



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

August 7, 2025

U.S. Customs and Border Protection  
FOIA Office  
90 K Street NE  
Mail Stop 1181  
Washington, D.C. 20229

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Department of Homeland Security regulations. Specifically, CREW requests:

1. From June 1, 2025 to the date this request is processed, all records<sup>1</sup> of communications referencing Customs and Border Patrol’s (CBP) usage of “Predator” drones, “MQ-9 Reaper” drones, or “Q-9” drones.
2. Records sufficient to demonstrate all formal or informal policies, determinations or conclusions (including underlying legal memoranda) concerning the CBP’s use of drones within the territorial limits of the United States.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc’ed or bcc’ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed

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<sup>1</sup> Unless otherwise indicated, all “records” sought in this FOIA request include reports, documents, and notes created by your agency or any of its components and communications sent or received by your agency or any of its components regarding the subject matter described in this request. Cf. *U.S. Dep’t of Just. v. Tax Analysts*, 492 U.S. 136, 144-145 (1989) (defining “agency record” under FOIA).

throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all documents potentially responsive to this request.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On Wednesday, June 11, 2025, CBP indicated to 404 Media that it was flying Predator drones over Los Angeles to monitor first amendment activity within the United States.<sup>2</sup> CBP's statement read that it was "supporting our federal law enforcement partners in the Greater Los Angeles area, including Immigration and Customs Enforcement, with aerial support of their operations."<sup>3</sup> CREW's requested records are likely to contribute to greater public awareness of the circumstances under which the CBP uses these Predator drones to monitor first amendment activity and the extent to which its use of those drones conforms with the law.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

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<sup>2</sup> Lily Hay Newman, *The High-Flying Escalation of CBP's Predator Drone Flights Over LA*, Wired (June 13, 2025), <https://www.wired.com/story/cbp-predator-drone-flights-la-protests/>.

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

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CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives over 150,000 page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [kfarchadi@citizensforethics.org](mailto:kfarchadi@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to [kfarchadi@citizensforethics.org](mailto:kfarchadi@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or by mail to Kayvan Farchadi, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in black ink that reads "Kayvan Farchadi". The signature is written in a cursive, flowing style.

Kayvan Farchadi  
Citizens for Responsibility and Ethics in  
Washington (CREW)