UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COOK COUNTY, ILLINOIS, et al., Plaintiffs, v. CHAD F. WOLF, in his official capacity as Acting Secretary of U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY, et al., Defendants.	Case No. 19-cv-6334 Judge Gary Feinerman

JOINT STATUS REPORT REGARDING SEARCH TERMS

Pursuant to this Court's Order dated July 15, 2020 (ECF No. 186), Plaintiffs and Defendants submit the following joint status report regarding the agreements reached and remaining disputes with respect to search terms.

I. Agreed Items

The parties are now in agreement on the following search terms, and the other terms listed in Appendix A of the Joint Status Report filed on July 10, 2020, and no further action from the Court is necessary as to these:

Proposed Search Term(s)	Defendants' Proposed Alternative	Plaintiffs' Response/Proposal
PC	PC reg or PC regulation or PC rule	Agree to Defendants' proposed alternative
1182a4	1182(a)(4)	Agree to Defendants' proposed alternative
Afghanistan	Defendants no longer object to this search term.	
Iran	Defendants no longer object to this	

	search term.	
Family based immigration		Agree to remove
Temporary Protected Status		Agree to remove
Alien		Agree to remove
Asylum		Agree to remove
Black	Black immigrants OR black people OR black individuals	Blacks or (black w/10 immigrant! Or people! Or person! Or individual!)
Burden		Agree to remove
Criminal		Agree to remove
Depend*		Agree to remove
Flood		Agree to remove
Hurricane		Agree to remove
Refugee		Agree to remove
Replace		Agree to remove
Replacement		Agree to remove
S1		Agree to remove
Foreign born		Agree to remove
Terror		Agree to remove
Terrorism		Agree to remove
TPS		Agree to remove
Wall		Agree to remove
White	White immigrants OR white people OR white individuals	Whites or (white w/10 immigrant! Or people! Or person! Or individual!)
Latin	Defendants no longer object to this search term.	

II. Items in Dispute

Defendants provided Plaintiffs with two rounds of hit counts. The first set of hit counts covered the disputed terms, and were generated from the documents Defendants have loaded thus far for the nine currently agreed-upon custodians.[1] At Plaintiffs' request, Defendants excluded from the hit report the documents that also hit on any of the agreed-upon search terms in Appendix A to the July 10 Joint Status Report. During a meet-and-confer on July 20, 2020,

[1] Seven of the agreed-upon custodians were custodians in the *Washington* matter, and thus a portion of their documents were already loaded. Additionally, Defendants continue to load documents into the platform for the agreed-upon custodians here. Thus, these hit counts were not run upon the full custodial document set for the nine agreed-upon custodians.

Plaintiffs requested hit counts where a proximity limiter—w/60—would be added to certain terms. Defendants provided this information today, on July 21, 2020. The chart attached as Appendix C shows all of these hit counts along with a short summary of Defendants' and Plaintiffs' respective positions and proposals (which are discussed in further detail below).

A. Names of Majority Non-White Countries

Plaintiffs proposed as search terms the names of several predominantly non-white countries and regions. Defendants object to certain of those terms as overbroad and unduly burdensome in light of the hit counts in the chart in Appendix C.

PLAINTIFFS: These predominantly non-white countries and regions have been specifically targeted by the Trump administration and thus are likely to lead to evidence of discriminatory animus. Compl. ¶¶ 172–75, 181. For example, Plaintiffs allege in the complaint that the public charge rule is part of "a broader agenda to vilify immigrants from majority non-white countries and to suppress immigration and those seeking citizenship from those countries." *Id.* Plaintiffs further allege that President Trump has made "repeated statements that Haiti, El Salvador, and unspecified African nations are 's***hole countries,'" that Mexican immigrants are "'drug dealers, criminals, rapists,'" that Central American migrants are "'animals,'" "claimed that 15,000 recent immigrants 'all have AIDS,'" and stated that "40,000 Nigerians would never 'go back to their huts' in Africa after seeing the United States." Compl. ¶ 173.

