

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (OPR)
Sent: Thursday, April 06, 2017 11:21 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: The Summons for Twitter account

Thank you both,

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 06, 2017 5:19:58 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

(b) (6),
(b) (7)

Wanted to give you an update... (b) (6), (b) (7) and I are communicating with OCC and other entities to resolve this issue.

Respectfully,

(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection

cell: (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)

(b) (7)(E)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 8:47 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

The case number is (b) (7)(E) the information in (b) (7)(E) is all that have to review. I (b) (6), (b) (7)(C) d get in contact with SSA (b) (6), (b) (7)(C) to get briefed on the all of the work they have done. It is my understanding that that (b) (7)(E) (b) (6), (b) (7)(C) If I recall the last conversation with (b) (6), (b) (7)(C) correctly. It appears that he account holder was asking for information to release at one point in time.

(b) (6), (b) (7)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 6:18 AM
To: (b) (6), (b) (7)(C)) (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Can I have the (b) (7)(E) case #?

From: (b) (6), (b) (7)(E)
Sent: Tuesday, April 04, 2017 11:14:46 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Please see the below email. I was just informed that twitter is challenging the summons in court unless we withdraw it in the next 48hrs.

Please advice

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:10:29 PM
To: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

We are now representing Twitter in connection with the Section 1509 summons concerning the @alt_uscis account. Please direct any further communications on this matter to my attention.

As (b) (6), (b) (7)(C) has indicated, Twitter has significant concerns regarding the summons, and Twitter intends to file a challenge to the summons in court unless it is withdrawn within 48 hours of (b) (6), (b) (7)(C) email to you earlier today.

The language of 19 U.S.C. § 1509 indicates that a summons such as this may be used to compel the production of records only when the agency is engaged in an investigation relating to compliance with laws concerning imported merchandise. In addition, the types of records whose production may be compelled by such a summons are narrowly defined in §§ 1508 and 1509—again, as limited to records relating to imported merchandise. You have not provided Twitter with any basis to conclude that either the purpose of the summons, or the type of the records it demands Twitter to produce, fall within these statutory parameters.

In addition, Twitter is concerned that the summons infringes the First Amendment rights of its users to speak pseudonymously on the Twitter platform and Twitter's own First Amendment rights to host such speech. Because enforcement of the summons would impact one or more Twitter users who have been using Twitter's service to engage in criticism of the government without disclosing their real identities, the First Amendment interests at stake here are heightened. Twitter believes that, under the First Amendment, there should be no enforcement of the summons absent

an evidentiary showing by CBP that that some criminal or civil offense has been committed, that unmasking the users' identity is the least restrictive means for investigating that offense, that the agency's demand for this information is not motivated by a desire to suppress free speech, and that the interests of pursuing that investigation outweigh the important free speech rights of Twitter and its users. Your communications to Twitter have not indicated that such a showing can be made in these circumstances.

Regards,

(b) (6), (b) (7)(C)

Washington, DC 20006 USA

(b) (6), (b) (7)(C)(t)
(f)

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (7)(C), (b) (6)

(b) (6), (b) (7)(C)

Date: Tue, Apr 4, 2017 at 11:45 AM

Subject: RE: The Summons for Twitter account

To: (b) (6), (b) (7)(C)

>

(b) (6), (b) (7)(C)

Per our phone conversation, CBP had no intention of acquiring a non-disclosure and that we did not have an issue if twitter notified the account holder. I also understand that your question of legal attority was cleared up and that you understood that it was within the scope.

That is because if a person or group is using Twitter to release controlled information or message ways around laws that CBP is responsible to enforce it would fall under that summons.

Are you now saying that you do not feel that the summons is not valid?

(b) (7)(C), (b) (6)

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 7:12:31 PM

To: (b) (6), (b) (7)(C)

Subject: Re: The Summons for Twitter account

Agent (b) (6), (b) (7)

Please be advised that consistent with my last email, we provided notice to the user of the @alt_uscis account of your request for account information. Due to unresolved concerns regarding the legality of the summons, we have also

notified the user that it is our intent to file a challenge in the next 48 hours unless the summons is withdrawn. Please notify Twitter as soon as possible in writing if you would like to withdraw the summons.

Best regards,

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

com>>>> wrote:

(b) (6), (b) (7)

Thanks for your email. Just to clarify, as I explained to you on the phone, Twitter has a policy of providing notice to our users of requests for their account information. We do not provide notice if we receive a valid non-disclosure order issued under 18 U.S.C. 2705(b). As I understand your message, you are confirming for me that CPB does not plan to obtain such an order. As such, we will proceed with notice on Monday. We do not view user notice as having any bearing any objections to the summons that the user or Twitter may have.

Best regards,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:45 AM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

wrote:

(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advice you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (6), (b) (7)(C)

Special Agent | OFFICE OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S. CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C)

Cellular (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | Electronic Mail

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (OPR)
Sent: Wednesday, April 05, 2017 4:21 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Good morning

Can I see a copy of the document?

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:14:46 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: FW: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please see the below email. I was just informed that twitter is challenging the summons in court unless we withdraw it in the next 48hrs.

Please advice

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:10:29 PM
To: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

We are now representing Twitter in connection with the Section 1509 summons concerning the @alt_uscis account. Please direct any further communications on this matter to my attention.

As (b) (6), (b) (7)(C) has indicated, Twitter has significant concerns regarding the summons, and Twitter intends to file a challenge to the summons in court unless it is withdrawn within 48 hours of (b) (6), (b) (7)(C) email to you earlier today.

The language of 19 U.S.C. § 1509 indicates that a summons such as this may be used to compel the production of records only when the agency is engaged in an investigation relating to compliance with laws concerning imported merchandise. In addition, the types of records whose production may be compelled by such a summons are narrowly defined in §§ 1508 and 1509—again, as limited to records relating to imported merchandise. You have not provided Twitter with any basis to conclude that either the purpose of the summons, or the type of the records it demands Twitter to produce, fall within these statutory parameters.

In addition, Twitter is concerned that the summons infringes the First Amendment rights of its users to speak pseudonymously on the Twitter platform and Twitter's own First Amendment rights to host such speech. Because enforcement of the summons would impact one or more Twitter users who have been using Twitter's service to engage in criticism of the government without disclosing their real identities, the First Amendment interests at stake here are heightened. Twitter believes that, under the First Amendment, there should be no enforcement of the summons absent an evidentiary showing by CBP that that some criminal or civil offense has been committed, that unmasking the users' identity is the least restrictive means for investigating that offense, that the agency's demand for this information is not motivated by a desire to suppress free speech, and that the interests of pursuing that investigation outweigh the

important free speech rights of Twitter and its users. Your communications to Twitter have not indicated that such a showing can be made in these circumstances.

Regards,

(b) (6), (b) (7)(C) WilmerHale

(b) (6), (b) (7)(C)

Washington, DC 20006 USA

(b) (6), (b) (7)(C)(t)

(f)

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Date: Tue, Apr 4, 2017 at 11:45 AM

Subject: RE: The Summons for Twitter account

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Per our phone conversation, CBP had no intention of acquiring a non-disclosure and that we did not have an issue if twitter notified the account holder. I also understand that your question of legal attorney was cleared up and that you understood that it was within the scope.

That is because if a person or group is using Twitter to release controlled information or message ways around laws that CBP is responsible to enforce it would fall under that summons.

Are you now saying that you do not feel that the summons is not valid?

