July 27, 2020

SENT VIA FOIAOnline.gov

U.S. Customs and Border Protection
Freedom of Information Act Office

Re: Freedom of Information Act Request Regarding Deployments of U.S. Customs and Border Protection Personnel Throughout the United States

Dear FOIA Officer:

The American Immigration Council (Council), American Civil Liberties Union of San Diego & Imperial Counties (ACLU SDIC), American Civil Liberties Union of Texas Border Rights Center (ACLU Texas) (together, "ACLU") and the Black Alliance for Just Immigration (BAJI) ("Requesters") submit the following Freedom of Information Act (FOIA) request for records regarding the deployment of U.S. Customs and Border Protection (CBP) personnel[1] to cities around the United States during the months of June and July 2020. Specifically, this request seeks records regarding CBP's deployments at protests held throughout the United States following the death of George Floyd ("Floyd Protests")[2] and records regarding all other CBP deployments to U.S. cities during this time.[3]

[1] Throughout this Request, all reference to CBP and "CBP personnel" includes the U.S. Border Patrol, including specialized Border Patrol units like the Border Patrol Tactical Unit (BORTAC), the Border Patrol Search, Trauma and Rescue Unit (BORSTAR), and Special Response teams.

[2] For purposes of this FOIA request, "Floyd Protests" are protests, demonstrations, or gatherings that occurred in the wake of Mr. Floyd's death on May 25, 2020, regardless of attribution or official designation, *e.g.*, "Black Lives Matter" protests or any other variation in name that reasonably relates to protests in the wake of Mr. Floyd's death.

[3] For purposes of this FOIA request, "the deployment of CBP to U.S. cities" includes, but is not limited to, all CBP deployments to U.S. cities from late May 2020 to the present, even those not yet publicly identified by name, including but not limited to: any U.S. Department of Homeland Security ("DHS") Rapid Deployment Force (such as "Operation Diligent Valor" in Portland, Oregon); any CBP deployments in support of other federal deployments (such as "Operation Legend"); and all CBP deployments as part of the DHS "Protecting American Communities Task Force" (PACT), created in response to Executive Order 13933.

See Exec. Order No. 13933, 85 Fed. Reg. 40081 (2020), https://www.govinfo.gov/content/pkg/FR-2020-07-02/pdf/2020-14509.pdf. *See also, e.g.*, Josh Gerstein, *Feds Assemble 'Operation Diligent Valor' Force to Battle Portland Unrest*, POLITICO (July 22, 2020, 9:37 AM ET), https://www.politico.com/news/2020/07/22/federal-government-assembles-force-portland-unrest-377785 (describing DHS Rapid Deployment Force in Portland as "Operation Diligent Valor"); Caitlin Oprysko, *Trump Announces Plan to Send Federal Law Enforcement to Chicago, Albuquerque*,

In accordance with 5 U.S.C. § 552(a)(6)(A)(i), we expect a response to this request within 20 working days, unless otherwise permitted by statute.

I. REQUEST FOR INFORMATION

Records Regarding the Deployment of CBP to U.S. Cities

For the period beginning May 25, 2020 to the present, all records[4] mentioning, referring, or relating to:

1) Requests, communications, and/or correspondence received by DHS, or CBP directly, regarding the deployment of CBP personnel to U.S. cities—whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity, anywhere in the United States;
2) Requests, communications and/or correspondence received by DHS or CBP for deployment of CBP aerial assets (including drones and helicopters) to U.S. cities, whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity, anywhere in the United States;
3) Final versions of policies, protocols and/or instructions outlining the procedures and criteria to which entities must adhere in order to request law enforcement assistance from CBP personnel, including the process for CBP's assessment and approval of such requests;
4) Final versions of directives, communications and/or other instructions authorizing the deployment of CBP personnel to U.S. cities, whether at Floyd Protests, as part of the

