

July 31, 2020

VIA FOIAONLINE

FOIA Officer  
Department of Homeland Security  
U.S. Customs and Border Protection  
90 K Street NE, 9<sup>th</sup> Floor  
Washington, DC 20229-1811

To the responsible FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request records (as defined in 44 U.S.C. § 3301) regarding the following:

- The number of times CBP personnel have been deployed to a state or locality for law enforcement operations involving public demonstrations absent a direct request for assistance from state or local officials. The date range of this request is January 1, 2001 to the date of this request.
- The number of CBP personnel and types of equipment deployed to states and localities in response to the civil unrest, including street demonstrations. The date range of this request is January 1, 2017 to the date of this request.
- The number and type of wide-area motion imagery (WAMI) or other photographic or imaging systems deployed on any fixed-wing, rotary-wing, or unmanned aerial systems (UAS) deployed in support of CBP personnel deployed in response to civil unrest, including street demonstrations. The date range of this request is January 1, 2017 to the date of this request.
- The number and type of signals intelligence (SIGINT), cell site simulator or other communications or cellular signal tracking or monitoring devices employed, either in an airborne or vehicle-borne mode, by CBP personnel deployed in response to civil unrest, including street demonstrations. The date range of this request is January 1, 2017 to the date of this request.
- A copy of the document titled *Comprehensive Nationwide Civil Unrest Report*, as mentioned in draft responses to Senator Kamala Harris's questions leaked to *The Nation* magazine in July 2020.
- Documents that mention the Protecting American Communities Task Force. The date range of this request is January 1, 2017 to the date of this request.
- Emails between deployed CBP personnel and CBP headquarters regarding surveillance or monitoring of civil unrest (including social media monitoring), including street demonstrations. The date range of this request is January 1, 2017 to

the date of this request.

- Documents containing guidance, directives or orders regarding surveillance or monitoring of civil unrest (including social media monitoring), including street demonstrations. The date range of this request is January 1, 2017 to the date of this request.

In order to help to determine my status to assess fees, you should know that I am a Research Fellow and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. **I request a waiver of all fees for this request.**

Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. Whenever possible, please provide the requested information in electronic Portable Document Format (PDF). If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees. I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is [peddington@cato.org](mailto:peddington@cato.org) and my cell number is 571-215-3468.

**Please provide expedited processing of this request which concerns a matter of urgency.**

As a Research Fellow, my job is disseminating information. The public has an urgent need for information about CBP's role in suppressing or otherwise responding to domestic unrest, a topic that has been in the news daily for the past several weeks. Federal government domestic surveillance activities are a source of media stories on literally a weekly basis, making this a very high-profile topic of intense public and Congressional interest.

As a Cato scholar, I meet the statutory definition of a "representative of the news media" per *Cause of Action v. F.T.C.*, 799 F.3d 1108 (D.C. Cir. 2015) as Cato and its scholars (1) gather information of potential interest (2) to a segment of the public; (3) use editorial skills to turn the raw materials into a distinct work; and (4) distribute that work (5) to one or more audiences.

Cato publishes a range of materials:

- Cato@Liberty blog: <https://www.cato.org/blog>
- Cato Commentary: <https://www.cato.org/commentary> which includes op-eds and articles written by Cato scholars and staff.
- Cato Publications: <https://www.cato.org/publications> which include a range of Policy Analysis papers, white papers, and other products.

- Cato Books: <https://www.cato.org/archives/type/books> the book publishing arm of the Cato Institute.
- Cato Multimedia: <https://www.cato.org/archives/type/multimedia/category/9393> which features radio, television and podcast appearances by Cato scholars and staff.

Accordingly, on Cato's behalf I ask for expedited processing on that basis. I certify that my statements regarding the need for fee waivers and expedited processing are true and correct to the best of my knowledge and belief. I look forward to your determination regarding my request for expedited processing within 10 calendar days, as the statute requires. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick G. Eddington". The signature is written in a cursive, flowing style.

Patrick G. Eddington  
Research Fellow  
Cato Institute  
5106 Southampton Drive  
Annandale, VA 22003  
571-215-3468 (cell)  
[peddington@cato.org](mailto:peddington@cato.org)

**Subject: FOIA Expedited Processing Disposition Reached for CBP-2020-069754**

From: admin@foiaonline.gov - To: peddington@cato.org - Cc: - Date: August 28, 2020 at 7:37 AM

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**\*CAUTION: External Email\***

Your request for Expedited Processing for the FOIA request CBP-2020-069754 has been granted. Additional details for this request are as follows:

- Request Created on: 07/31/2020
- Request Description: See attached request regarding CBP counter demonstration deployment and ops.
- Expedited Processing Original Justification: See attached request regarding CBP counter demonstration deployment and ops.
- Expedited Processing Disposition Reason: N/A

Patrick Eddington

5106 Southampton Drive  
Annandale, VA, 22003

02/24/2022

CBP-2022-046577

Dear Patrick Eddington:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) which was referred to U.S. Customs and Border Protection (CBP) received on 02/23/2022. The following items from the original FOIA request were referred to CBP for response:

- A copy of the document titled Comprehensive Nationwide Civil Unrest Report, as mentioned in draft responses to Senator Kamala Harris's questions leaked to The Nation magazine in July 2020.
  - Documents containing guidance, directives or orders regarding surveillance or monitoring of civil unrest (including social media monitoring), including street demonstrations. The date range of this request is January 1, 2017 to the date of this request.
- Please use the following unique FOIA tracking number CBP-2022-046577 to track the status of your request. If you have not already done so, you must create a FOIAonline account at <https://foiaonline.gov>. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 §5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 §5.5(c). [As your request seeks documents that will require a thorough and wide-ranging search, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 §5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.] **OR** [As your request seeks a voluminous amount of separate and distinct records, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 §5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.] **OR** [As the subject matter of your request is of substantial interest to two or more components of CBP or of substantial interest to another agency, we will need to consult with those entities before we issue a final response. Due to these unusual circumstances, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 §5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.]

CBP's FOIA Division is working hard to reduce the amount of time necessary to respond to FOIA requests. We truly appreciate your continued patience.

For additional information please consult CBP FOIA website please click on [FOIA Act Resources](https://www.cbp.gov/site-policy-notice/foia) or visit <http://www.cbp.gov/site-policy-notice/foia>.

**Exhibit 3**

Sincerely,

U.S. Customs and Border Protection