Moreover, given that these are the hit counts for 9 custodians, the hit counts are actually quite low for most of the proposed country and region search terms even without a proximity limiter. With the exception of "Mexico," all of the proposed country and region search terms hit on approximately 100 or fewer documents (including families). In light of the low hit counts for each these search terms, Plaintiffs do not think these terms are overbroad or unduly burdensome, which was Defendants' only basis for objecting to them in the first place. For the same reason, Plaintiffs do not think it is appropriate or necessary to add a proximity limiter. For "Mexico," which does have a slightly higher hit count, Plaintiffs propose using a proximity modifier to limit the search to anything that hits on "Mexico" within 60 words of the "public charge" prefix terms, which hits on just 51 documents, or 126 including families.

Finally, the country terms are already limited by the "public charge" prefix terms. Thus, contrary to Defendants' assertion, Plaintiffs are not asking for all "immigration-related documents" that hit on these country terms. Plaintiffs are only asking for documents that hit on both the public charge

prefix terms and the country terms, and thus presumably discuss these countries in the context of the public charge rule.

DHS: Plaintiffs asked Defendants for hit-counts which connect these search terms to the "public charge" prefix terms by a proximity limiter. Although Defendants initially proposed a w/30 proximity limiter, Plaintiffs asked for a w/60 limiter, and Defendants obliged. Defendants provided this data within 24-hours, and then subsequently agreed to accept nearly all of these country-terms subject to some proximity limiter. Yet despite asking for these hit counts, Plaintiffs now refuse to accept a proximity limiter for even a *single* country-term.

To start, Defendants offered to accept the terms **El Salvador, Northern Triangle, Africa, Guatemala, Haiti, and Honduras** subject to a w/60 proximity limiter. Defendants offered to accept the term **Central America** subject to a w/120 proximity limiter, and the term Mexico subject to a w/30 proximity limiter. The sum of the full family counts for Plaintiffs' proposed country-terms would be 972 documents. The sum of the full family counts for Defendants' proposed country-terms—with proximity limiters—would be roughly 318 documents. In light of the expedited schedule, and resource constraints, this is a sizable difference (around 654 documents). And although Plaintiffs note that these hit counts were not generated from the full document sets for all nine agreed-upon custodians, this fact supports Defendants' position: once the full document sets are loaded, the hit counts are likely to be *even higher*.

Further, Plaintiffs' country-terms are overbroad, and are likely to pull in a large number of irrelevant documents. Persons from these countries frequently immigrate to the U.S., and thus it is expected that immigration-related documents would be referring to these countries. Additionally, there are generic documents—*e.g.*, meeting agendas and briefing materials—which will address the public charge rule along with other unrelated matters. Thus, a document may refer to these countries in a completely unrelated context. Defendants' proposal balances these factors, along with Plaintiffs' stated justification for these terms, and thus serves as a reasonable alternative.

B. CIS and FAIR

Plaintiffs proposed several search terms designed to identify documents connected to the Center for Immigration Studies (CIS), the Federation for American Immigration Reform (FAIR), and the Immigration Reform Law Institute (IRLI). Defendants have not objected to the search terms "immigration reform," "Center for Immigration Studies," or "IRLI." However, Defendants

object to the shorthand acronyms "CIS" and FAIR" as overbroad and unduly burdensome.