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POLITICO (July 22, 2020, 6:28 PM PT), https://www.politico.com/news/2020/07/22/trump-law-enforcement-chicago-albuquerque-378692 (describing deployments to additional U.S. cities under rubric of "Operation Legend"); Gregory Pratt, et al., *Trump Expected to Send New Federal Force to Chicago This Week to Battle Violence, but Plan's Full Scope Is a Question Mark*, CHICAGO TRIBUNE (July 20, 2020), https://www.chicagotribune.com/news/criminal-justice/ct-chicago-police-dhs-deployment-20200720-dftu5ychwbcxtg4ltarh5qnwma-story.html; Sergio Olmos, et al., *Federal Officers Deployed in Portland Didn't Have Proper Training, D.H.S. Memo Said*, N.Y. TIMES (July 18, 2020), https://www.nytimes.com/2020/07/18/us/portland-protests.html; Ken Klippenstein, *The Border Patrol Was Responsible for An Arrest in Portland*, THE NATION (July 17, 2020), https://www.thenation.com/article/society/border-patrol-portland-arrest/.

[4] For purposes of the present FOIA request, where not otherwise specified, the term "records" includes but is not limited to any and all communications, correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, spreadsheets, charts, rules, manuals, technical specifications, training materials, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

Protecting American Communities Task Force, or in any other capacity, regardless of originating agency;

5) Final versions of directives, communications and/or other instructions regarding CBP's expected role and conduct during the deployment of CBP personnel to U.S. cities, whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity;
6) Final versions of documents summarizing, referring to, and/or stating the legal authority or authorities pursuant to which the deployment of CBP personnel to U.S. cities has occurred, whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity;
7) Final versions of all policies governing the use of, and/or documents stating the legal authority or authorities for, any surveillance (including but not limited to aerial surveillance) by CBP in U.S. cities, whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity;
8) All communications—including emails, cell phone texts and images—sent or received by CBP personnel from May 25, 2020 to the present, mentioning, referring, or relating to the deployment of CBP to U.S. cities, whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity;

Data Regarding the Deployment of CBP to U.S. Cities

9) The total number of CBP personnel, per Field Office and/or Sector, deployed to U.S. cities, whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity; and
10) During the deployment of CBP to U.S. cities—whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity—the total number of individuals, by city and state:
    i. Apprehended by CBP (and the statutory basis for apprehension);
    ii. Detained by CBP (and the statutory basis for detention);
    iii. Arrested by CBP (and the statutory basis for arrest);
    iv. Whether the individual was a U.S. citizen or a foreign national (including immigration status, where applicable);
    v. For foreign nationals, whether CBP initiated removal proceedings (and the alleged statutory basis/bases for removability); and
    vi. For foreign nationals, whether CBP removed the individual from the United States or referred the person to ICE for removal (and the alleged statutory basis/bases for removal).

II. FEE WAIVER REQUEST

Requesters seek a fee waiver because the information they seek is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the [requesters]…." 5 U.S.C. § 552(a)(4)(A)(iii).

As outlined below, Requesters seek to shed public light on the deployment of CBP to U.S. cities—in response to Floyd Protests, pursuant to the Protecting American Communities Task Force, or in any other capacity. Requesters are non-profit organizations without a commercial interest in the release of this information and intend to make the information received in response to this request available to the public at no charge. Further, Requesters have a demonstrated track record of disseminating information obtained via FOIA requests to the public and collectively reach a wide audience, which includes varied segments of the U.S. public.

A. *Disclosure Will Contribute to Public Understanding of CBP Operations*

This FOIA request seeks information that will provide the public with critical insights into CBP's recent deployment to U.S. cities—during Floyd Protests, as part of the Protecting American Communities Task Force, in "Operation Diligent Valor," in "Operation Legend," or in any other capacity—since May 25, 2020.

Over the past two months, tens of thousands of individuals in cities throughout the United States have participated in protests following the killing of George Floyd by Minnesota Police Department officers. During these protests, many local law enforcement agencies deployed additional officers and increased their presence in communities throughout the United States.

Simultaneously, DHS deployed personnel—including CBP personnel—to monitor, surveil, and quell protestors.[5] Over the past two months, these deployments have included deployments under the rubric of the newly-formed DHS Protecting American Communities Task Force, a DHS "Rapid Deployment Force," and operations in conjunction with the Department of Justice.[6] DHS has also deployed CBP aerial assets—including airplanes, helicopters, and drones—to engage in aerial surveillance, capturing thousands of hours of video.[7]

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[5] Tanvi Misra, *Immigration Agencies to Assist Law Enforcement Amid Unrest*, ROLL CALL (June 1, 2020), https://www.rollcall.com/2020/06/01/immigration-agencies-to-assist-law-enforcement-amid-unrest/.

