

# EXHIBIT A



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Texas

April 16, 2019

*Sent via Email*

Jimmy Wolfrey  
The Privacy Office  
U.S. Department of Homeland Security  
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E-mail: [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
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Washington, D.C. 20536-5009  
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**Re: Expedited Request for Information under Freedom of Information Act**

To Whom It May Concern:

The ACLU Foundation of Texas, Inc. (“ACLU”)<sup>1</sup> makes this request for information under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, for records related to a worksite enforcement operation conducted on April 3, 2019 by U.S. Immigration and Customs Enforcement (“ICE”) and Homeland Security Investigations (“HSI”) at CVE Technology Group, Inc. (“CVE”) located at 915 Enterprise Blvd, Allen, Texas.

The worksite enforcement operation at CVE resulted in the administrative arrest of “more than

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<sup>1</sup> The ACLU Foundation of Texas, a 501(c)(3) organization, is the state’s preeminent civil rights organization, dedicated to protecting and defending the individual rights and liberties that the Constitution and laws of the United States guarantee for everyone in Texas, regardless of immigration or refugee status. The ACLU provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases, educates the public about the civil rights and civil liberties implications of pending and proposed state and federal legislation, and provides analyses of pending and proposed litigation.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF TEXAS

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WITH OFFICES IN AUSTIN, BROWNSVILLE, DALLAS AND EL PASO

280 CVE company employees” pursuant to “criminal search warrants at CVE . . . and four of CVE’s staffing companies.”<sup>2</sup> According to ICE, “[t]his HSI-led enforcement action was coordinated with federal, state and local counterparts including the U.S. Attorney’s Office for the Eastern District of Texas, and ICE Enforcement and Removal Operations.”<sup>3</sup>

By this Request, the ACLU seeks:

1. Copies of all administrative warrants issued and served on an agent of CVE or its staffing agencies related to the enforcement operation;
2. Copies of all criminal warrants issued and served on an agent of CVE or its staffing agencies related to enforcement operation;
3. If any records responsive or potentially responsive to this request have been destroyed, our request includes, but is not limited to, records relating or referring to the destruction of those records, including the events leading to the destruction of those records.

Agencies have an obligation to search all offices that are reasonably expected to produce any relevant information. *See, e.g., Am. Immigration Council v. U.S. Dep’t of Homeland Sec.*, 950 F. Supp. 2d 221, 230 (D.D.C. 2013) (“ICE would, at a minimum, have to aver that it has searched all files likely to contain relevant documents.”).

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU requests that responsive electronic records be provided electronically in their native format. If such form is not possible, the ACLU requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in DHS, HSI, and ICE’s possession, and that the records be provided in separate Bates-stamped files.

### **Fee Waiver Request**

The ACLU respectfully seeks a waiver of all costs associated with a response to this FOIA request. Disclosure of the requested records “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government,” and the ACLU does not have a commercial interest in the records requested. 5 U.S.C. § 552(a)(4)(A)(iii)

Disclosure of the requested information is in the public interest because it is likely to contribute

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<sup>2</sup> ICE, *ICE executes federal criminal search warrant in North Texas*, April 3, 2019, available at <https://www.ice.gov/news/releases/ice-executes-federal-criminal-search-warrant-north-texas> (last visited April 11, 2019).

<sup>3</sup> *Id.*

significantly to public understanding of the operations or activities of the government regarding high-visibility worksite enforcement actions. The enforcement action has garnered significant national attention.<sup>4</sup> It is the largest workplace raid in a decade, and affected employees from at least 15 countries, including El Salvador, Honduras, Mexico, Nigeria and Venezuela.<sup>5</sup> Workplace raids are more common under President Donald Trump's administration, and the population of detained immigrants is at its highest levels in history.<sup>6</sup> The investigation of CVE and its staffing companies purportedly fits within a broader "2-phase nationwide operation," which involved the delivery of "more than 5,200 I-9 audit notices to businesses across the [United States]" in 2018.<sup>7</sup> As communities of immigrants and communities of color live in fear, the records requested will invaluablely contribute to the public discussion over immigrants' rights and law-enforcement activities. The records subject to this request are important to the public and cannot otherwise be obtained through public searches.