PLAINTIFFS: The Center for Immigration Studies and the Federation for American Immigration Reform are both anti-immigrant organizations that were founded by John Tanton, a white nationalist who has said that "for European-American society and culture to persist requires a European-American majority, and a clear one at that."[2] Both CIS and FAIR have been designated as hate groups by the Southern Poverty Law Center because they circulate white nationalist content and have ties to white supremacist hate groups.[3]

In April 2016, CIS published a policy "wish list" that advocated to make changes to the public charge rule.[4] CIS also has close ties to several custodians. For example, Lee Francis Cissna, former USCIS director, appeared on stage at an event hosted by CIS in August 2017 with a copy of the Immigration and Nationality Act covered in yellow sticky notes to mark certain sections.[5] When he faced backlash for attending the event, Cissna said he felt the event was "fine" and that it handled immigration issues in "a respectful and perfectly reasonable manner."[6] In addition, Jon Feere, who is now a senior advisor for ICE and close ally of Stephen Miller, formerly worked at CIS.[7] And Stephen Miller often refers to the work of Mark Krikorian, Executive Director of CIS, in White House policy discussions.[8]

FAIR also has close ties to the Trump Administration, including Julie Kirchner (FAIR's former Executive Director and the Ombudsman for USCIS), Robert Law (former lobbying director and director of government

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[2] https://www.splcenter.org/fighting-hate/extremist-files/individual/john-tanton

[3] https://www.splcenter.org/hatewatch/2017/05/23/more-occasional-crank-2012-times-center-immigration-studies-circulated-white-nationalist; https://www.splcenter.org/fighting-hate/extremist-files/group/federation-american-immigration-reform

[4] https://www.splcenter.org/hatewatch/2018/10/01/trump-administrations-public-charge-policy-latest-many-reflect-playbook-anti-immigrant-hate

[5] https://www.politico.com/magazine/story/2018/09/20/uscis-director-lee-francis-cissna-profile-220141

[6] *Id.*

[7] https://www.nytimes.com/2019/08/17/us/politics/stephen-miller-immigration-trump.html

[8] https://www.nytimes.com/2019/11/18/us/politics/stephen-miller-white-nationalism.html; https://www.splcenter.org/hatewatch/2019/11/14/emails-detail-millers-ties-group-touted-white-nationalist-writers; https://www.nytimes.com/2019/11/14/us/politics/immigration-trump.html.

relations at FAIR and current acting chief of policy at USCIS), and John Zadrozny (former legislative counsel at FAIR and current acting chief of staff for USCIS). FAIR has also advocated for changes to the public charge rule as one step to "move away from a family chain migration policy."[9]

Since these organizations have close ties to key immigration policy officials, are connected to white supremacist groups, and have advocated for many of the Administration's key immigration policies, including the public charge rule, documents and communications related to these organizations are highly likely to shed light on any discriminatory animus underlying the rule. That is why Request No. 4 is directed specifically at documents and communications related to these organizations, and eliminating the shorthand acronyms commonly used for these organizations would likely kick out numerous responsive documents.

If the shorthand acronyms for these organizations are removed, it will eliminate documents that hit on both the public charge prefix terms and FAIR or CIS, and thus are likely to be highly relevant. To mitigate Defendants' concern about hit counts, Plaintiffs proposed possible technological solutions, including running "CIS" as a whole word search term so it does not hit on words that include "CIS" (e.g., "USCIS.") Defendants confirmed they ran "CIS" as a whole word search term, and therefore that the hit counts provided for that term "do not encompass hits on words that simply include the letters CIS, such as USCIS." Plaintiffs further proposed that, for the term "FAIR," Defendants could do a case-sensitive search to eliminate any generic references to the word "fair" as opposed to the organization "FAIR." Defendants informed Plaintiffs that this would create technical problems. On balance, and if there is no technological workaround, the probative value of these documents to Plaintiffs' equal protection claim outweighs the review burden on Defendants.

DHS: Including the terms "CIS" and "FAIR" will generate large numbers of non-responsive documents that will unnecessarily lengthen the review process. "CIS" is often used to refer to USCIS, which, along with DHS, was one of the two agencies primarily involved in the public charge rulemaking. *See, e.g.*, *Rubman v. United States Citizenship & Immigration Servs.*, 800 F.3d 381, 384 (7th Cir. 2015) (defining "United States Citizenship and Immigration Services" as "CIS"). Accordingly, there are likely to be

[9] https://www.fairus.org/press-releases/fairs-comments-proposed-public-charge-rule-change-if-congress-wont-adopt-merit-based

numerous documents containing the term CIS that are entirely unrelated to the Center for Immigration Studies. Likewise, the term "fair" is a very commonly used word that would draw-in many documents unrelated to the Federation for American Immigration Reform.