[6] *See supra* note 3 and sources cited therein.

[7] *See, e.g.*, Steve Vladeck & Benjamin Wittes, *DHS Authorizes Domestic Surveillance to Protect Statues and Monuments*, LAWFARE (July 20, 2020), https://www.lawfareblog.com/dhs-authorizes-domestic-surveillance-protect-statues-and-monuments; Zolan Kanno-Youngs, *U.S. Watched George Floyd Protests in 15 Cities Using Aerial Surveillance,* N.Y. TIMES (June 19, 2020), https://www.nytimes.com/2020/06/19/us/politics/george-floyd-protests-surveillance.html; Jana Winter, *Leaked Document Reveals Details of Federal Law Enforcement Patrolling Washington Amid Protests,* YAHOONEWS (June 5, 2020), https://news.yahoo.com/exclusive-leaked-document-reveals-details-of-federal-law-enforcement-patrolling-washington-amid-protests-154138680.html; Geneva Sands, *Customs and Border Protection Drone Flew Over Minneapolis to Provide Live Video to Law Enforcement*, CNN (May 29, 2020), https://www.cnn.com/2020/05/29/politics/cbp-drone-minneapolis/index.html.

Members of Congress and the American public have expressed deep and growing concerns about these deployments of DHS officials generally and CBP personnel in particular.[8] Given that CBP's core mandate is immigration-related law enforcement at U.S. borders, the public has a right to know the scope of CBP's role in these deployments and understand the basis for CBP's purported authority to engage in more generalized policing throughout the interior of the country.

Further, given CBP's well-documented history of civil and human rights abuses, which have gone largely unchecked, CBP's expanded domestic law enforcement role as a result of these deployments to U.S. cities throughout the country—whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity—merits further public scrutiny.[9] Legal and human rights organizations have for decades exposed and challenged misconduct by CBP personnel. This misconduct includes racial profiling, unjustified shootings and other use of excessive force, and unlawful arrests and deportations.[10] Journalists and non-governmental organizations have reported that CBP personnel regularly physically and verbally abuse individuals in their custody.[11] In July 2019, media reports noted that thousands of CBP

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[8] Letter from Speaker Nancy Pelosi to Donald Trump, June 4, 2020, https://www.speaker.gov/sites/speaker.house.gov/files/06.04.2020.Letter%20to%20President%20Trump_2.pdf; Letter from Senator Kamala Harris to Mark A. Morgan, Acting Commissioner, U.S. CBP and Matthew Albence, Acting Director, U.S. ICE, June 5, 2020, https://www.harris.senate.gov/imo/media/doc/Harris%20Letter%20to%20CBP%20and%20ICE%20at%20Demonstrations%20FINAL.pdf; *see also, e.g.*, Ken Klippenstein, *The Federal Response to Protests Extends Far Beyond Portland*, THE NATION (July 23, 2020), https://www.thenation.com/article/society/cbp-deployment-harris/; Steve Vladeck, *What the Heck Are Federal Law Enforcement Officials Doing in Portland?*, LAWFARE (July 17, 2020), https://www.lawfareblog.com/what-heck-are-federal-law-enforcement-officers-doing-portland.

[9] *See, e.g.*, Guillermo Cantor and Walter Ewing, STILL NO ACTION TAKEN: COMPLAINTS AGAINST BORDER PATROL AGENTS CONTINUE TO GO UNANSWERED, AMERICAN IMMIGRATION COUNCIL (Aug. 2017), http://bit.ly/Council_StillNoActionTaken (examining records of alleged misconduct by Border Patrol employees).

