

February 11, 2020

**VIA FOIAONLINE**

FOIA Officer  
U.S. Customs and Border Protection  
90 K Street, NE  
FOIA Division  
Washington, DC 20229

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Customs and Border Protection (“CBP”) regulations.

Specifically, CREW requests all documents from December 1, 2019 to the date the search is conducted relating to any order, directive, instruction, initiative, procedures, or protocol issued to any CBP component, field office, or personnel concerning the screening, vetting, interrogation, questioning, or detention of individuals of Iranian, Palestinian, or Lebanese national origin, or individuals with perceived ties to those countries. This request includes without limitation all documents relating to the “Updated Procedures” issued in January 2020 by the CBP Office of Field Operations, Tactical Analytical Unit, Seattle Field Office, entitled “Iranian Supreme Leader Vows Forceful Revenge After US Kills Maj. General Qassim Suleimani in Baghdad – Threat Alert High,” as well as documents sufficient to identify the names and positions of the agency officials who authorized issuance of those updated procedures.

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.

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).

### Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and CBP 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* 5 U.S.C. § 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 January 5, 2020, the news media and advocacy groups reported that “[d]ozens of Iranians and Iranian-Americans were held for hours at Washington State’s border with Canada over the weekend as the Department of Homeland Security ramped up security at border ports after Iran threatened to retaliate against the United States for the strike that killed its top military leader.”<sup>1</sup> Specifically, “[m]ore than 60 of the travelers, many returning from work trips or vacations, were trying to come home to the United States on Saturday when agents at the Peace Arch Border Crossing in Blaine, Washington held them for additional questioning about their political views and allegiances.”<sup>2</sup> A CBP source reportedly informed the Council on American-Islamic Relations that there was a “national order to CBP to ‘report’ and detain anyone with Iranian heritage entering the country who is deemed potentially suspicious or ‘adversarial,’ regardless of citizenship status.”<sup>3</sup>

On January 29, 2020, *The Northern Light* reportedly obtained a CBP document labeled “Updated Procedures,” which was issued in January 2020 by the CBP Office of Field Operations, Tactical Analytical Unit, Seattle Field Office, and entitled “Iranian Supreme Leader Vows Forceful Revenge After US Kills Maj. General Qassim Suleimani in Baghdad – Threat Alert High.”<sup>4</sup> Consistent with prior reporting, the directive instructs CBP officials to subject individuals with ties to Iran and other Middle Eastern countries to “secondary procedures” and certain “high side vetting criteria.”<sup>5</sup>

The requested records will shed light on any CBP directive to target individuals, including U.S. citizens, for additional screening or questioning based on their national origin. Because such a directive may itself be unlawful or could result in widespread unlawful detentions, there is a compelling public interest in the requested records.

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<sup>1</sup> Zolan Kanno-Youngs, Mike Baker, Mariel Padilla, [U.S. Stops Dozens of Iranian-Americans Returning From Canada](https://www.nytimes.com/2020/01/05/us/politics/iranian-americans-border.html), *N.Y. Times*, Jan. 5, 2020, available at <https://www.nytimes.com/2020/01/05/us/politics/iranian-americans-border.html>.

<sup>2</sup> *Id.*

<sup>3</sup> CAIR Press Release, CAIR-WA Assisting Iranian-Americans Detained at U.S. Border, Jan. 5, 2020, available at <https://www.cair.com/breaking-cair-wa-assisting-iranian-americans-detained-u-s-border>.

<sup>4</sup> Patrick Grubb, [Source provides directive telling CBP officers to detain Iranian-born travelers](https://www.thenorthernlight.com/stories/source-provides-directive-telling-cbp-officers-to-detain-iranian-born-travelers,9315), *The Northern Light*, Jan. 29, 2020, available at <https://www.thenorthernlight.com/stories/source-provides-directive-telling-cbp-officers-to-detain-iranian-born-travelers,9315>.

<sup>5</sup> *Id.*

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").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes 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. In addition, CREW posts the documents it receives under the FOIA on its website, and that site has been visited hundreds of thousands of times.

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

### **Request for Expedition**

CREW seeks expedition because the subject matter of the request is of widespread and exceptional media interest, and the requested information involves possible questions about the government's integrity that affect public confidence. As noted, the requested records will shed light on any CBP directive to target individuals, including U.S. citizens, for additional screening or questioning based on their national origin. Because such a directive may itself be unlawful or could result in widespread unlawful detentions, it raises significant questions of government integrity that plainly affect public confidence. There is also widespread and exceptional media interest in the subject, as evidenced by numerous articles that have been published on it.<sup>6</sup> The

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<sup>6</sup> *See, e.g.*, Zolan Kanno-Youngs, Mike Baker, Mariel Padilla, [U.S. Stops Dozens of Iranian-Americans Returning From Canada](https://www.nytimes.com/2020/01/05/us/politics/iranian-americans-border.html), *N.Y. Times*, Jan. 5, 2020, available at <https://www.nytimes.com/2020/01/05/us/politics/iranian-americans-border.html>; Molly Olmstead, [Iranian Americans Report Being Detained and Questioned at Canadian Border](https://slate.com/news-and-politics/2020/01/iranian-americans-detained-canadian-border.html), *Slate*, Jan. 6, 2020, available at <https://slate.com/news-and-politics/2020/01/iranian-americans-detained-canadian-border.html>; Lauren Gardner, Daniel Lippman, Andy Blatchford, [Border stops for people of Iranian descent spark outrage](https://www.politico.com/news/2020/01/05/iranian-americans-border/), *Politico*, Jan. 5, 2020, available at <https://www.politico.com/news/2020/01/05/iranian-americans-border/>

urgency of obtaining the requested records is particularly acute given the possibility of armed conflict between the United States and Iran, which could result in further escalation of CBP's screening practices with respect to individuals of Iranian origin.

CREW's primary purpose is to inform and educate the public about the activities of government agencies and officials. To that end, CREW routinely uses statutes like the FOIA to gather information the public needs to hold government agencies and officials accountable, and disseminates that information through social media and its website, which receives tens of thousands of views every month. The request for which CREW seeks expedition will directly further CREW's public-education mission.

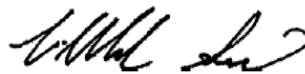
The undersigned certifies that the above is true and correct.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org) or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance.

Sincerely,



Nikhel Sus  
Senior Counsel