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**UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON**

AYMAN LATIF, et al., <i>Plaintiffs,</i>	Case 3:10-cv-00750-BR
v. ERIC H. HOLDER, JR., et al., <i>Defendants.</i>	DEFENDANTS' STATUS REPORT

In accordance with the Court's October 6, 2014 Case Management Order, ECF No. 152, Defendants hereby submit this status report conveying the information required by paragraph 6 of that Order. Pursuant to the Order, the reapplication of revised redress procedures is complete

for all plaintiffs who remained on the No Fly List as of November 14, 2014, with the exception of Mr. Persaud, whose process remains pending.

Procedures and standards employed in each reconsideration: Application of revised redress procedures to Plaintiffs' DHS TRIP inquiries began with substantive assessments, conducted prior to November 14, 2014. Promptly thereafter, during the week of November 24, 2014, Defendants provided those plaintiffs remaining on the No Fly List with notification letters. These notification letters (1) informed Plaintiffs of their status on the No Fly List, (2) provided the specific applicable substantive criteria for each individual, and (3) provided unclassified summaries of the reasons why each individual met the applicable criteria, to the extent possible without compromising sensitive national security and law enforcement information.

With regard to the substantive criteria used to place individuals on the No Fly List, an individual nominated to the No Fly List must meet at least one of the following criteria by posing a threat of:

(1) committing an act of international terrorism (as defined in 18 U.S.C. § 2331(1)) or an act of domestic terrorism (as defined in 18 U.S.C. § 2331(5)) with respect to an aircraft; (2) committing an act of domestic terrorism (as defined in 18 U.S.C. § 2331(5)) with respect to the homeland; (3) committing an act of international terrorism (as defined in 18 U.S.C. § 2331(1)) against any U.S. Government facility abroad and associated or supporting personnel, including U.S. embassies, consulates and missions, military installations, U.S. ships, U.S. aircraft, or other auxiliary craft owned or leased by the U.S. Government; or (4) engaging in or conducting a violent act of terrorism and who is operationally capable of doing so.

Decl. of G. Clayton Grigg, *Mohamed v. Holder, et al.*, No. 11-CV-0050, Dkt. No. 158-1 (E.D. Va. Dec. 9, 2014).

With regard to the unclassified information DHS TRIP was able to reveal, the scope and volume of that information varied, depending on the nature and sensitivity of relevant information relating to each individual. DHS TRIP was able to provide information to each

plaintiff identifying reasons for his inclusion on the No Fly List. DHS TRIP did not — nor could it — disclose all information relied upon in determining that each plaintiff should be on the No Fly List. Instead, DHS TRIP provided information able to be disclosed without compromising national security and law enforcement information and interests.¹

The November letters from DHS TRIP requested responses from Plaintiffs by December 15. Plaintiffs, with the exception of Mr. Persaud, submitted responses during that week. (Mr. Persaud obtained new counsel who submitted a response received by DHS TRIP on January 8, 2015.)

Defendants thereafter assessed Plaintiffs' submissions and provided them with final determinations on January 22, 2015. (As of this date, the process for Mr. Persaud is ongoing. In accordance with the Court's order, the Government expects to complete this process on or before January 28.) These final determinations reflect the TSA Administrator's consideration of Plaintiffs' submissions and provide responsive information as appropriate. As with the November notification letters, these final determinations did not disclose all information relied upon in determining that each plaintiff should be on the No Fly List, but included only information that could be disclosed without harm to national security and law enforcement interests.

Final result of Defendants' reconsideration. No plaintiffs who were on the No Fly List as of November 14, 2014, have been removed from the list upon reconsideration of their redress inquiries under the revised redress procedures.

¹ In some cases, and as set forth in the final determinations released to Plaintiffs, certain limited information was withheld for privacy reasons. To the extent additional grounds for withholding may exist (such as, *e.g.*, privacy information related to or appearing within other information wholly protected from disclosure for national security reasons), those grounds for withholding may not be identifiable without compromising the information itself or compromising other validly withheld information.

Dated: January 22, 2015

Respectfully Submitted,

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s/ Brigham J. Bowen

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was delivered to all counsel of record via the Court's ECF notification system.

s/ Brigham J. Bowen
BRIGHAM J. BOWEN