



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 13, 2026

DHS Privacy Office, Mail Stop 0655
Department of Homeland Security
2707 Martin Luther King Jr. AVE SE
Washington, DC 20528-065

U.S. Immigration and Customs Enforcement
FOIA Office
500 12th St SW
Washington, DC 20536

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

USCIS FOIA Officer
National Records Center, FOIA/PA Office
P. O. Box 648010
Lee's Summit, MO
64064-8010

Re: Expedited 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 (“DHS”) regulations.

Specifically, CREW requests the following records from January 20, 2025 to the date this request is processed:

1. A copy of the DHS memorandum reportedly sent to DHS agents¹ temporarily assigned to Minneapolis that asked them to “capture all images, license plates, identifications, and general information on hotels, agitators, protestors, etc.”² and any communications referencing this memorandum;
2. A copy of any other DHS memorandum sent to DHS agents assigned to Minneapolis that required or requested that they gather images or information relating to the identification, license plates, or other information of protesters, observers, agitators, any other person perceived to be inhibiting

¹ For purposes of requests 1 through 6 herein, “DHS agents” means any person working on behalf of the Department of Homeland Security or any of its components, including the Customs and Border Patrol and Immigration and Customs Enforcement, whether they are an employee, volunteer, detailee, or have been deputized to work on behalf of DHS or its components.

² Jeff Winter and Priscilla Alvarez, *Alex Pretti broke rib in confrontation with federal agents a week before death, sources say*, CNN (Jan. 27, 2026)

<https://www.cnn.com/2026/01/27/us/alex-pretti-protesters-minneapolis-invs>.

or interfering with DHS operations, or hotels in the area, and any communications referencing this memorandum;

3. A copy of the form titled "intel collection non-arrests"³ referenced in DHS guidance to DHS agents in Minneapolis in January 2026, including any associated instructions or guidance;
4. A copy of any form issued to DHS agents assigned to Minneapolis regarding or to facilitate the collection of intelligence about any person other than those wanted or arrested for violating federal immigration laws;
5. Any and all records relating to any DHS database of "domestic terrorists;"
6. The following records concerning the creation, development, implementation, or operation of any database, list, or system of records, tracking, monitoring, or storing information about individuals who observe, record, protest, "agitate" during, or otherwise inhibit or interfere with immigration enforcement operations:
 - a. Records sufficient to show the name and locations of such systems, relevant search terms may include: Paragon, Penlink tools, Palantir, Clearview AI, or Mobile Fortify;
 - b. Records sufficient to show the categories of information being collected in such systems;
 - c. Any completed Privacy Threshold Analysis (PTA), Privacy Impact Assessment (PIA), Privacy Compliance Review (PCR), SORN determination, for such systems, or communications referencing them;
 - d. Any communication to the Office of Management and Budget, as required by OMB Circular A-108, or the House Oversight Committee and Senate Homeland Security Committees;
 - e. All communications regarding the legal requirements for collecting, storing, using, and sharing such information in such systems;
 - i. Relevant offices include DHS Office of Privacy; DHS Office of General; DHS Office for Civil Rights and Civil Liberties (CRCL); ICE Office of Privacy and Civil Liberties; ICE Office of Principal Legal Advisor (OPLA); ICE Enforcement and Removal Operations (ERO); ICE Office of Information Technology; ICE Homeland Security Investigations (HSI)

³ Edith Olmstead, *Leaked Memo Exposes How DHS Is Building a Database on Protesters*, The New Republic (Jan. 27, 2026) <https://newrepublic.com/post/205779/leaked-memo-department-homeland-security-database-protesters>.

- f. Records sufficient to show which DHS offices, components, or external agencies have access to the information in these systems;
- g. Records sufficient to show the number of individuals whose personal information have been collected, compiled, or stored in such systems;
- h. Records sufficient to show how many times immigration agents have accessed, queried, or retrieved information from any such database or system, including audit logs, access logs, or usage statistics;
- i. All standard operating procedures, field guidance, or operational directives instructing agents on how to use information contained in any database of protesters or observers in planning or executing immigration enforcement operations.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

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 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).

Federal immigration agents have been telling observers that they are being tracked for inclusion in a database of domestic terrorists.⁴ Border Czar Tom Homan has appeared on television and stated that the government is “going to create a database where those people that are arrested for interference, impeding, and assault, we’re going to make them famous.”⁵ This database is to be used to identify and monitor targets for potential future law enforcement action.⁶

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. 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”).

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 blog posts 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.

⁴ C.J. Ciaramella, *ICE Tells Legal Observer, 'We Have a Nice Little Database, and Now You're Considered a Domestic Terrorist'*, Yahoo! News (Jan. 23, 2026)

<https://www.yahoo.com/news/articles/ice-tells-legal-observer-nice-202357894.html>.

⁵ Ewan Palmer, *Trump's Moaning Border Czar Cooks Up Revenge Plot Against People Being Mean About ICE*, Yahoo! News (Jan. 16, 2026)

<https://www.yahoo.com/news/articles/trump-moaning-border-czar-cooks-110738735.html?guccounter=1>.