Moreover, any documents concerning these organizations that bear on any alleged discriminatory intent should be captured by the numerous other search terms to which Defendants have agreed, which are more targeted to the issues raised by the equal protection claim. The mere fact that a document mentions one of these organizations does not suggest it would indicate any discriminatory intent. Nevertheless, Defendants agreed to use the full names of the organizations as search terms. That reasonable compromise would capture documents relating to these organizations while avoiding large numbers of irrelevant documents that would be collected if the terms "CIS" and "FAIR" were used.

C. "Illegal Aliens" and "terrorist"

Plaintiffs proposed the term "illegal aliens," and the term "terrorist" w/60 of the public charge prefix terms. Defendants object to these terms as overbroad and unduly burdensome.

PLAINTIFFS: Members of the Trump administration and Kenneth Cuccinelli have used the term "illegal aliens," as advanced by FAIR, to refer to immigrants even though it is increasingly considered to be a racial slur intended to dehumanize immigrants.[10] For example, Cuccinelli, while discussing the stabbing of five Jewish individuals during a Hannukah celebration tweeted that the attacker, a black man, was the son of an "illegal alien" whose family lacked "American values."[11] Miller has also repeatedly used the term "illegal alien" when linking non-white immigration to crime and violence.[12]

[10] *See* "The Evolution of the Immigration Term: Alien," National Public Radio (August 19, 2015), https://www.npr.org/2015/08/19/432830934/the-evolution-of-the-immigration-term-alien; "Library of Congress to stop using term 'illegal alien,'" LOS ANGELES TIMES (April 3, 2016), https://www.latimes.com/nation/la-na-library-congress-alien-20160403-story.html; "Why 'Illegal Alien' is the Correct Term," FAIR (July 2018), https://www.fairus.org/issue/border-security/why-illegal-alien-correct-term.

[11] "Immigration Official Tweets, Then Deletes, Accusation Against Monsey Suspect," New York Times (Dec. 30, 2019), https://www.nytimes.com/2019/12/30/us/politics/cuccinelli-monsey-stabbing.html

[12] "Emails Confirm Miller's Twin Obsessions: Immigrants and Crime," Southern Poverty Law Center (Nov. 25, 2019), https://www.splcenter.org/hatewatch/2019/11/25/emails-confirm-millers-twin-obsessions-immigrants-and-crime;

Moreover, in one of the leaked American Oversight emails, a Senior Advisor for ICE (Jon Feere's role at the time) distributed a memo cataloging crimes committed by immigrants—all of whom are either Latin American, Indian, or Pakistani—which stated that "USCIS does not have the capacity to adequately vet illegal aliens for DACA purposes" and that "DACA recipients include murderers, child molesters, individuals involved in fraud schemes, gang members, and many other types of criminals."[13] Relatedly, Miller "often equated Muslim refugees explicitly with acts of terrorism" in his leaked emails to Breitbart.[14] Because, as this Court has acknowledged, "[m]ost people know by now that the quiet part should not be said out loud," Dkt. 150 at 24, the Trump administration uses coded language like this to signal racist intent without using explicit racist terms. And the fact that judges and others may use the term "illegal aliens" without racial animus does not change the fact that some of the key decisionmakers at issue in this case have consistently used the term in circumstances and contexts that do suggest racial animus.

The term "illegal aliens" only hit on 51 documents (115 if families are included), and the term "terrorist" w/60 of the "public charge" prefix terms only hit on 93 documents (151 if families are included). Accordingly, these terms are not overbroad or unduly burdensome and they are highly probative of potential discriminatory animus.