The records requested, while in furtherance of the ACLU's social and educational missions, are not of commercial interest to the ACLU. A 501(c)(3) organization, the ACLU is the state's preeminent civil rights organization, dedicated to protecting and defending the individual rights and liberties that the Constitution and laws of the United States guarantee for everyone in Texas, regardless of immigration or refugee status. The ACLU provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases, educates the public about civil rights and civil liberties issues, and provides analyses of pending and proposed litigation. The ACLU has no commercial interest in these records, and is requesting them for educational and advocacy-related purposes. The ACLU will disseminate any information it receives to the public free of charge. *See* 6 C.F.R. § 5.11(k).

FOIA is intended to "ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and hold the governors accountable to the governed." *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978). The provisions for waiver of fees under FOIA are to be "liberally construed in favor of waivers for noncommercial requesters." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (internal quotation marks and citation omitted). These provisions are satisfied in this instance.

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<sup>4</sup> *See, e.g.*, David Warren and Jake Bleiberg (AP), *Texas ICE raid the latest in series of enforcement actions*, WASH. POST (April 4, 2019), [https://www.washingtonpost.com/business/texas-ice-raid-the-latest-in-series-of-enforcement-actions/2019/04/04/7cc7a3e2-5716-11e9-aa83-504f086bf5d6\\_story.html?utm\\_term=.d0898c818909](https://www.washingtonpost.com/business/texas-ice-raid-the-latest-in-series-of-enforcement-actions/2019/04/04/7cc7a3e2-5716-11e9-aa83-504f086bf5d6_story.html?utm_term=.d0898c818909) (last visited April 11, 2019); *ICE agents arrest 280 people at tech repair company in Texas*, CBS NEWS (April 5, 2019), <https://www.cbsnews.com/news/ice-raid-allen-texas-280-arrested-at-cve-technology-group-largest-operation-in-10-years/> (last visited April 11, 2019).

<sup>5</sup> *See* Sarah Mervosh, *Immigration Authorities Arrest More than 280 in Texas in Largest Workplace Raid in a Decade*, N.Y. Times (April 4, 2019), <https://www.nytimes.com/2019/04/04/us/texas-immigration-raid.html> (last visited April 12, 2019).

<sup>6</sup> *See* Atticus Ballesteros, *The Interior Wall: Immigration Detention Reaches Record High Levels*, Capital Area Immigrants' Rights Coalition (CAIR) (March 26, 2019), <https://www.caircoalition.org/20190326/interior-wall-immigration-detention-reaches-record-high-levels>.

<sup>7</sup> ICE, *ICE delivers more than 5,200 I-9 audit notices to businesses across the US in 2-phase nationwide operation*, July 24, 2018, available at <https://www.ice.gov/news/releases/ice-delivers-more-5200-i-9-audit-notices-businesses-across-us-2-phase-nationwide> (last visited April 11, 2019).

### **III. Application for Expedited Processing**

The ACLU further requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).<sup>8</sup> There is a “compelling need” for these records, as defined in the statute, because the ACLU is primarily engaged in disseminating information and there is “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. 552(a)(6)(E)(v)(II).

*A. The ACLU is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU is “primarily engaged in disseminating information” within the meaning of the statute. 5 U.S.C. §552(a)(6)(E)(v)(II).<sup>9</sup> Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of the ACLU’s work and are among its primary activities. *See ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”).<sup>10</sup>

Part of the organizational mission of the ACLU is to “work daily...in the community to defend and preserve [] individual rights and liberty,”<sup>11</sup> work which entails public education. The ACLU serves as an important resource to immigrant communities, advocacy groups, legal service organizations, and the general public. As part of its work, ACLU regularly creates and disseminates works in the form of presentations, reports, articles, interviews, testimony, social media, and blog posts to educate the public about the activities of the United States government.<sup>12</sup> The ACLU regularly publishes “know your rights” materials, fact sheets, and educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and civil liberties, including the key issue of immigrants’ rights.<sup>13</sup>

The ACLU publishes, analyzes, and disseminates information through its heavily visited website, [www.aclutx.org](http://www.aclutx.org). It publishes a widely-read blog where original editorial content reporting on and analyzing civil rights and civil liberties news is posted daily, regularly issues press releases

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<sup>8</sup> See also 6 C.F.R. § 5.5(e)(1).