(b)
(6)

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 7:12:31 PM

To: (b) (6), (b) (7)(C)

Subject: Re: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

Please be advised that consistent with my last email, we provided notice to the user of the @alt_uscis account of your request for account information. Due to unresolved concerns regarding the legality of the summons, we have also notified the user that it is our intent to file a challenge in the next 48 hours unless the summons is withdrawn. Please notify Twitter as soon as possible in writing if you would like to withdraw the summons.

Best regards,

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Agent (b) (6), (b) (7)(C)

Thanks for your email. Just to clarify, as I explained to you on the phone, Twitter has a policy of providing notice to our users of requests for their account information. We do not provide notice if we receive a valid non-disclosure order issued under 18 U.S.C. 2705(b). As I understand your message, you are confirming for me that CPB does not plan to obtain such an order. As such, we will proceed with notice on Monday. We do not view user notice as having any bearing any objections to the summons that the user or Twitter may have.

Best regards,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:45 AM, (b) (6), (b) (7)(C))

(b) (6), (b) (7)(C)

wrote:

(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advise you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (6), (b) (7)(C)

Special Agent | OFFICE OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S. CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C)

Cellular (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Electronic

Mail (b) (6), (b) (7)(C)

(b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 11:26 AM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Thank you sir.

From: COUREY, MARC BENNETT (OCC)
Sent: Wednesday, April 05, 2017 5:24:55 PM
To: LUKENS, TINA (OPR)
Cc: (b) (6), (b) (7)(C); FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Looping in (b) (6), (b) (7)(C) to assist. Thanks.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)
T (b) (6), (b) (7)(C) / C (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
** Attorney Work Product / Attorney-Client Privileged **

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 5, 2017 11:10 AM
To: COUREY, MARC BENNETT (OCC) (b) (6), (b) (7)(C)
FUNN, ERICK K (OPR)
(b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account
Importance: High

Good morning Sir,

(b) (5), (b) (6), (b) (7)(C)

Thank you

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 2:56:57 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C); FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Good morning (b) (6), (b) (7)(C)

(b) (5)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 6:47 AM
To: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Respectfully,

(b) (6), (b) (7)(C)

*Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection*

cell: (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)



From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 6:09 AM
To: (b) (6), (b) (7)(C); FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Agreed. Please engage OCC this morning.

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 4:40:01 AM
To: FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Fysa
We may need to engage OCC.

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:14:46 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please see the below email. I was just informed that twitter is challenging the summons in court unless we withdraw it in the next 48hrs.

Please advice

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:10:29 PM
To: (b) (6), (b) (7)(C)
Sub ter account

Agent (b) (6), (b) (7)(C)

We are now representing Twitter in connection with the Section 1509 summons concerning the @alt_uscis account. Please direct any further communications on this matter to my attention.

As (b) (6), (b) (7)(C) has indicated, Twitter has significant concerns regarding the summons, and Twitter intends to file a challenge to the summons in court unless it is withdrawn within 48 hours of (b) (6), (b) (7)(C) email to you earlier today.

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Regards,

(b) (6), (b) (7)(C) WilmerHale
(b) (6), (b) (7)(C)
Washington, DC 20006 USA
(b) (6), (b) (7)(C)(t)
(f)

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Date: 1

Subject: RE: The Summons for Twitter account

To (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

From (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 7:12:31 PM

To: (b) (6), (b) (7)(C)

Subject: Re: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

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Best regards

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

> wrote:

Agent (b) (7)(C), (b) (6)

Thanks for your email. Just to clarify, as I explained to you on the phone, Twitter has a policy of providing notice to our users of requests for their account information. We do not provide notice if we receive a valid non-disclosure order issued under 18 U.S.C. 2705(b). As I understand your message, you are confirming for me that CPB does not plan to obtain such an order. As such, we will proceed with notice on Monday. We do not view user notice as having any bearing any objections to the summons that the user or Twitter may have.

Best regards

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:4 (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

wrote:

(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advise you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (7)(C), (b) (6)

Special Agent | OFFICE OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S. CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C)

Cellular (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Electronic

Mail (b) (6), (b) (7)(C)

(b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 5:18 AM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Yes. Ma'am. Copy.

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 11:08:56 AM
To: (b) (6), (b) (7)(C); FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Agreed. Please engage OCC this morning.

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 4:40:01 AM
To: FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Fysa
We may need to engage OCC.

From: (b) (6), (b) (7)(C)
Sent: 11:44:46 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please see the below email. I was just informed that twitter is challenging the summons in court unless we withdraw it in the next 48hrs.

Please advice

(b) (6),
(b) (7)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:10:29 PM
To: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

We are now representing Twitter in connection with the Section 1509 summons concerning the @alt_uscis account. Please direct any further communications on this matter to my attention.

As (b) (6), (b) (7)(C) has indicated, Twitter has significant concerns regarding the summons, and Twitter intends to file a challenge to the summons in court unless it is withdrawn within 48 hours of (b) (6), (b) (7)(C) email to you earlier today.

The language of 19 U.S.C. § 1509 indicates that a summons such as this may be used to compel the production of records only when the agency is engaged in an investigation relating to compliance with laws concerning imported merchandise. In addition, the types of records whose production may be compelled by such a summons are narrowly defined in §§ 1508 and 1509—again, as limited to records relating to imported merchandise. You have not provided Twitter with any basis to conclude that either the purpose of the summons, or the type of the records it demands Twitter to produce, fall within these statutory parameters.

In addition, Twitter is concerned that the summons infringes the First Amendment rights of its users to speak pseudonymously on the Twitter platform and Twitter's own First Amendment rights to host such speech. Because enforcement of the summons would impact one or more Twitter users who have been using Twitter's service to engage in criticism of the government without disclosing their real identities, the First Amendment interests at stake here are heightened. Twitter believes that, under the First Amendment, there should be no enforcement of the summons absent an evidentiary showing by CBP that some criminal or civil offense has been committed, that unmasking the users' identity is the least restrictive means for investigating that offense, that the agency's demand for this information is not motivated by a desire to suppress free speech, and that the interests of pursuing that investigation outweigh the important free speech rights of Twitter and its users. Your communications to Twitter have not indicated that such a showing can be made in these circumstances.

Regards,

(b) (6), (b) (7)(C) WilmerHale

(b) (6), (b) (7)(C)

Washington, DC 20006 USA

(b) (6), (b) (7)(C)(t)
(f)

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Date: Tue, Apr 4, 2017 at 11:45 AM

Subject: RE: The Summons for Twitter account

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Per our phone conversation, CBP had no intention of acquiring a non-disclosure and that we did not have an issue if twitter notified the account holder. I also understand that your question of legal attority was cleared up and that you understood that it was within the scope.

That is because if a person or group is using Twitter to release controlled information or message ways around laws that CBP is responsible to enforce it would fall under that summons.

Are you now saying that you do not feel that the summons is not valid?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 7:12:31 PM

To: (b) (6), (b) (7)(C)

Subject: Re: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

Please be advised that consistent with my last email, we provided notice to the user of the @alt_uscis account of your request for

account information. Due to unresolved concerns regarding the legality of the summons, we have also notified the user that it is our intent to file a challenge in the next 48 hours unless the summons is withdrawn. Please notify Twitter as soon as possible in writing if you would like to withdraw the summons.

Best regards,

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

wrote:

Agent (b) (6), (b) (7)(C)

Thanks for your email. Just to clarify, as I explained to you on the phone, Twitter has a policy of providing notice to our users of requests for their account information. We do not provide notice if we receive a valid non-disclosure order issued under 18 U.S.C. 2705(b). As I understand your message, you are confirming for me that CPB does not plan to obtain such an order. As such, we will proceed with notice on Monday. We do not view user notice as having any bearing any objections to the summons that the user or Twitter may have.

