

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

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THE JAMES MADISON PROJECT and )	
NOAH SHACHTMAN, )	
)	
Plaintiffs, )	
)	
v. )	No. 1:17-cv-00390-CKK
)	
DEPARTMENT OF JUSTICE and )	
DEPARTMENT OF HOMELAND )	
SECURITY, )	
)	
Defendants. )	
_____ )	

**JOINT STATUS REPORT**

Defendants Department of Justice (“DOJ”) and Department of Homeland Security (“DHS”) (collectively, “Defendants”) and Plaintiffs The James Madison Project and Noah Shachtman (“Plaintiffs”) respectfully submit this Joint Status Report pursuant to the Court’s Minute Order, dated September 20, 2017. The parties report as follows:

1. Plaintiffs initiated this action under the Freedom of Information Act (“FOIA”) on March 3, 2017. The Complaint alleges that this action involves FOIA requests dated January 31, 2017, and submitted to DOJ’s Office of Legal Counsel (“OLC”), DHS, and four components of DHS (the Transportation Security Administration (“TSA”), U.S. Customs and Border Protection (“CBP”), U.S. Immigration and Customs Enforcement (“ICE”), and U.S. Citizenship and Immigration Services (“USCIS”)).
2. On May 10, 2017, Plaintiffs filed an Amended Complaint, which explains that the FOIA request to OLC was not actually submitted to the agency until March 24, 2017.

3. OLC, DHS, and the four DHS components have initiated searches for records responsive to Plaintiffs' FOIA request.

4. TSA has completed its processing of Plaintiffs' request and released 35 pages of responsive records, withholding some information in those records pursuant to the FOIA's statutory exemptions from disclosure and referring some information to DHS for further review.

5. With respect to OLC, DHS, and the remaining DHS components, the parties have been conferring about the scope of Plaintiffs' requests, and Plaintiffs have agreed to certain limitations or clarifications of their scope.

6. CBP has begun rolling production of non-exempt records, with the first production issued on July 20, 2017. The agency has received a large number of FOIA requests for records relating to the January 27, 2017 Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" and its searches for records responsive to those requests have located tens of thousands of records. The agency is making rolling productions and uploading records relating to the Executive Order to its online FOIA library. The agency expects the pace of its productions to increase in the coming weeks.

7. ICE's search located approximately 3,500 pages of potentially responsive records. ICE has been making rolling productions of non-exempt records on a monthly basis and anticipates completing its response to Plaintiffs' FOIA request by the end of January 2018, with the potential exception of records requiring interagency review.

8. USCIS's search located approximately 6,000 pages of potentially responsive records. USCIS has not yet begun making productions, but anticipates completing its response to Plaintiffs' FOIA request in early 2018, with the potential exception of records requiring interagency review.

9. OLC conducted a keyword-based search for records relating to one or both of the Executive Orders, issued on January 27, 2017, and March 6, 2017, titled “Protecting the Nation from Foreign Terrorist Entry into the United States.” This search was designed to capture records responsive to any of twenty-five pending FOIA requests, including Plaintiffs’, which seek various categories of OLC records relating to these Executive Orders. OLC’s keyword-based search identified over 14,000 potentially responsive documents, including emails and stand-alone files. With email attachments included in the count, the number of potentially responsive records requiring further responsiveness review totaled more than 26,000.

10. On August 2, 2017, OLC released 13 pages of records consisting of final OLC legal advice documents relating to the Executive Orders. Since the last joint status report, OLC completed its initial manual responsiveness review and deduplication of the potentially responsive records that it had not already released. This review reduced the volume of potentially responsive records requiring further review for responsiveness and potential withholdings from over 26,000 documents to approximately 2,730 documents. OLC made a production from this batch of documents on October 31 and will be making rolling productions going forward.

11. DHS conducted an initial search that located approximately 400 pages of potentially responsive records. An expanded search located approximately 200 additional pages, and remains in progress. Of the records located so far, most if not all have been or will be circulated by DHS for consultation with other agencies or components.

12. The parties agree that it is too early to determine whether Defendants will need to prepare *Vaughn* indices.

13. The parties respectfully propose that they file another Joint Status Report no later than January 19, 2018.

Dated: November 6, 2017

/s/

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Respectfully submitted,

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