Lastly, Defendants' argument that "terrorist" is overbroad because DHS and USCIS also engage in anti-terrorism programs ignores that all of these terms—including "terrorist"—are already limited by the public charge prefix terms. Plaintiffs are not asking for all documents that hit on the word "terrorist," but rather only documents that mention "terrorist" in close proximity (within 60 words) of the public charge terms.

DHS: Plaintiffs' description of the term "illegal alien" as a "racial slur" is belied by the fact that the term appears in judicial opinions. *See, e.g., City of Chi. v. Barr*, 961 F.3d 882, 932 (7th Cir. 2020) (Manion, J., concurring)*; United States v. McClellan*, 794 F.3d 743, 755 (7th Cir. 2015); *United States v.*

[13] *American Oversight v. U.S. Immigration and Customs Enforcement*, 1:19-cv-00774 (D.D.C. March 20, 2019), FOIA document production at DHS-ICE-18-0777-A-000358 – DHS-ICE-18-0777-A-000368, https://assets.documentcloud.org/documents/6551940/ICE-Email-Communications-With-or-About-White.pdf

[14] *See id.* n.12 (describing emails in which Miller tied Muslim refugees and Latin American immigrants to terrorism and violent crime, noting that Miller "never highlight[ed] a violent crime committed by a white person," and describing an email in which Miller asked McHugh to write a story about how a larger percentage of violent crimes are committed by nonwhite people).

Costello, 666 F.3d 1040, 1045 (7th Cir. 2012). At the very least, the use of the term "illegal alien" by judges shows that this term can be employed without any animus on the part of the speaker. Accordingly, documents containing the term "illegal alien" would not necessarily suggest any animus by DHS. Likewise, the term "terrorist" is overbroad because it does not implicate the issues raised by Plaintiff's equal protection claim and because DHS and USCIS's missions involve various anti-terrorism programs and policies, meaning there likely would be significant numbers of irrelevant documents identified through those terms. Although Plaintiff considers the number of documents hitting on these terms to be low, the hit counts are likely to be higher once the full document sets are loaded. Finally, to the extent documents containing these terms include relevant content, the documents likely would hit on one of the many other terms Defendants have agreed to.

D. Public Benefit-Related Terms

Plaintiffs proposed the following public benefits-related terms: "public housing," CHIP, SNAP, and Welfare. Defendants object to these terms as having an insufficient connection to the equal protection claim and/or being too generic.

PLAINTIFFS: Section 8 (public housing) and SNAP (food stamps) are both public benefits that are considered as a negative factor under the public charge rule. The agency proposed including CHIP—the Children's Health Insurance Program—in the preliminary public charge rule but later removed it. In addition, the Final Rule uses the word "welfare" 87 times to refer to public benefits writ large.

These public benefit-related terms are likely to uncover evidence of racial animus because Plaintiffs specifically allege that the Administration has repeatedly characterized immigrants of color "as a poor, welfare-reliant, drain on society." Compl. ¶¶ 177, 179-80. Like the term "illegal aliens," the term "welfare" is now also widely viewed as a racially-coded term that signals negative views of people of color without explicitly mentioning race.[15] DHS's communications regarding "welfare," "public housing," and other public benefits programs may uncover underlying racially motivated policymaking even absent overt references to race in the communication.

[15] Dorothy E. Roberts, "Welfare and the Problem of Black Citizenship" (1996), Faculty Scholarship at Penn Law, https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2283&context=faculty_scholarship ("Racial politics has so dominated welfare reform efforts that it is commonplace to observe that 'welfare' has become a coded word for race.").

As this Court has observed, "[m]ost people know by now that the quiet part should not be said out loud." Mem. at 24, Dkt. 150.

To reduce the review burden associated with these terms, Plaintiffs propose using a proximity limiter to reduce it to documents that are within 60 words of the public charge prefix terms.