Best regards

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:45 (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

wrote:

(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advice you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (6), (b) (7)(C)

Special Agent | OFFICE OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S. CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C)

Cellular (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Electronic

(b) (6), (b) (7)(C)

(b) (7)(E)

WARNING: THIS MESSAGE MAY CONTAIN INFORMATION WHICH IS SENSITIVE, CONFIDENTIAL, OR EXEMPT FROM DISCLOSURE. PLEASE DELIVER THIS DOCUMENT IMMEDIATELY TO THE INTENDED RECIPIENT LISTED ABOVE. THE DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, HAS NOT APPROVED THE REVIEW, USE, DUPLICATION, DISSEMINATION, OR RETRANSMISSION OF THIS DOCUMENT BY ANYONE, OTHER THAN THE INTENDED RECIPIENT, AND IS THEREFORE PROHIBITED.

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 3:41 PM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Hi (b) (6), (b) (7)(C) That should be fine, barring any issues with the trains in the morning. If I do run into trouble, I will let you know.
Thank you,

(b) (6), (b) (7)(C)

Attorney
Ethics, Labor and Employment
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, DC 20229

Phone: (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Privileged and Confidential

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 9:37:59 PM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Hi (b) (6), (b) (7)(C) How about 0800 tomorrow? Thank you for your assistance.

Respectfully,

(b) (6), (b) (7)(C)

*Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection*

cell (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)



From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 4:32 PM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Hi (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

Thank you,

(b) (6), (b) (7)(C)

Attorney
Ethics, Labor and Employment
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)
Washington, DC 20229
Phone: (b) (6), (b) (7)(C)
Fax: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Privileged and Confidential

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 6:38:20 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C); FUNN, ERICK K (OPR); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Thanks for your efforts. (b) (5), (b) (6), (b) (7)(C)

Respectfully,

(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection

cell: (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)

-----Original Message-----

From: (b) (6), (b) (7)(C)

Sent: Wednesday, April 05, 2017 1:28 PM

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

FUNN,

ERICK K (OPR) (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

Importance: High

Hi (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

Thanks so much.

VR,

(b) (6), (b) (7)(C)

Deputy Associate Chief Counsel
Ethics, Labor and Employment
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C)

This communication may contain information that is confidential and/or subject to the attorney-client, attorney work product and/or deliberative process privileges. This communication may also contain confidential information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this communication must be approved by the Office of Chief Counsel, U.S. Customs and Border Protection.

-----Original Message-----

From: (b) (6), (b) (7)(C)

Sent: Wednesday, April 05, 2017 9:57 AM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C); ERICK K (OPR) (b) (6), (b) (7)(C) FUNN.

Subject: FW: The Summons for Twitter account
Importance: High

Good morning (b) (6), (b) (7)(C)

(b) (5)
At your convenience, could we discuss this issue? Thank you.

Respectfully,

(b) (6), (b) (7)(C)

Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection

cell: (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)

-----Original Message-----

From: (b) (6), (b) (7)(C)

Sent: T

To: (b) (6), (b) (7)(C)

Cc:

Subject: FW: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please see the below email. I was just informed that twitter is challenging the summons in court unless we withdraw it in the next 48hrs.

Please advice

(b) (7)(C),
(b) (6)

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 11:10:29 PM

To: (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

We are now representing Twitter in connection with the Section 1509 summons concerning the @alt_uscis account. Please direct any further communications on this matter to my attention.

As (b) (6), (b) (7)(C) has indicated, Twitter has significant concerns regarding the summons, and Twitter intends to file a challenge to the summons in court unless it is withdrawn within 48 hours of (b) (6), (b) (7)(C) email to you earlier today.

The language of 19 U.S.C. § 1509 indicates that a summons such as this may be used to compel the production of records only when the agency is engaged in an investigation relating to compliance with laws concerning imported merchandise. In addition, the types of records whose production may be compelled by such a summons are narrowly defined in §§ 1508 and 1509—again, as limited to records relating to imported merchandise. You have not provided Twitter with any basis to conclude that either the purpose of the summons, or the type of the records it demands Twitter to produce, fall within these statutory parameters.

In addition, Twitter is concerned that the summons infringes the First Amendment rights of its users to speak pseudonymously on the Twitter platform and Twitter's own First Amendment rights to host such speech. Because enforcement of the summons would impact one or more Twitter users who have been using Twitter's service to engage in criticism of the government without disclosing their real identities, the First Amendment interests at stake here are heightened. Twitter believes that, under the First Amendment, there should be no enforcement of the summons absent an evidentiary showing by CBP that that some criminal or civil offense has been committed, that unmasking the users' identity is the least restrictive means for investigating that offense, that the agency's demand for this information is not motivated by a desire to suppress free speech, and that the interests of pursuing that investigation outweigh the important free speech rights of Twitter and its users. Your communications to Twitter have not indicated that such a showing can be made in these circumstances.

Regards,

(b) (6), (b) (7)(C) WilmerHale

(b) (6), (b) (7)(C)

Washington, DC 20006 USA

(b) (6), (b) (7)(C) (t)
(f)

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (7)(C), (b) (6)

(b) (6), (b) (7)(C)

Date: Tue, Apr 4, 2017 at 11:45 AM

Subject: RE: The Summons for Twitter account

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Per our phone conversation, CBP had no intention of acquiring a non-disclosure and that we did not have an issue if twitter notified the account holder. I also understand that your question of legal attority was cleared up and that you understood that it was within the scope.

That is because if a person or group is using Twitter to release controlled information or message ways around laws that CBP is responsible to enforce it would fall under that summons.

Are you now saying that you do not feel that the summons is not valid?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 7:12:31 PM

To: (b) (6), (b) (7)(C)

Subject: Re: The Summons for Twitter account

Agent (b) (7)(C), (b) (6)

Please be advised that consistent with my last email, we provided notice to the user of the @alt_uscis account of your request for

account information. Due to unresolved concerns regarding the legality of the summons, we have also notified the user that it is our intent to file a challenge in the next 48 hours unless the summons is withdrawn. Please notify Twitter as soon as possible in writing if you would like to withdraw the summons.

Best regards,

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

wrote:

Agent (b) (6), (b) (7)(C)

Thanks for your email. Just to clarify, as I explained to you on the phone, Twitter has a policy of providing notice to our users of requests for their account information. We do not provide notice if we receive a valid non-disclosure order issued under 18 U.S.C. 2705(b). As I understand your message, you are confirming for me that CPB does not plan to obtain such an order. As such, we will proceed with notice on Monday. We do not view user notice as having any bearing any objections to the summons that the user or Twitter may have.

Best regards,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:45 AM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

wrote:

(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advice you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (6), (b) (7)(C)

E OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S.

CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C)

Cellular (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) | Electronic

Mail (b) (6), (b) (7)(C)

(b) (7)(E)

WARNING: THIS MESSAGE MAY CONTAIN INFORMATION WHICH IS SENSITIVE, CONFIDENTIAL, OR EXEMPT FROM DISCLOSURE. PLEASE DELIVER THIS DOCUMENT IMMEDIATELY TO THE INTENDED RECIPIENT LISTED ABOVE. THE DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, HAS NOT APPROVED THE REVIEW, USE, DUPLICATION, DISSEMINATION, OR RETRANSMISSION OF THIS DOCUMENT BY ANYONE, OTHER THAN THE INTENDED RECIPIENT, AND IS THEREFORE PROHIBITED.

