February 7, 2018
Mr. Benjamin Wittes
The Brookings Institution
1775 Massachusetts Avenue, NW
Washington, DC 20036

Dear Mr. Wittes:

This is in response to your both of your April 14, 2017, Freedom of Information Act (FOIA) requests. **NSD #17-153** (received in this Office on April 17, 2017) requests the following: 1) all records, including but not limited to emails, notes, and memoranda, reflecting any data or information relating to the nationality or country of origin of individuals convicted of terrorism-related offences (domestic or international) from 2001 until the date that a search is conducted for records responsive to [your] FOIA request; 2) all records reflecting communications (including but not limited to emails, telephone call logs, calendar entries, meeting agendas, or text messages) between the Department of Justice and the Executive Office of the President relating to data concerning the nationality or country of origin of anyone convicted of terrorist crimes or terrorism-related crimes (domestic or international) from January 1, 2016 until the date that a search is conducted for records responsive to [your] request; 3) all records, including but not limited to emails, notes, and memoranda, in preparation for or in reaction to the President’s address to a Joint Session of Congress on February 28, 2017, specifically those records referring to the President’s characterization of data provided by, or originating from, the Department of Justice from January 20, 2017 until the date that a search is conducted for records responsive to [your] request; and, 4) all records reflecting communications (including but not limited to emails, telephone call logs, calendar entries, meeting agendas, or text messages) between the Department of Justice and the Executive Office of the President in preparation for or in reaction to the President’s address to a Joint Session of Congress on February 28, 2017, specifically those records referring to the President’s characterization of data provided by, or originating from, the Department of Justice. Further, **NSD #17-164** (received in this Office on April 14, 2017) requests the following: all records validating or verifying the following quote from the President’s address to a Joint Session of Congress on February 28, 2017: “according to data provided by the Department of Justice, the vast majority of individuals convicted of terrorism and terrorism-related offense since 9/11 came here from outside our country”. The timeframe for these requests is from January 20, 2017 until the date that a search is conducted. NSD has consolidated these two requests.

We have conducted a search of the Office of the Assistant Attorney General and the Counter-terrorism Section (CTS) and located seven records (items 1-7) within the scope of your request. We have reviewed these records and have determined to release items 1-2 in full, items 3-6 in part and to withhold item 7 (described below) in full pursuant to one or more of the following FOIA exemptions set forth in 5 U.S.C. 552(b):
(1) which permits the withholding of information properly classified pursuant to Executive Order No. 13526;
(3) which permits the withholding of information specifically exempted from disclosure by statute (the applicable statute is 50 U.S.C. § 3024(i)(1));
(5) which permits the withholding of inter-agency or intra-agency memorandums or letters which reflect the pre-decisional, deliberative processes of the Department, and/or which consist of attorney work product prepared in anticipation of litigation;
(6) which permits the withholding of personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and,
(7) which permits the withholding of records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ... 
(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; and
(E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

Regarding item #5, Exemptions (b)(6) and (7)(C) relate to the DOB and State/City of Birth column while Exemptions (b)(3) and (7)(E) relate to the FBI Case column.

We also located records which originated with the leadership offices of the Department (referred to the Office of Information Policy), the Office of the Solicitor General and the Civil Division. Pursuant to Department practice, we have referred these items to the responsible offices for review and direct response to you.

As this matter is in litigation, we are omitting our standard appeal paragraph.

Sincerely,

Kevin Tiernan, Chief
Records Management and FOIA

RECORD WITHHELD IN FULL

7. Classified Email 2/14/2017 Mary McCord to OLC; 2pages. Withheld in full pursuant to 5 U.S.C. 552(b) (1) and (5).