<sup>9</sup> See also 6 C.F.R. § 5.5(e)(1)(ii).

<sup>10</sup> Courts have often found that organizations engaged in civil-rights advocacy and information-dissemination are “primarily engaged in disseminating information.” *Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); see also, e.g., *ACLU*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. U.S. Dep’t of Defense*, 241 F. Supp. 2d 5, 11 (D.D.C 2003).

<sup>11</sup> *About Us*, ACLU Tex., <https://www.aclutx.org/en/about/about-us> (last visited April 11, 2019).

<sup>12</sup> See generally *Issues*, ACLU Tex., <https://www.aclutx.org/en/issues/> (last visited April 11, 2019).

<sup>13</sup> See generally *Know Your Rights*, ACLU Tex., <https://www.aclutx.org/en/know-your-rights/> (last visited April 11, 2019).

to call attention to news and issues affecting the public,<sup>14</sup> and creates and disseminates original editorial and education content on civil rights and civil liberties news through multi-media projects, including videos, podcasts, and interactive features.<sup>15</sup> The ACLU's website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The ACLU's website also serves as a clearinghouse for news about ACLU cases, as well as analysis about case developments, and an archive of case-related documents. Through these pages, and with respect to each specific civil liberties issue, the ACLU provides the public with educational material, recent news, analyses of relevant Congressional or executive branch action, government documents obtained through FOIA requests, and further in-depth analytic and educational multi-media features.

The ACLU plans to analyze, publish, and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

*B. The records sought are urgently needed to inform the public about actual or alleged government activities and practices in execution of immigration enforcement operations.*

These records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).<sup>16</sup> Specifically, as discussed above, the requested records provide information about the largest workplace raid in a decade, affecting a diverse population in Texas, including U.S. Citizens, lawful residents, immigrants, their communities, and families. The records requested are critical to understanding ICE policies and practices during the enforcement operation and the civil and constitutional implications of those policies and practices. As workplace raids are on the rise, and the investigation of CVE and its staffing companies is purportedly part of a campaign whereby such enforcement operations may continue to occur, the records requested may provide vital information about government policies and practices.

Given the forgoing, and pursuant to the applicable statutes and regulations, the ACLU requests a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); C.F.R. § 5.5(e)(4).

If the request is denied in whole or in part, the ACLU asks that you justify all deletions by reference to specific FOIA exemptions. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information.

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<sup>14</sup> *See* Press Releases, ACLU Tex., <https://aclutx.org/en/press-releases/> (last visited April 11, 2019).

<sup>15</sup> *See* *aclutx*, Youtube, <https://www.youtube.com/user/aclutx/> (last visited April 11, 2019).

<sup>16</sup> *See also* 6 C.F.R. § 5.5(e)(1)(ii).

**Conclusion**

Thank you for your prompt attention to this matter. We prefer to receive these records electronically, and can receive email at [bracruz@aclutx.org](mailto:bracruz@aclutx.org) and [ddonatti@aclutx.org](mailto:ddonatti@aclutx.org). If the records cannot be sent electronically, by post to

American Civil Liberties Union of Texas  
Attn: David Donatti  
P.O Box 8306  
Houston, TX 77288-8306  
[ddonatti@aclutx.org](mailto:ddonatti@aclutx.org)

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Respectfully,

A handwritten signature in blue ink that reads "David Donatti". The signature is written in a cursive style with a large, stylized "D" and "H".

David Donatti  
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