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 10:10 AM
To: COUREY, MARC BENNETT (OCC)
Cc: (b) (6), (b) (7)(C); FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account
Attachments: Faxed summons (b) (7)(E) pdf
Importance: High

Good morning Sir,

OPR (b) (6), (b) (7)(C) suggested I forward this request to you for visibility and guidance.

Thank you

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 2:56:57 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C); (b) (7)(C), (b) (6); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Good morning (b) (6), (b) (7)(C)

(b) (5)

At your convenience, could we discuss this issue? Thank you.

Respectfully,

(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection

cell: (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)

-----Original Message-----

From: (b) (6), (b) (7)(C) F (OPR)



U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Customs and Border Protection

FACSIMILE TRANSMITTAL

CD 2110-035

Date:

Control Number:

TO	Name:	<i>Trust & Safety - Legal Policy</i>
	Organization:	<i>Twitter Inc</i>
	Fax Number:	<i>1-415-222-9958</i>
	Number of Pages (including cover):	<i>4</i>
FROM	Sender:	<i>SA Adam Hoffman</i>
	Originating Location:	<i>DHS Customs and Border Protection</i>
	Return FAX Number:	<i>1-202-344-1258</i>
	Voice Number:	<i>1-202-344-3194</i>
REMARKS	<i>Please complete the Acknowledgment of Receipt and return to Fax # 1-202-344-1258</i>	

Important: This document may contain confidential and sensitive U.S. Government information. Please deliver it immediately only to the intended recipient(s) listed above. The Bureau of Customs and Border Protection has not approved the documents review, retransmission, dissemination or use by anyone other than the intended recipient(s).

To (Name, Address, City, State, Zip Code)

Twitter, Inc.
c/o Trust & Safety - Legal Policy
1355 Market Street, Suite 900
San Francisco, CA 94103

DEPARTMENT OF HOMELAND SECURITY

SUMMONS NOTICE

to Appear and/or Produce Records
19 U.S.C. § 1509

Attached is a copy of a summons served by U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP), both agencies within the Department of Homeland Security (DHS), to examine records or to request testimony relating to records of your business transactions or affairs which have been made or kept by the person named in Block 1 of the summons.

If you object to the examination of these records, you may stay (prevent) examination of the records until a summons enforcement proceeding is commenced in court. Compliance with the summons will be stayed if, not later than the day before the date indicated in Block 2 of the summons, you advise the person summoned (the person named in Block 1), in writing, not to comply with the summons, and you send a copy of that notice by registered or certified mail to the CBP Officer or ICE Special Agent who issued the summons at the address shown in Block 6 of the summons.

CBP or ICE may begin an action to enforce the summons in the appropriate United States District Court. In such cases, you will be notified and you will have the right to intervene and present your objections before the court. The court will decide whether the person summoned should be required to comply with the summons.

If the court issues an order to comply with the summons and the person summoned fails to comply, the court may punish such failure as a contempt of court. Other sanctions may be provided by law.

If you have any questions regarding this matter, please contact the CBP Officer or ICE Special Agent before whom the summoned person is required to appear. The CBP Officer's or ICE Special Agent's name and telephone number are given in Block 2 of the summons.

1. To (Name, Address, City, State, Zip Code) Twitter, Inc. c/o Trust & Safety - Legal Policy 1355 Market Street, Suite 900 San Francisco, CA 94103	DEPARTMENT OF HOMELAND SECURITY SUMMONS to Appear and/or Produce Records 19 U.S.C. § 1509
Summons Number 2017012	Case Number: 201704511

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) **APPEAR** before the U.S. Customs and Border Protection (CBP) Officer or U.S. Immigration and Customs Enforcement (ICE) Special Agent named in Block 2 at the place, date, and time indicated to testify and give information.
- (B) **PRODUCE** the records (including statements, declarations, and other documents) indicated in Block 3 before the CBP Officer or ICE Special Agent named in Block 2 at the place, date, and time indicated.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry to ascertain the correctness of entries, to determine the liability for duties, taxes, fines, penalties, or forfeitures, and/or to ensure compliance with the laws or regulations administered by CBP and ICE.

Failure to comply with this summons will render you liable to proceedings in a U.S. District Court to enforce compliance with this summons as well as other sanctions.

2. (A) CBP Officer or ICE Special Agent before whom you are required to appear Name Adam Hoffman Title Special Agent Address 1300 Pennsylvania Ave. N.W. Room 8.3 Washington D.C. 20229 Telephone Number 1-202-344-3194	(B) Date 03/13/2017 (C) Time 11:45 <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
--	---

3. Records required to be produced for inspection All records regarding the twitter account @ALT_USCIS to include, User names, account login, phone numbers, mailing addresses, and I.P addresses.

You are requested not to disclose the existence of this summons for an indefinite period of time. Any such disclosure will impede this investigation and thereby interfere with the enforcement of federal law.

Issued under authority of section 509, Tariff Act of 1930, as amended by Public law 95-410 (19 U.S.C. § 1509); 44 F.R. 2217; Homeland Security Act of 2002

4. Name of person authorized to serve this summons or any other CBP Officer or ICE Special Agent Special Agent Adam Hoffman	5. Date of issue 03/14/2017 By <u>Stephen P. Caruso</u> (Signature)
	6. Name, title, address, and telephone number of person issuing this summons Name Stephen P. Caruso Title Special Agent in Charge Address 11606 City Hall Promenade Suite 400, Miramar, FL 33025 Telephone Number (954) 843-5068

If you have any questions regarding this summons, contact the CBP Officer or ICE Special Agent identified in Block 2.

CERTIFICATE OF SERVICE AND ACKNOWLEDGMENT OF RECEIPT

A. CERTIFICATE OF SERVICE OF SUMMONS		
I certify that I served the summons on the front of this form as follows:		
<input type="checkbox"/> I delivered a copy of the summons to the person to whom it was directed, as follows:	Address or Location	Date
		Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
<input checked="" type="checkbox"/> <i>(For corporations, partnerships, and unincorporated associations which may be sued under a common name)</i> I delivered a copy of the summons to an officer, managing or general agent, or agent authorized to accept service of process as follows:	Address or Location Twitter, Inc. c/o Trust & Safety - Legal Policy 1355 Market Street, Suite 900 San Francisco, CA 94103	Date 03/13/2017
		Time 11:45 <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
	Name of person to whom the summons was delivered Faxing to 1-415-222-9958 (attn: Trust & Safety - Legal Policy)	
Signature 		
Title Special Agent		Date 03/13/2017

B. ACKNOWLEDGMENT OF RECEIPT		
I acknowledge receipt of a copy of the summons on the front of this form.		
Signature		
Title	Date	Time <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 8:05 AM
To: (b) (6), (b) (7)(C)
Subject: t

I coordinated with (b) (6), (b) (7)(C) I will keep you posted.

Respectfully,

(b) (6), (b) (7)(C)

*Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection*

cell: (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)



From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 8:49 AM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Hey if you have a contact in OCC we'll stand down. We met with them last month and made some great contacts - just offering up our resources.

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 8:47:13 AM
To: (b) (6), (b) (7)(C)
Cc: FUNN, ERICK K (OPR); (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please see me first so we can coordinate. I was given instruction from (b) (6), (b) (7)(C) to reach out to OCC. thanks

Respectfully,

(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection

cell: (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)



From: (b) (6), (b) (7)(C)

Sent: Wednesday, April 05, 2017 8:46 AM

To: (b) (6), (b) (7)(C)

FUNN, ERICK K (OPR) <(b) (6), (b) (7)(C)>

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please leverage our OCC contacts and work with (b) (6) to address the response from twitter in the email string below.