⁶ Ken Klippenstein, *ICE Making List of Anyone Who Films Them*, Ken Klippenstein (Jan. 23, 2026)

<https://www.kenklippenstein.com/p/ice-making-list-of-anyone-who-films>.

Expedited Processing Request

CREW requests expedited processing this FOIA request pursuant to FOIA, 5 U.S.C. § 552 and 6 C.F.R. § 5.5(e). CREW is entitled to expedited processing because there is an “urgency to inform the public concerning actual or alleged Federal Government activity,” and CREW “is primarily engaged in disseminating information,” 6 C.F.R. § 5.5(e)(1)(ii); 5 U.S.C. § 552(6)(E)(v)(II). CREW is also entitled to expedited processing because the requested records pertain to “[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).

Expedited Processing Under 6 C.F.R. § 5.5(e)(1)(ii)

CREW is entitled to expedited processing under 6 C.F.R. § 5.5(e)(1)(ii). CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’” but “publishing information ‘need not be [the organization’s] sole occupation.’” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views every month. The website includes blog posts 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. CREW is a credible requestor and disseminator of information often relied on by major media outlets.

Further, the facts demonstrate that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public. DHS’s operations in the Minneapolis area have been aggressive and unprecedented and have thus far resulted in the shooting deaths of two American citizens, Renee Good and

Alex Pretti, by DHS agents.⁷ Almost immediately after those incidents, and before any meaningful investigation, DHS leadership made statements about the shootings, including that Good and Pretti were committing acts of domestic terror, that were immediately contradicted by video evidence.⁸ These shootings and DHS's broader operations implicate the public safety of large numbers of American citizens and immigrants and are the subject of both national protests and debate at the highest levels of government.⁹

At the same time, public reporting indicates that DHS and its personnel are engaged in intelligence gathering on American citizens who record, protest, and, in the view of DHS personnel, agitate against DHS or interfere with DHS operations in the Minneapolis area.¹⁰ One report indicates that Alex Pretti, one of those killed by DHS agents, had a previous

⁷ Laura Romero, *Judge orders Trump administration to address motives behind ICE's Minnesota operation*, ABC News (Jan. 26, 2026)

<https://abcnews.go.com/US/judge-hears-arguments-state-minnesota-seeks-temporarily-halt/story?id=129567914>; Amy O'Kruk, et al., *Federal agents' aggressive moves in Minneapolis and St. Paul, visualized*, CNN (Jan. 25, 2026)

<https://www.cnn.com/interactive/2026/01/us/ice-presence-minneapolis-st-paul-vis/>; Claudia Lauer, *Experts say the divide between Minnesota and federal authorities is unprecedented*, ABC News (Jan. 26, 2026)

<https://abcnews.go.com/US/wireStory/experts-divide-minnesota-federal-authorities-unprecedented-129584546>; Edith Olmstead, *"This Is a Warning": ICE Agents Follow Protesters Home*, The New Republic (Jan. 27, 2026);

<https://newrepublic.com/post/205759/ice-agents-follow-protesters-home-maine-minnesota>; Tiffany Wertheimer, *Who was Renee Nicole Good, the Woman Killed by ICE?*, BBC (Jan. 13, 2026),

<https://www.bbc.com/news/articles/c1jepdij256o>; Kurt Streeeter, *How Alex Pretti's Death Became a National Tipping Point*, N.Y. Times (Feb. 1, 2026),

<https://www.nytimes.com/2026/02/01/us/alex-pretti-minneapolis.html>.

⁸ Daniel Dale, *What Trump officials claimed about Alex Pretti — and what the evidence actually shows*, CNN (Jan. 25, 2026)

<https://www.cnn.com/2026/01/25/politics/trump-officials-shifting-rhetoric-alex-pretti>; Jude Joffe-Block, Huo Jingnan, and Audrey Nguyen, *DHS Keeps Making False Claims About People. It's Part of a Broader Pattern*, NPR (Jan. 31, 2026),

<https://www.npr.org/2026/01/31/nx-s1-5690124/ice-alex-pretti-immigration-unproven-claims-dhs-enforcement-arrests>;

Ximena Bustillo, *Internal Review Contradicts White House Narrative of Pretti's Death*, NPR (Jan. 28, 2026) <https://www.npr.org/2026/01/27/g-s1-107608/alex-pretti-death-internal-review-immigration>.

⁹ Amanda Garcia, *Minnesota, Minneapolis, Saint Paul file lawsuit to stop ICE's 'federal invasion'*, ABC News (Jan. 12, 2026)

<https://abc7.com/post/minnesota-twin-cities-sue-federal-government-stop-immigration-crackdown/18392572/>; *Republican calls are growing for a deeper investigation into fatal Minneapolis shooting of Alex Pretti*, PBS (Jan. 26, 2026)

<https://www.pbs.org/newshour/nation/republican-calls-are-growing-for-a-deeper-investigation-into-fatal-minneapolis-shooting-of-alex-pretti>; Sahil Kapur and Brennan Leach, *Senate Democrats threaten to block DHS funding bill after another person killed in Minneapolis*, NBC News (Jan. 24, 2026) <https://www.nbcnews.com/politics/congress/dhs-funding-bill-senate-hurdles-killed-minneapolis-rcna255769>.