[10] *See generally* https://holdcbpaccountable.org/abuses/; *see also, e.g.*, Josiah Heyman, Jeremy Slack & Daniel E. Martínez, WHY BORDER PATROL AGENTS AND CBP OFFICERS SHOULD NOT SERVE AS ASYLUM OFFICERS, CTR. FOR MIGRATION STUDIES (June 21, 2019), https://cmsny.org/publications/heyman-slack-martinez-062119/; John Washington, *"Kick Ass, Ask Questions Later": A Border Patrol Whistleblower Speaks Out About Culture of Abuse Against Migrants*, The INTERCEPT (Sep. 20, 2018), https://theintercept.com/2018/09/20/border-patrol-agent-immigrant-abuse/; Garrett M. Graff, *The Green Monster: How the Border Patrol Became America's Most Out-of-Control Law Enforcement Agency*, POLITICO (Nov./Dec. 2014), https://www.politico.com/magazine/story/2014/10/border-patrol-the-green-monster-112220.

[11] *See, e.g.,* AMERICAN CIVIL LIBERTIES UNION OF SAN DIEGO & IMPERIAL COUNTIES, ET AL., ADMINISTRATIVE COMPLAINT RE: U.S. BORDER PATROL'S VERBAL ABUSE OF DETAINED INDIVIDUALS (July 2020), https://www.aclusandiego.org/wp-content/uploads/2020/07/2020-07-07-OIG-Complaint-4-FINAL.pdf; Garrett M. Graff, *The Border Patrol Hits a Breaking Point*, POLITICO (July 15, 2019),

personnel had joined a Facebook group in which they engaged in abusive, racist language about migrants and members of Congress—and then attempted to delete the posts.[12] This well-documented history of racism and lack of transparency justifies public concern and underscores the urgent need for further information about the deployments of CBP personnel to U.S. cities around the country—whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity.

B. *Disclosure of the Information Is Not in the Commercial Interest of the Requesters*

The Council is a not-for-profit organization and has no commercial interest in the present request. *See, e.g.*, 6 C.F.R. § 5.11(k)(3)(i)-(ii). The Council was established to increase public understanding of immigration law and policy, advocate for the fair and just administration of U.S. immigration laws, protect the legal rights of noncitizens and citizens, and educate the public about the enduring contributions of immigrants. Through research and analysis, the Council has become a leading resource for policymakers at the national, state, and local levels who seek to understand the power and potential of immigration and to develop policies that are based on facts rather than myths. The Council also seeks to hold the government accountable for unlawful conduct and restrictive interpretations of the law and for failing to ensure that the immigration laws are implemented and executed in a manner that comports with due process through the pursuit of transparency and impact litigation.

To further its mission, the Council regularly provides information to the public based on its FOIA requests.[13] As with all other reports and information available on the Council's website, the

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https://www.politico.com/magazine/story/2019/07/15/border-patrol-trump-administration-227357; UNIV. OF CHICAGO LAW SCHOOL INT'L HUMAN RIGHTS CLINIC, ET AL., NEGLECT AND ABUSE OF UNACCOMPANIED IMMIGRANT CHILDREN BY U.S. CUSTOMS AND BORDER PROTECTION, 10-13 (May 2018), https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1001&context=ihrc; AMERICAN IMMIGRATION COUNCIL, DEPORTATIONS IN THE DARK: LACK OF PROCESS AND INFORMATION IN THE REMOVAL OF MEXICAN MIGRANTS, 13-16 (Sept. 2017), https://www.americanimmigrationcouncil.org/sites/default/files/research/deportations_in_the_dark.pdf; AMERICAN IMMIGRATION COUNCIL, STILL NO ACTION TAKEN, *supra* at 9, at 8.

[12] A.C. Thompson, *Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes*, PROPUBLICA(July 1, 2019), https://www.propublica.org/article/secret-border-patrol-facebook-group-agents-joke-about-migrant-deaths-post-sexist-memes; Ryan Deveraux, *Border Patrol Agents Tried to Delete Racist and Obscene Facebook Posts. We Archived Them*, THE INTERCEPT (July 5, 2019), https://theintercept.com/2019/07/05/border-patrol-facebook-group/.