Thanks,

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Wednesday, April 05, 2017 4:40:01 AM

To: FUNN, ERICK K (OPR) (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

Fysa

We may need to engage OCC.

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 11:14:46 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please see the below email. I was just informed that twitter is challenging the summons in court unless we withdraw it in the next 48hrs.

Please advice

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:10:29 PM
To: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Agent (b) (7)(C), (b) (6)

We are now representing Twitter in connection with the Section 1509 summons concerning the @alt_uscis account. Please direct any further communications on this matter to my attention.

As (b) (6), (b) (7)(C) has indicated, Twitter has significant concerns regarding the summons, and Twitter intends to file a challenge to the summons in court unless it is withdrawn within 48 hours of (b) (6), (b) (7)(C) email to you earlier today.

The language of 19 U.S.C. § 1509 indicates that a summons such as this may be used to compel the production of records only when the agency is engaged in an investigation relating to compliance with laws concerning imported merchandise. In addition, the types of records whose production may be compelled by such a summons are narrowly defined in §§ 1508 and 1509—again, as limited to records relating to imported merchandise. You have not provided Twitter with any basis to conclude that either the purpose of the summons, or the type of the records it demands Twitter to produce, fall within these statutory parameters.

In addition, Twitter is concerned that the summons infringes the First Amendment rights of its users to speak pseudonymously on the Twitter platform and Twitter’s own First Amendment rights to host such speech. Because enforcement of the summons would impact one or more Twitter users who have been using Twitter’s service to engage in criticism of the government without disclosing their real identities, the First Amendment interests at stake here are heightened. Twitter believes that, under the First Amendment, there should be no enforcement of the summons absent an evidentiary showing by CBP that that some criminal or civil offense has been committed, that unmasking the users’ identity is the least restrictive means for investigating that offense, that the agency’s demand for this information is not motivated by a desire to suppress free speech, and that the interests of pursuing that investigation outweigh the important free speech rights of Twitter and its users. Your communications to Twitter have not indicated that such a showing can be made in these circumstances.

Regards,

(b) (6), (b) (7)(C) WilmerHale
(b) (6), (b) (7)(C)
Washington, DC 20006 USA
(b) (6), (b) (7)(C) (t)
(b) (6), (b) (7)(C) (f)

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Date: Tue, Apr 4, 2017 at 11:45 AM
Subject: RE: The Summons for Twitter account
To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Per our phone conversation, CBP had no intention of acquiring a non-disclosure and that we did not have an issue if twitter notified the account holder. I also understand that your question of legal attority was cleared up and that you understood that it was within the scope.

That is because if a person or group is using Twitter to release controlled information or message ways around laws that CBP is responsible to enforce it would fall under that summons.

Are you now saying that you do not feel that the summons is not valid?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 7:12:31 PM
To: (b) (6), (b) (7)(C)
Subject: Re: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

Please be advised that consistent with my last email, we provided notice to the user of the @alt_uscis account of your request for account information. Due to unresolved concerns regarding the legality of the summons, we have also notified the user that it is our intent to file a challenge in the next 48 hours unless the summons is withdrawn. Please notify Twitter as soon as possible in writing if you would like to withdraw the summons.

Best regards,

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM, (b) (6), (b) (7)(C) wrote:
(b) (6), (b) (7)(C)
Agent (b) (6), (b) (7)

Thanks for your email. Just to clarify, as I explained to you on the phone, Twitter has a policy of providing notice to our users of requests for their account information. We do not provide notice if we receive a valid non-disclosure order issued under 18 U.S.C. 2705(b). As I understand your message, you are confirming for me that CPB does not plan to obtain such an order. As such, we will proceed with notice on Monday. We do not view user notice as having any bearing any objections to the summons that the user or Twitter may have.

Best regards,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:45 AM, (b) (6), (b) (7)(C) wrote:
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advice you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (7)(C), (b) (6)

Special Agent | OFFICE OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S. CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C)

Cellular (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Electronic

Mail (b) (6), (b) (7)(C)

(b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (OPR)
Sent: Wednesday, April 05, 2017 4:20 AM
To: (b) (6), (b) (7)(C) (OPR)
Subject: RE: The Summons for Twitter account

Copy. I know (b) (6), (b) (7)(C) SAC (b) (6), (b) (7)(C) ad visibilty. He sent it during the snow storm in march. I will follow up.

From: (b) (6), (b) (7)(C) (OPR)
Sent: Wednesday, April 05, 2017 10:16:53 AM
To: (b) (6), (b) (7)(C) (OPR)
Subject: RE: The Summons for Twitter account

Maybe they have been able to justify its use in the past; would be interested to know.

If they have not, as investigators...we must first read what it is we are sending out and actually research all the citations of law to ensure the document is applicable.

DD-FO(A) (b) (6), (b) (7)(C)
DHS | CBP | OPR | IOD | HQ - Washington, D.C.
Cell: (b) (6), (b) (7)(C) E-Mail: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (OPR)
Sent: Wednesday, April 05, 2017 5:08:49 AM
To: (b) (6), (b) (7)(C) (OPR)
Subject: RE: The Summons for Twitter account

I believe that is the guidance (b) (6), (b) (7)(C) ave (b) (6), (b) (7) but I need to confirm.

From: (b) (6), (b) (7)(C) (OPR)
Sent: Wednesday, April 05, 2017 10:04:32 AM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

The Customs admin summons was not intended for such a request. Our admin legal request documents are lacking. We need to engage the USAO and see if a Grand Jury subpoena or equivalent is obtainable.

Why did we use a Customs summons?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (OPR)

Sent: Wednesday, April 05, 2017 4:40:01 AM

To: FUNN, ERICK K (OPR) (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

Fysa

We may need to engage OCC.

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 11:14:46 PM

To: (b) (6), (b) (7)(C) (OPR)

Cc: (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please see the below email. I was just informed that twitter is challenging the summons in court unless we withdraw it in the next 48hrs.

Please advice

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 11:10:29 PM

To: (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

We are now representing Twitter in connection with the Section 1509 summons concerning the @alt_uscis account. Please direct any further communications on this matter to my attention.

As (b) (6), (b) (7)(C) has indicated, Twitter has significant concerns regarding the summons, and Twitter intends to file a challenge to the summons in court unless it is withdrawn within 48 hours of (b) (6), (b) (7)(C) email to you earlier today.

The language of 19 U.S.C. § 1509 indicates that a summons such as this may be used to compel the production of records only when the agency is engaged in an investigation relating to compliance with laws concerning imported merchandise. In addition, the types of records whose production may be compelled by such a summons are narrowly defined in §§ 1508 and 1509—again, as limited to records relating to imported merchandise. You have not provided Twitter with any basis to conclude that either the purpose of the summons, or the type of the records it demands Twitter to produce, fall within these statutory parameters.

In addition, Twitter is concerned that the summons infringes the First Amendment rights of its users to speak pseudonymously on the Twitter platform and Twitter's own First Amendment rights to host such speech. Because enforcement of the summons would impact one or more Twitter users who have been using Twitter's service to engage in criticism of the government without disclosing their real identities, the First Amendment interests at stake here are heightened. Twitter believes that, under the First Amendment, there should be no enforcement of the summons absent an evidentiary showing by CBP that that some criminal or civil offense has been committed, that unmasking the users' identity is the least restrictive means for investigating that offense, that the agency's demand for this information is not motivated by a desire to suppress free speech, and that the interests of pursuing that investigation outweigh the important free speech rights of Twitter and its users. Your communications to Twitter have not indicated that such a showing can be made in these circumstances.