Even if, as Defendants contend, the total review universe including these terms is 3,476 documents, that is more than manageable for Defendants to review on an expedited basis. Assuming an estimated review pace of between 30-50 documents per hour, which is standard for most document reviews, this means it would take a total of approximately 70-115 hours to review all of the documents. That is roughly 2-3 people working full-time on the review for one week (or 1-2 people working full-time on the review for less than 2 weeks). Defendants claimed that they have "four USCIS OCC attorneys assigned to directly work on this matter" and "one DHS OGC attorney assigned to directly work on this matter." Dkt. 165-2 ¶ 16; Dkt. 165-4 ¶ 15. It seems feasible that Defendants could assign at least a couple of these attorneys to the expedited document review for this case.

DHS: Plaintiffs request a number of search terms concerning specific benefit programs, such as CHIP, SNAP, and Section 8. But these benefit programs have no bearing on ICIRR's equal protection theory: that the Rule was allegedly instituted, in part, due to improper animus against certain aliens based on race, ethnicity, or nationality. Although Plaintiffs refer to these benefit programs in the Complaint, none of those allegations is tied to the equal protection claim. *See, e.g.*, Compl. ¶ 42 (background paragraph, and the only paragraph that references Section 8); Compl. ¶ 78 (discussing CHIP, and its impact upon Cook County).

Plaintiffs are correct that use of certain benefits are considered as part of a public charge determination under the Rule, but that is precisely the point: documents that hit on these terms will likely be addressing the use of these benefits in connection with a public charge determination. The same is true of the term "welfare." Benefit programs in general are often considered social welfare programs. There is no reason to suspect that documents that hit on these terms will include content relevant to ICIRR's equal protection claim. And to the extent documents discussing these benefit programs include relevant content, presumably the documents would hit on one of the 80+ terms Defendants have agreed to.

Finally, contrary to Plaintiffs' representation, a proximity limiter would hardly reduce the burden on Defendants. The sum of the full family counts

for these terms—even with a proximity limiter—is a staggering ***1,148*** documents. The total full family count for the search terms Defendants have already accepted is roughly 2,328 documents. Thus, inclusion of these benefit terms could increase the review burden by nearly 50%. The Court should not order the Defendants to accept these terms. And although, as Plaintiffs point out, there are certain personnel designated to assist with the review in this matter, they are not *only* working on this matter. They are also working on other cases, subject to orders instituted by other judges. Further, the total document count here will have to be fused with the total documents from any country-related terms that Defendants ultimately use, and thus the total document count will be much higher. Additionally, the review here may implicate sensitive privilege concerns which may take longer to resolve and code. Thus, this may not operate like a standard review protocol, and the review rate may prove to be lower.

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Respectfully submitted,

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APPENDIX C
REMAINING DISPUTED SEARCH TERMS

Proposed Search Term	**Hit Count**	**Family Count**	**Hit Count**	**Family Count**	**Defendant's Response**	**Plaintiffs' Response**
	"and" connector (no proximity limiter)		*w/60 connector*			
Central America	33	78	0	0	Add a proximity limiter of w/120 between the "public charge" prefix terms and this term.	This is a region of predominantly non-white countries targeted by the Trump Administration. Compl. ¶ ¶172-175, 181. Given the low number of hit counts, this term is not burdensome and no proximity limiter is needed.
El Salvador	39	82	25	50	Defendants accept this term with a w/60 proximity limiter of the public charge prefix terms.	Non-white country targeted by the Trump administration. Compl. ¶¶ 172-75, 181. Given the low number of hit counts, this term is not burdensome and no proximity limiter is needed.
Illegal aliens	51	115	N/A (Defendants do not agree to any proximity limiter for this term so did not provide hit counts with proximity limiter)		This term is too generic, and to the extent it hits on a relevant document, the document presumably would hit on a term Defendants have already agreed to.	Members of the Trump administration and Kenneth Cuccinelli have used this term, as advanced by FAIR, to refer to immigrants even though it is increasingly considered to be a racial slur intended to dehumanize immigrants. Given the