[13] *See, e.g.*, Guillermo Cantor, Emily Ryo, and Reed Humphrey, AMERICAN IMMIGRATION COUNCIL, CHANGING PATTERNS OF INTERIOR IMMIGRATION ENFORCEMENT IN THE UNITED STATES, 2016 -2018 (July 1, 2019), https://americanimmigrationcouncil.org/research/interior-immigration-enforcement-united-states-2016-2018; AMERICAN IMMIGRATION COUNCIL, STAYS OF REMOVAL RESPONSES FROM EOIR (May 2019), https://americanimmigrationcouncil.org/sites/default/files/foia_documents/board_of_immigration_appeals_interpretation_of_stay_of_removal_foia_production.pdf; *see generally* AMERICAN IMMIGRATION COUNCIL, STILL NO ACTION TAKEN, *supra* at 9.

information that the Council receives in response to this FOIA request will be available to immigration attorneys, noncitizens, policymakers, and other interested members of the public on its publicly accessible website free of charge. Between June 1, 2019 and the present, the Council has received more than 2.6 million pageviews from more than 1.6 million visitors.

The ACLU is "primarily engaged in disseminating information" within the meaning of the FOIA. 5 U.S.C. § 552(a)(6)(E)(v)(II). See also 6 C.F.R. § 5.5(e)(1)(ii). 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").[14] The ACLU does this work alone and with our national partners and allies. The ACLU of Texas, which houses the Border Rights Center, 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.[15] The ACLU of Texas also regularly publishes books, "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.[16] Likewise, the ACLU SDIC regularly issues press statements (and shares statements generated by the National ACLU and other California affiliates) and creates and shares talking points, memes, and fact sheets with community partners and the public at large. The ACLU SDIC also disseminates information via its various social media platforms.[17] Most recently, the ACLU SDIC has published tens of thousands of pages of documents related to CBP's mistreatment of minors in agency custody, obtained via the FOIA.[18]

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[14] Courts have found that the ACLU as well as other organizations with similar missions that engage in information-dissemination activities similar to the ACLU are "primarily engaged in disseminating information." *See, e.g.*, *Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *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).

[15] *See generally* Immigrant Rights, ACLU Tex., https://www.aclutx.org/en/issues/immigrants-rights.

[16] *See generally* Know Your Rights, ACLU Tex., https://www.aclutx.org/en/know-your-rights/.

[17] The ACLU SDIC regularly emails its over 47,000 subscribers with updates and alerts about important civil liberties issues and sends news and information to its audience of 9,136 Twitter followers and 10,100 Facebook friends daily. In the month of June 2020, ACLU SDIC's Facebook posts received 78,797 views, and ACLU SDIC's tweets received 137,000 views.

[18] *See Government documents show Customs & Border Protection Officials Have Abused Migrant Children*, AMERICAN CIVIL LIBERTIES UNION OF SAN DIEGO & IMPERIAL COUNTIES, https://www.aclusandiego.org/cbp-child-abuse-foia/ (last visited July 24, 2020); UNIV. OF CHICAGO L. SCHOOL INT'L HUM. RIGHTS CLINIC, ACLU BORDER LITIGATION PROJECT & ACLU BORDER RIGHTS CENTER, NEGLECT AND

BAJI is a not-for-profit organization and has no commercial interest in the present request. BAJI is a racial justice and migrant rights organization which engages in legal representation, advocacy, community organizing, education, and cross-cultural alliance-building in order to end the racism, criminalization, and economic disenfranchisement of African American and Black immigrant communities. BAJI was founded in Oakland, CA by veteran civil rights activists and clergy who were concerned about a wave of unjust immigration enforcement laws. BAJI subsequently expanded its mission to include advocacy on behalf of all Black immigrants and refugees, and today has offices and/or staff members in New York, NY; Los Angeles, CA; Oakland, CA; Atlanta, GA; Miami, FL; Washington, DC; Minneapolis, MN; and Houston, TX.