Regards,

(b) (6), (b) (7)(C) WilmerHale

(b) (6), (b) (7)(C)

Washington, DC 20006 USA

(b) (6), (b) (7)(C)(t)

(f)

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Date: Tue, Apr 4, 2017 at 11:45 AM

Subject: RE: The Summons for Twitter account

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Per our phone conversation, CBP had no intention of acquiring a non-disclosure and that we did not have an issue if twitter notified the account holder. I also understand that your question of legal attority was cleared up and that you understood that it was within the scope.

That is because if a person or group is using Twitter to release controlled information or message ways around laws that CBP is responsible to enforce it would fall under that summons.

Are you now saying that you do not feel that the summons is not valid?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Tuesday, April 04, 2017 7:12:31 PM

To: (b) (6), (b) (7)(C)

Subject: Re: The Summons for Twitter account

Agent (b) (6), (b) (7)

Please be advised that consistent with my last email, we provided notice to the user of the @alt_uscis account of your request for account information. Due to unresolved concerns regarding the legality of the summons, we have also notified the user that it is our intent to file a challenge in the next 48 hours unless the summons is withdrawn. Please notify Twitter as soon as possible in writing if you would like to withdraw the summons.

Best regards,

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

wrote:

Agent (b) (6), (b) (7)

Thanks for your email. Just to clarify, as I explained to you on the phone, Twitter has a policy of providing notice to our users of requests for their account information. We do not provide notice if we receive a valid non-disclosure order issued under 18 U.S.C. 2705(b). As I understand your message, you are confirming for me that CPB does not plan to obtain such an order. As such, we will proceed with notice on Monday. We do not view user notice as having any bearing any objections to the summons that the user or Twitter may have.

Best regards,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:45 AM, (b) (6), (b) (7)(C)

(b) (7)(C)

wrote:

(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advise you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (6), (b) (7)(C)

Special Agent | OFFICE OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S. CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C)

Cellular (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Electronic

Mail (b) (6), (b) (7)(C)

(b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 1:57 PM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Hi (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

Thanks!

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Attorney (Ethics, Labor and Employment)
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

Work: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Fax: (b) (6), (b) (7)(C)

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-----Original Message-----

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 1:48 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

Thank you.

(b) (6), (b) (7)(C)

Deputy Associate Chief Counsel
(Enforcement & Operations)
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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-----Original Message-----

From: (b) (6), (b) (7)(C)

Sent: Wednesday, April 05, 2017 1:42 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

Hi (b) (6), (b) (7)(C)

(b) (5)

Thank you,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Attorney (Ethics, Labor and Employment)

Office of Chief Counsel

U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

Work: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Fax:

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-----Original Message-----

From (b) (6), (b) (7)(C)

Sent: Wednesday, April 05, 2017 1:40 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

ERICK K (OPR) (b) (6), (b) (7)(C)

FUNN,

Subject: RE: The Summons for Twitter account

Terrific! Thanks!

-----Original Message-----

From: (b) (6), (b) (7)(C) (OPR)

Sent: Wednesday, April 05, 2017 1:38 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

FUNN,

ERICK K (OPR) (b) (6), (b) (7)(C)

Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Thanks for your efforts.

(b) (5), (b) (6), (b) (7)(C)

Respectfully,

(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection

cell (b) (6), (b) (7)(C)

email: (b) (6), (b) (7)(C)

-----Original Message-----

From: (b) (6), (b) (7)(C)

Sent: Wednesday, April 05, 2017 1:28 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

FUNN, ERICK K (OPR) (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

Importance: High

Hi (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

Thanks so much.

VR,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Deputy Associate Chief Counsel
Ethics, Labor and Employment
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C)

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-----Original Message-----

From: (b) (6), (b) (7)(C) (OPR)

Sent: Wednesday, April 05, 2017 9:57 AM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
<(b) (6), (b) (7)(C)>
K (OPR) (b) (6), (b) (7)(C) FUNN, ERICK

Subject: FW: The Summons for Twitter account
Importance: High

Good morning (b) (6), (b) (7)(C)

(b) (5)

At your convenience, could we discuss this issue? Thank you.

(b) (6), (b) (7)(C)

(b) (7)(E)

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--

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 1:30 PM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Would you please give me a call at (b) (6), (b) (7)(C)

Thank you

(b) (7)(C),
(b) (6)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 7:12:31 PM
To: (b) (6), (b) (7)(C)
Subject: Re: The Summons for Twitter account

Agent (b) (7)(C),
(b) (6)

Please be advised that consistent with my last email, we provided notice to the user of the @alt_uscis account of your request for account information. Due to unresolved concerns regarding the legality of the summons, we have also notified the user that it is our intent to file a challenge in the next 48 hours unless the summons is withdrawn. Please notify Twitter as soon as possible in writing if you would like to withdraw the summons.

Best regards,

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM, (b) (6), (b) (7)(C) wrote:
Agent (b) (6), (b) (7)(C)

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Best regards,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:45 AM, (b) (7)(C), (b) (6)

(b) (6), (b) (7)(C) wrote:

(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advice you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (6), (b) (7)(C)

Special Agent | OFFICE OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S. CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C) Cellular (b) (6), (b) (7)(C) Electronic Mail
(b) (6), (b) (7)(C)

(b) (7)(E)

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--

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 12:48 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: The Summons for Twitter account

Thank you.

(b) (6), (b) (7)(C)

Deputy Associate Chief Counsel
(Enforcement & Operations)
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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-----Original Message-----

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 1:42 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Hi (b) (6), (b) (7)(C)

(b) (5)

Thank you,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Attorney (Ethics, Labor and Employment)
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

Work: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Fax:

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-----Original Message-----

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 1:40 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) FUNN,
ERICK K (OPR) (b) (6), (b) (7)(C)

Subject: RE: The Summons for Twitter account

Terrific! Thanks!

-----Original Message-----

From: (b) (6), (b) (7)(C) (OPR)
Sent: Wednesday, April 05, 2017 1:38 PM
To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) FUNN,
ERICK K (OPR) (b) (6), (b) (7)(C)

Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Thanks for your efforts. (b) (5), (b) (6), (b) (7)(C)

Respectfully,

(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
Investigative Operations Division
Office of Professional Responsibility
U.S. Customs and Border Protection

cell: (b) (6), (b) (7)(C)
email: (b) (6), (b) (7)(C)

-----Original Message-----

From: (b) (6), (b) (7)(C)

Sent: Wednesday, April 05, 2017 1:28 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

FUNN, ERICK K (OPR) (b) (6), (b) (7)(C)

Subject: FW: The Summons for Twitter account

Importance: High

Hi (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

Thanks so much.

VR

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Deputy Associate Chief Counsel
Ethics, Labor and Employment
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

Washington, D.C. 20229

(b) (6), (b) (7)(C) (tel)

(b) (6), (b) (7)(C) (fax)

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-----Original Message-----

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 10:25 AM
To: (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

T4 no worries....just wanted to make sure we helped push. I really never thought they applied either, but in a round about way it can be articulated how these cases affect trade.....something for the legal beagles.

