 18, 2018.

UPDATED STATUS

The parties continue to confer regarding Defendants’ responses to Plaintiffs’ Request. Defendants state the following regarding their production of responsive, non-exempt records:²

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

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.

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 July 30, 2018, August 30, 2018, and September 28, 2018. The DHS Privacy Office will continue its processing and release of records in accordance with the December 21, 2016 Joint Status Report.

Pursuant to the March 20, 2017 Joint Status Report, the National Protection and Programs Directorate ("NPPD") at DHS made an interim production or response on July 31, 2018, August 31, 2018, and September 27, 2018.³ 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' July 18, 2018 Joint Status Report, the Department of State ("State") made an interim production or response on July 31, 2018, August 30, 2018, and September 28, 2018.⁴ State will continue its processing and release of records in accordance with the July 18, 2018 Joint Status Report.

In the July 18, 2018 Joint Status Report, the parties informed the Court that they were discussing the scope of the FOIA requests to State, DHS Privacy Office, and DHS NPPD. Since then, the parties have reached agreement with respect to certain limitations with respect to the FOIA request to DHS NPPD. The parties will continue to discuss the scope of the FOIA requests and respectfully ask that the Court provide them additional time for these discussions to proceed.

³ NPPD determined that all pages processed during August and September were nonresponsive or duplicative.

⁴ State determined that the document processed during July was exempt from production.

REQUESTED COURT ACTION

The parties respectfully suggest that the Court order the parties to file a joint status report no later than January 18, 2019.

Dated: October 18, 2018

Respectfully submitted,

/s/ Hugh Handeyside
Hina Shamsi
Hugh Handeyside
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Phone: (212) 284-7321
Fax: (212) 549-2654
E-mail: hshamsi@aclu.org
hhandeyside@aclu.org

Arthur B. Spitzer
American Civil Liberties Union of the
Nation's Capital
4301 Connecticut Avenue NW, Suite 434
Washington, D.C. 20008
Phone: (202) 457-0800
Fax: (202) 457-0805
artspitzer@aclu-nca.org

Attorneys for Plaintiffs

JOSEPH H. HUNT
Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director
Federal Programs Branch

/s/ Kevin M. Snell
KEVIN M. SNELL
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street N.W.
Washington, D.C. 20530
Phone.: (202) 305-0924
Fax: (202) 616-8470
E-mail: Kevin.Snell@usdoj.gov

Attorneys for Defendants