Proposed Search Term	**Hit Count**	**Family Count**	**Hit Count**	**Family Count**	**Defendant's Response**	**Plaintiffs' Response**
	"and" connector (no proximity limiter)		*w/60 connector*			
						low number of hit counts, this term is not overbroad or unduly burdensome.
Northern triangle	61	122	13	24	Defendants will accept this term with a w/60 proximity limiter.	Refers to Guatemala, El Salvador & Honduras. These are nonwhite countries targeted by the Trump Administration. Compl. ¶¶ 172-175, 181. Given the low number of hit counts, this term is not burdensome and no proximity limiter is needed.
Section 8 ["public housing" used for proximity search]	170	391	73	230	There is an insufficient connection between this term and the allegations for the equal protection claim.	Section 8 is a federally funded housing program and is one of the public benefits considered in the Final Rule. Plaintiffs allege that the Administration has repeatedly characterized immigrants of color "as a poor, welfare-reliant, drain on society." Compl. ¶¶ 177, 179-80. To reduce hit counts, Plaintiffs propose using "public housing" w/60 of the public charge prefix terms.

Proposed Search Term	**Hit Count**	**Family Count**	**Hit Count**	**Family Count**	**Defendant's Response**	**Plaintiffs' Response**
	"and" connector (no proximity limiter)		*w/60 connector*			
"Center for Immigration Studies" or CIS	233	366	N/A (Defendants do not agree to any proximity limiter for this term so did not provide hit counts with proximity limiter)		Suggested alternative "Center for Immigration Studies"	CIS is shorthand for Center for Immigration Studies, an anti-immigration organization that was founded by a white nationalist, has advocated for changes to the public charge rule, and has numerous ties to the Administration and relevant agencies, as detailed further above. Eliminating the shorthand acronym will exclude relevant documents. Defendants confirmed they used a whole word search, so the hit counts do not encompass words that include "CIS" (e.g., "USCIS").
"Immigration reform" or FAIR or IRLI	260	559	N/A (Defendants do not agree to any proximity limiter for this term so did not provide hit counts with proximity limiter)		Suggested edit: remove the term "fair" – which is a common word – and add a proximity limiter of w/30 between the "public charge" prefix terms and the remaining term	FAIR is shorthand for the Federation for American Immigration Reform, an anti-immigration organization that was founded by a white nationalist, has advocated for changes to the public charge rule, and has numerous ties to the Administration and

Proposed Search Term	**Hit Count**	**Family Count**	**Hit Count**	**Family Count**	**Defendant's Response**	**Plaintiffs' Response**
	"and" connector (no proximity limiter)		*w/60 connector*			
						relevant agencies, as detailed further above. Eliminating the shorthand acronym will exclude relevant documents. Plaintiffs proposed a case-sensitive search for "FAIR" to avoid generic references to "fair," but Defendants advised that would create technical problems.
Africa	17	44	10	23	Defendants will accept this term with a w/60 proximity limiter.	Non-white continent targeted by the Trump administration. Compl. ¶¶ 172-75, 181. Given the low number of hit counts, this term is not burdensome and no proximity limiter is needed.
AIDS	22	40	N/A (Defendants do not agree to any proximity limiter for this term so did not provide hit counts with proximity limiter)		This term is insufficiently connected to the relevant allegations, and to the extent it hits on a relevant document, the document presumably would hit on a term Defendants have already agreed to.	Referenced in ¶ 173 of the Complaint, President Trump is alleged to have said that all Haitians have AIDS. The number of hit counts is also low so the term is not overbroad or unduly burdensome.
CHIP	315	581	150	297	There is an insufficient	Children's Health Insurance Program.