Best Regards,

(b) (6), (b) (7)(C)
Assistant Special Agent in Charge

- (b) (6), (b) (7)(C) Washington Office
- (b) (6), (b) (7)(C) Miami Office
- (b) (6), (b) (7)(C) Cellular
- (b) (6), (b) (7)(C) Miami Lab
- (b) (6), (b) (7)(C)

U.S. Customs & Border Protection
Office of Professional Responsibility
Investigative Operations Division

(b) (7)(E)
(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 9:14 AM
To: (b) (6), (b) (7)(C)
FUNN, ERICK K (OPR) <(b) (6), (b) (7)(C)>
(b) (6), (b) (7)(C)
(b) (7)(C), (b) (6) (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

I provided a (b) (6) a contact with OCC. This push back is nothing new with these summonses. ICE tried it with several tech companies in 2016 and some complied, but Google pushed back with a similar argument.

(b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)
Desk: (b) (6), (b) (7)(C)

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knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record or thing of value to the U.S. Customs and Border Protection shall be fined or imprisoned not more than ten (10) years pursuant to 18 USC 641.

From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 05, 2017 8:46 AM
To: (b) (6), (b) (7)(C)
FUNN, ERICK K (OPR) <(b) (6), (b) (7)(C)>
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Subject: RE: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please leverage our OCC contacts and work with (b) (6), (b) (7) to address the response from twitter in the email string below.

Thanks.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C) (OPR)
Sent: Wednesday, April 05, 2017 4:40:01 AM
To: FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Subject: FW: The Summons for Twitter account

Fysa
We may need to engage OCC.

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:14:46 PM
To: (b) (6), (b) (7)(C) (OPR)
Cc: DOWNEY, JAMES F (OPR)
Subject: FW: The Summons for Twitter account

(b) (6), (b) (7)(C)

Please see the below email. I was just informed that twitter is challenging the summons in court unless we withdraw it in the next 48hrs.

Please advice

(b) (6),
(b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 11:10:29 PM
To: (b) (7)(C), (b) (6)
Subject: FW: The Summons for Twitter account

Agent (b) (7)(C),
(b) (6)

We are now representing Twitter in connection with the Section 1509 summons concerning the @alt_uscis account. Please direct any further communications on this matter to my attention.

As (b) (6), (b) (7)(C) has indicated, Twitter has significant concerns regarding the summons, and Twitter intends to file a challenge to the summons in court unless it is withdrawn within 48 hours of (b) (6), (b) (7)(C) email to you earlier today.

The language of 19 U.S.C. § 1509 indicates that a summons such as this may be used to compel the production of records only when the agency is engaged in an investigation relating to compliance with laws concerning imported merchandise. In addition, the types of records whose production may be compelled by such a summons are narrowly defined in §§ 1508 and 1509—again, as limited to records relating to imported merchandise. You have not provided Twitter with any basis to conclude that either the purpose of the summons, or the type of the records it demands Twitter to produce, fall within these statutory parameters.

In addition, Twitter is concerned that the summons infringes the First Amendment rights of its users to speak pseudonymously on the Twitter platform and Twitter's own First Amendment rights to host such speech. Because enforcement of the summons would impact one or more Twitter users who have been using Twitter's service to engage in criticism of the government without disclosing their real identities, the First Amendment interests at stake here are heightened. Twitter believes that, under the First Amendment, there should be no enforcement of the summons absent an evidentiary showing by CBP that some criminal or civil offense has been committed, that unmasking the users' identity is the least restrictive means for investigating that offense, that the agency's demand for this information is not motivated by a desire to suppress free speech, and that the interests of pursuing that investigation outweigh the important free speech rights of Twitter and its users. Your communications to Twitter have not indicated that such a showing can be made in these circumstances.

Regards,

(b) (6), (b) (7)(C) WilmerHale
(b) (6), (b) (7)(C)

Washington, DC 20006 USA

(b) (6), (b) (7)(C)(t)
(f)

(b) (6), (b) (7)(C)

----- Forwarded message -----

From: (b) (7)(C), (b) (6) (b) (6), (b) (7)(C)
Date: Tue, Apr 4, 2017 at 11:45 AM
Subject: RE: The Summons for Twitter account
To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Per our phone conversation, CBP had no intention of acquiring a non-disclosure and that we did not have an issue if twitter notified the account holder. I also understand that your question of legal attority was cleared up and that you understood that it was within the scope.

That is because if a person or group is using Twitter to release controlled information or message ways around laws that CBP is responsible to enforce it would fall under that summons.

Are you now saying that you do not feel that the summons is not valid?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 04, 2017 7:12:31 PM
To: (b) (6), (b) (7)(C)
Subject: Re: The Summons for Twitter account

Agent (b) (6), (b) (7)(C)

Please be advised that consistent with my last email, we provided notice to the user of the @alt_uscis account of your request for

account information. Due to unresolved concerns regarding the legality of the summons, we have also notified the user that it is our intent to file a challenge in the next 48 hours unless the summons is withdrawn. Please notify Twitter as soon as possible in writing if you would like to withdraw the summons.

Best regards,

(b) (6), (b) (7)(C)

On Sun, Apr 2, 2017 at 11:14 AM, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Agent (b) (6), (b) (7)(C)

Thanks for your email. Just to clarify, as I explained to you on the phone, Twitter has a policy of providing notice to our users of requests for their account information. We do not provide notice if we receive a valid non-disclosure order issued under 18 U.S.C. 2705(b). As I understand your message, you are confirming for me that CPB does not plan to obtain such an order. As such, we will proceed with notice on Monday. We do not view user notice as having any bearing any objections to the summons that the user or Twitter may have.

Best regards,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C), (b) (7)(E)

On Fri, Mar 31, 2017 at 8:45 AM, (b) (7)(C), (b) (6)

(b) (6), (b) (7)(C)

wrote:

(b) (6), (b) (7)(C)

Per our phone conversation, I wanted to advice you that as long as CBP gets the requested information from twitter, I'm ok with twitter notifying the account holder. If you would like you can email the requested information to me as well.

Thank you again for all the help,

(b) (6), (b) (7)(C)

Special Agent | OFFICE OF PROFESSIONAL RESPONSIBILITY | DEPARTMENT OF HOMELAND SECURITY | U.S. CUSTOMS AND BORDER PROTECTION

Office (b) (6), (b) (7)(C)

Cellular (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Electronic

Mail (b) (6), (b) (7)(C)

(b) (7)(E)

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(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

Associate General Counsel - Global Law Enforcement

(b) (6), (b) (7)(C) San Francisco | CA, 94103

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, March 02, 2017 3:06 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results EOC (b) (7)(E)

Follow Up Flag: Follow up
Flag Status: Flagged

(b) (6), (b) (7)(C)

Has access to (b) (7)(E).

Best Regards,

(b) (6), (b) (7)(C)
Assistant Special Agent in Charge

(b) (6), (b) (7)(C)
Washington Office
Miami Office
Cellular
Miami Lab

(b) (6), (b) (7)(C)

U.S. Customs & Border Protection
Office of Professional Responsibility
Investigative Operations Division

(b) (7)(E)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, March 02, 2017 10:31 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Search results EOC (b) (7)(E)

FYSA
Thanks,

(b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)
(Sent via Good Enterprise)

From: (b) (6), (b) (7)(C)
Sent: Thursday, March 02, 2017 8:29:09 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results EOC (b) (7)(E)

Thanks

From: (b) (6), (b) (7)(C)
Sent: Thursday, March 02, 2017 10:26 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results EOC (b) (7)(E)

No problem. On official travel.

I have them saved to my share. When I get a chance I can move them to (b) (7)(E) where you need (b) (6), (b) (7)(C) give you access too.