¹⁰ Sheera Frenkel and Aaron Krolik, *How ICE Already Knows Who Minneapolis Protesters Are*, N.Y. Times (Jan. 30, 2026)

<https://www.nytimes.com/2026/01/30/technology/tech-ice-facial-recognition-palantir.html?partner=slack&smid=sl-share>.

interaction with federal law enforcement shortly before his death,¹¹ suggesting that he was surveilled or targeted via this database, potentially leading to his death. This public reporting is augmented by first-person accounts of DHS agents recording the faces of protestors and observers and telling those protestors and observers that they are or will be included in a database of domestic terrorists.¹²

Second, whether and how DHS is collecting intelligence on American citizens has both immediate and long-term implications on the public interest that cannot be addressed without expedited processing.¹³ DHS's intelligence gathering on observers and dissenters obviously immediately impacts the First Amendment and privacy rights and security of the untold number of residents in Minneapolis (and across the country) who, simply for engaging in non-criminal activity of which DHS does not approve, are targets of government surveillance and potential retribution.¹⁴ That impact is only heightened by the fact that DHS personnel are threatening those they record that they are on a list of "domestic terrorists," which is clearly designed to discourage individual American citizens from protesting and observing DHS's operations in Minneapolis. Further, all Americans enjoy First Amendment freedoms and the right to peacefully assemble, observe, and protest our government, and the alleged protestor or "domestic terrorist" database would endanger those freedoms going forward. Our First Amendment freedoms are protected as a cornerstone of democratic participation. Failure to promptly release the requested records would allow potentially unlawful practices to continue without public scrutiny.

Third, the potential creation or maintenance of such a database is undisputed federal activity. Expedited processing will ensure that Americans, the media, advocacy organizations, and policymakers have the necessary information to assess the appropriateness and legality of this federal activity, especially in light of upcoming appropriations deadlines pertaining to DHS.¹⁵ Debates about how to fund DHS are currently ongoing, and these records will shed light on how DHS is currently using its funding.¹⁶

¹¹ Jeff Winter and Priscilla Alvarez, *Alex Pretti broke rib in confrontation with federal agents a week before death, sources say*, CNN (Jan. 27, 2026)

<https://www.cnn.com/2026/01/27/us/alex-pretti-protesters-minneapolis-invs>

¹² Ken Klippenstein, *Exclusive: ICE's Secret Watchlists of Americans*, Ken Klippenstein (Jan. 28, 2026) <https://www.kenklippenstein.com/p/ices-secret-watchlists-of-americans>.

¹³ Anthony Kimery, *CBP intelligence platform sits at intersection of border enforcement and domestic surveillance*, Biometric Update (Feb. 9, 2026)

<https://www.biometricupdate.com/202602/cbp-intelligence-platform-sits-at-intersection-of-border-enforcement-and-domestic-surveillance>.

¹⁴ Kevin Collier, et al., *How ICE agents are using facial recognition technology to bring surveillance to the streets*, NBC (Feb. 6, 2026)

<https://www.nbcnews.com/tech/security/ice-agent-facial-recognition-video-protest-movile-fortify-photo-rcna257331>.

¹⁵ Sophie Brams, *This week on the Hill: DHS shutdown inching closer as funding deadline looms*, The Hill (Feb. 9, 2026) <https://thehill.com/homenews/senate/5728336-dhs-shutdown-funding-deadline/>.

¹⁶ Letter from Edward Markey, U.S. Sen., to Todd Lyons, Act. Dir., USCIS (Feb. 3, 2026)

https://www.markey.senate.gov/imo/media/doc/letter_to_dhs_on_domestic_terrorist_database.pdf.

Expedited Processing Under 6 C.F.R. § 5.5(e)(1)(iv)

CREW is also entitled to expedited processing under 6 C.F.R. § 5.5(e)(1)(iv). As described above, DHS's operations in Minneapolis, the killings of Renee Good and Alex Pretti, the protests they have triggered, DHS's response to those protests, and its collection of intelligence on observers and dissenters, are matters of exceptional media interest and have been the subject of numerous press reports by national outlets.¹⁷ Whether DHS is collecting intelligence on American citizens who are observers and dissenters, how such intelligence is being collected, and how that intelligence, once collected, is being used and protected raise clear "questions about the government's integrity which affect public confidence" in any circumstance, but particularly when they implicate government efforts to discourage First Amendment protest and dissent surrounding controversial government conduct that has resulted in the deaths of American citizens and the hands of government agents.

The undersigned certifies that the representations in this expedited processing request are true and correct to the best of her knowledge and belief.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [REDACTED] and foia@citizensforethics.org or call me at [REDACTED]. 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 [REDACTED] and foia@citizensforethics.org or by mail to Lauren C. Bingham, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

s/Lauren C. Bingham
Lauren C. Bingham
Senior Litigation Counsel

¹⁷ *Supra* notes 2 through 16.