Like all Black people living in the United States, Black immigrants disproportionately experience racial discrimination in the form of criminalization, policing, detention, and deportation. The same relentless criminal legal system that targets Black people in America from arrest rates to sentencing, also affects Black immigrants and makes them more vulnerable to deportation as a result. BAJI works with local community groups to educate impacted communities in understanding their rights and responding to increased militarized police presence in their communities. To further its mission, BAJI creates and disseminates presentations, reports, articles, interviews, testimony, social media, and blog posts to educate the public about the activities of the United States government as it relates to Black immigrant communities. Obtaining information about government activity, analyzing that information, and disseminating that information to the press and public are critical components of BAJI's work.[19]

III. EXEMPTIONS

Please note that Requesters do not seek the names of individuals or other personally identifiable information. CBP should provide unique identifiers for individuals, if available. Otherwise, Requesters understand that the agency will redact any personally identifiable information.

If CBP withholds records based on its assessment that one or more statutory exemptions apply to any of the records requested, please describe in detail the nature of the records withheld and the specific exemption(s) or privilege(s) CBP contends permits the withholding. If any portion(s) of the requested records are determined to be exempt, please provide the non-exempt portions. 5 U.S.C. §552(a)(8)(A)(ii)(II).

IV. FORMAT OF PRODUCTION

ABUSE OF UNACCOMPANIED IMMIGRANT CHILDREN BY U.S. CUSTOMS AND BORDER PROTECTION, 16–27 (May 2018), https://www.aclusandiego.org/civil-rights-civil-liberties/.

[19] *See* BLACK ALLIANCE FOR JUST IMMIGRATION AND NEW YORK UNIVERSITY IMMIGRANT RIGHTS CLINIC, THE STATE OF BLACK IMMIGRANTS (January 2020), http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf.

Electronic versions in the native format of the requested documents are preferred. For documents which are not available in this format, please provide records electronically in a text-searchable, static-image format (PDF). Please also provide any data in a workable format, such as Microsoft Excel. If terms or codes are not in the form template and/or publicly defined, please provide a glossary or other descriptive records containing definitions of acronyms, numerical codes, or terms contained in data responsive to this request.

V. REQUEST TO EXPEDITE

Requesters also ask that CBP expedite this request. Expedited treatment is warranted under the statute and governing regulations. *See* 5 U.S.C. § 552(a)(6)(E)(i); 6 C.F.R. § 5.5(e).

A request qualifies for expedited treatment if one of the following criteria are met:

> "(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; (iii) The loss of substantial due process rights; or (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

6 C.F.R. § 5.5(e)(1)(i)-(iv). A FOIA request need meet only one of the four criteria for expedited treatment. Here, the present request meets all prongs.

In the first instance, there is a clear urgency to inform the public regarding the deployment of CBP personnel to U.S. cities around the country—whether at Floyd Protests, as part of the Protecting American Communities Task Force, or in any other capacity. These unprecedented deployments have been marked by a total lack of transparency. Further, Requesters are organizations primarily engaged in the dissemination of information and intend to release the information they receive in response to this request to the public.[20] 6 C.F.R. § 5.5(e)(1)(ii).

The basis for the urgency to inform the public implicates two other criteria for granting expedited treatment to this request: the imminent threat to life or physical safety, as well as the loss of substantial due process rights. 6 C.F.R. § 5.5(e)(1)(i) and (iii). Public reporting has documented incidents of physical harm and potentially arbitrary arrests and detention that individuals have endured as a result of the deployment of CBP personnel to U.S. cities around the country. The lack of clarity behind CBP's legal authority to conduct these operations, and the lack of

[20] *See supra*, Section II(B).

transparency regarding the procedural fate and legal rights of individuals arrested during these operations, warrants the expedited release of information to the public.

Moreover, this FOIA request concerns "a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 6 C.F.R. § 5.5(e)(1)(iv). This is demonstrated by the widespread media coverage regarding these operations, a sampling of which is cited above. This media coverage has documented the overwhelming public concern and outrage at CBP's presence and activities in U.S. cities around the country. The deployment of federal immigration agents to peaceful demonstrations in which individuals are objecting to systemic racism and police misconduct exacerbates a lack of public confidence in the federal government's integrity.

Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I certify the statement in support of the request for expedited treatment to be true and correct to the best of my knowledge and belief.

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Thank you in advance for your attention to this request. If you have any questions regarding this request, please feel free to email or call Claudia Valenzuela at the contact information under the first signature block below.

Sincerely,
/s/ Claudia Valenzuela
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