Proposed Search Term	**Hit Count**	**Family Count**	**Hit Count**	**Family Count**	**Defendant's Response**	**Plaintiffs' Response**
	"and" connector (no proximity limiter)		*w/60 connector*			
					connection between this term and the allegations for the equal protection claim.	The agency proposed including this public benefit program in the preliminary public charge rule but later removed it. Plaintiffs allege that the Administration has repeatedly characterized immigrants of color "as a poor, welfare-reliant, drain on society." Compl. ¶¶ 177, 179-80. Plaintiffs propose CHIP w/60 of the public charge prefix terms to reduce hit counts.
CIS	215	341	N/A (Defendants do not agree to any proximity limiter for this term so did not provide hit counts with proximity limiter)		The term "CIS" is often used to reference USCIS.	See Center for Immigrant Studies or CIS above. Defendants confirmed they used a whole word search, so the hit counts do not encompass words that include "CIS" (e.g., "USCIS").
Guatemala	49	93	18	33	Defendants will accept this term with a w/60 proximity limiter.	Non-white country targeted by the Trump administration. Compl. ¶¶ 172-75, 181. Given the low number of hit counts, this term is not burdensome and no

Proposed Search Term	**Hit Count**	**Family Count**	**Hit Count**	**Family Count**	**Defendant's Response**	**Plaintiffs' Response**
	"and" connector (no proximity limiter)		*w/60 connector*			
						proximity limiter is needed.
Haiti	20	53	2	4	Defendants will accept this term with a w/60 proximity limiter.	Non-white country targeted by the Trump administration. Compl. ¶¶ 172-75, 181. Given the low number of hit counts, this term is not burdensome and no proximity limiter is needed.
Honduras	42	93	27	58	Defendants will accept this term with a w/60 proximity limiter.	Non-white country targeted by the Trump administration. Compl. ¶¶ 172-75, 181. Given the low number of hit counts, this term is not burdensome and no proximity limiter is needed.
Mexico	200	407	51	126	Suggested edit: add a proximity limiter of w/30 between the "public charge" prefix terms and this term.	Non-white country targeted by the Trump administration. Compl. ¶¶ 172-75, 181. Plaintiffs propose Mexico w/60 of the public charge prefix terms to reduce hit counts.
SNAP	329	635	212	470	There is an insufficient connection between this term and the allegations for the equal protection claim.	Supplemental Nutritional Assistance Program. SNAP is a federally-funded program that provides food assistance to low-income individuals.

Proposed Search Term	**Hit Count**	**Family Count**	**Hit Count**	**Family Count**	**Defendant's Response**	**Plaintiffs' Response**
	"and" connector (no proximity limiter)		*w/60 connector*			
						Use of SNAP is considered a negative factor in the public charge test. Plaintiffs allege that the Administration has repeatedly characterized immigrants of color "as a poor, welfare-reliant, drain on society." Compl. ¶¶ 177, 179-80. Plaintiffs propose SNAP w/60 public charge prefix terms to reduce hit counts.
Welfare	416	840	N/A (Defendants do not agree to any proximity limiter for this term so did not provide hit counts with proximity limiter)		This term is too generic, and to the extent it hits on a relevant document, the document presumably would hit on a term Defendants have already agreed to.	Plaintiffs allege that the Administration has repeatedly characterized immigrants of color "as a poor, welfare-reliant, drain on society." Compl. ¶¶ 177, 179-80. Plaintiffs propose welfare w/60 of the public charge prefix terms to reduce hit counts.
Terrorist w/60 of the public charge prefix terms	N/A (Plaintiffs proposed w/60 proximity limiter)		93	151	To the extent documents that hit on this term are relevant, they presumably will hit on one of the other terms Defendants	As explained in greater detail above, news accounts document how the Administration, and Stephen Miller in particular, have often

Proposed Search Term	**Hit Count**	**Family Count**	**Hit Count**	**Family Count**	**Defendant's Response**	**Plaintiffs' Response**
	"and" connector (no proximity limiter)		*w/60 connector*			
					have agreed to.	justified hard line immigration policies by invoking the derogatory and racially charged notion that immigrants from predominately non-white countries must be terrorists. Immigrants from Mexico and majority-Muslim countries are frequent targets of that slur.