

**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)

FIFTEENTH JOINT STATUS REPORT

The parties to this Freedom of Information Act (“FOIA”) matter respectfully submit this Fifteenth Joint Status Report in response to the Court’s October 18, 2018 Minute 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 May 21, 2019, the parties filed their fourteenth joint status report, informing the Court of the status of Defendants’ responses to Plaintiffs’ FOIA Request. ECF No. 35. This Court’s October 18, 2018 Minute Order directs the parties to file a joint status report every ninety days.

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 December 21, 2016 Joint Status Report, the Department of Homeland Security (“DHS”) Privacy Office made interim productions on May 29, 2019,³ June 28, 2019, and July 29, 2019. 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 Cybersecurity & Infrastructure Security Agency (“CISA”) at DHS, formerly known as the National Protection and Programs Directorate, made interim productions on May 31, 2019, July 2, 2019,⁴ and July 31, 2019. CISA will continue its processing and release of records in accordance with the March 20, 2017 Joint Status Report.

The Office of Intelligence & Analysis at DHS made a production on July 11, 2019 of material referred to it for direct response to Plaintiffs.

Department of State. Pursuant to the February 22, 2019 Joint Status Report, the Department of State (“State”) made interim productions on May 30, 2019, June 28, 2019, and July 31, 2019. The parties have agreed to modify the February 22, 2019 processing and production schedule such that State will make an interim production on or before August 31, 2019 if that month’s processed material is responsive and non-exempt, and State expects to make a final production of responsive, non-exempt material that it collected from its search on or before September 30, 2019.

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 On June 3, 2019, the DHS Privacy Office supplemented that production.

⁴ The parties agreed to extend DHS CISA’s response date for its June processing to July 2, 2019.

Department of Justice. The Federal Bureau of Investigation made a production on July 22, 2019 of material referred to it for direct response to Plaintiffs.

Office of the Director of National Intelligence. The Office of the Director of National Intelligence made a production on June 6, 2019 of material referred to it for direct response to Plaintiffs.

Because this Court ordered the parties to file an additional joint status report every 90 days, *see* October 18, 2018 Minute Order, the parties anticipate filing another joint status report no later than November 18, 2019, *see* Fed. R. Civ. P. 6(a)(1)(C).

Dated: August 19, 2019

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