Thanks,

(b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)
(Sent via Good Enterprise)

From: (b) (6), (b) (7)(C)
Sent: Thursday, March 02, 2017 8:16:02 AM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results EOC (b) (7)(E)

(b) (6), (b) (7)(C)

Sorry to bother you since you are on leave, but this link is not working for me. Are they saved somewhere that I can have access to? Also, are they or have they sent you updated files?

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Wednesday, March 01, 2017 3:53 PM
To: (b) (6), (b) (7)(C)
Subject: FW: Search results EOC (b) (7)(E)

(b) (6), (b) (7)(C) see if the link is still good. I do have them downloaded on my end.

(b) (6), (b) (7)(C)
Cell: (b) (6), (b) (7)(C)
Desk: (b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 6:32 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results EOC (b) (7)(E)

Hi (b) (6), (b) (7)(C)

Your recovered emails have been successfully copied to the following location:

(b) (7)(E)

From the TRUMP TRUMP TRUMP TRUMP subject search there are (b) (7)(E) email messages. A search using @tuta.io was run. There were (b) (7)(E) email messages with name@tuta.io (where name means user name, and some were found in the attachments). The results from that search were copied to the (b) (7)(E)

Click on the above link to access your PST files and copy to a location/folder on your (b) (7)(E) Each individual PST file will need to be copied.

Once the files have been copied to the new location you can access them in Outlook by doing the following:

To open the .PST file, open your Outlook and select File/Open/ Outlook Data File and browse to the new folder on your C drive all of the recovered messages will be found in a folder called "Root Items". Select that folder by clicking on it. You will now be able to view your emails in Outlook and move to any folder of your choice.

If you have any issues, please let me know. The searches will be run again tomorrow morning once the index on (b) (7)(E) is fixed.

I will be leaving for the night shortly, but will monitor my cell phone in case you see something else to be run.

Sincerely,

(b) (6), (b) (7)(C)

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)
(w) (b) (6), (b) (7)(C) (c) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Thursday, February 23, 2017 6:08 PM

To: (b) (6), (b) (7)(C)

Subject: RE: Search results

I see. So no full address. No need to see them.

Thanks,

(b) (6), (b) (7)(C)

Cell (b) (6), (b) (7)(C)

Desk: (b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)

Sent: Thursday, February 23, 2017 6:07 PM

To: (b) (6), (b) (7)(C)

Subject: RE: Search results

It was searched in all contents, meaning searching all messages to and from fuckcbp@tuta.io. All messages that contained tuta.io (there were several hits, but none containing the full email address). Did you want to see those results? I can re-run that search.

And the last search using "TRUMP TRUMPTRUMP TRUMP TRUMPTRUMPTRUMP" in the body did not net any results. But all of the searches will be re-run tomorrow because of the issue on (b) (7)(E)

(b) (6), (b) (7)(C)

(b) (7)(E)

Office of Information and Technology (OIT)

Enterprise Services (ES)

U.S. Customs and Border Protection (CBP)

(w/ (b) (6), (b) (7)(C) (c) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Thursday, February 23, 2017 6:04 PM

To: (b) (6), (b) (7)(C)

Subject: RE: Search results

(b) (6), (b) (7)(C)

Can you tell me in what context "tuta.io" was used? I think running "TRUMP TRUMPTRUMP TRUMP TRUMPTRUMPTRUMP" in the body would be great.

Thanks for the assistance!

(b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Desk (b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)

Sent: Thursday, February 23, 2017 5:49 PM

To: (b) (6), (b) (7)(C) COLE, ALMA R. (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C) (b) (7)(E) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Subject: Search results

Good Evening All:

OPR just reached out to eDiscovery as well. A back page was given so an additional search was conducted. Four searches have been run. Below is a screen shot of the results. The time frame for each search starts November 1, 2016 and the end date is today, February 23, 2017.

There is an issue (b) (7)(E)

As of right now here are the search results.

From	Subject	Submitter	Date
(b) (7)(E)	hunger games	(b) (6), (b) (7)(C)	2/23/2017 5:32:00...
(b) (7)(E)	ALT USCIS	(b) (6), (b) (7)(C)	2/23/2017 5:11:00...
(b) (7)(E)	tuta.io	(b) (6), (b) (7)(C)	2/23/2017 5:08:00...
(b) (7)(E)	TRUMP (Multip...	(b) (6), (b) (7)(C)	2/23/2017 5:02:00...

(b) (7)(E)

For the search concerning TRUMP, in the subject line the scope of the search was "TRUMP TRUMP TRUMP TRUMP". The (b) (7)(E) hits include duplicates sent from Bulletin Intelligence. For the email address there were no hits. If only tuta.io was used there were hits, but not including fuckcbp.tuta.io. There was on hit for AltImmigration@ALT USCIS. That email was from Mr. Flanagan to Mr. McAleenan. The last search used "redneck bruh hunger games". (b) (7)(E)

Another search for content can be run using TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP to see if there are any different results.

Sincerely,
(b) (6), (b) (7)(C)

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)
(w) (b) (6), (b) (7)(C) (c) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 5:00 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Email Legality of search request

Yes, I am with (b) (6), (b) (7)(C) now. Thanks.

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 4:57:02 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Email Legality of search request

Good Evening (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) sent this email coming from (b) (6), (b) (7)(C) to ascertain how wide spread the 3 attachments may have through CBP. I wanted to make you aware of this request for its legality. In a conversation with (b) (6), (b) (7)(C) all

(b) (7)(E)

Sincerely,

(b) (6), (b) (7)(C)

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)
(w) (b) (6), (b) (7)(C) (c) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 4:21 PM
To: (b) (7)(E) TEAM (b) (7)(E)
Subject: FW: Email
Importance: High

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 4:12 PM
To: (b) (6), (b) (7)(C) CBP SOC (b) (7)(E)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Email
Importance: High

I want these email subjects searched for in (b) (7)(E)
Who can do this?

(b) (6), (b) (7)(C)

From: LANDFRIED, PHIL A
Sent: Thursday, February 23, 2017 3:50 PM
To: (b) (6), (b) (7) (b) (6), (b) (7)(C)
Subject: FW: Email

Not sure what do with this one. Hopefully you have some Ideas

Thanks.

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 3:48 PM
To: LANDFRIED, PHIL A (b) (6), (b) (7)(C); KARISCH, RODOLFO (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Email

AC LANDFRIED and AC KARISCH,

Please see attached from Twitter Account Alt Immigration.

It purports to have a series of emails from 5 CBPOs.

(b) (5), (b) (7)(E)

The initial data dump appears to be a single email chain, but the tweet indicates more emails to come.

Additionally, the third attachment is a tweet I sent to AC KARISCH earlier today, indicating the group is willing to pay for negative information on our employees.

Thank you for looking into the matter.

V/R

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Notice: FOR OFFICIAL USE ONLY - this transmission contains material covered by the Privacy Act of 1974 and should be viewed only by personnel having an official "need to know." If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify me immediately by email and delete the original message.

From: (b) (6), (b) (7)(C)

Sent: Thursday, February 23, 2017 3:24 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

Subject: Email

Good afternoon,

The information you requested is attached. Please let me know if you need anything else.

Thanks!

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Office of Public Affairs

U.S. Customs and Border Protection

Office: (b) (6), (b) (7)(C) Cell (b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 5:40 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results EOC (b) (7)(E)

You too!

(b) (6), (b) (7)(C)

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)
(w/ (b) (6), (b) (7)(C) (c) (b) (6), (b) (7)(C))

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 6:36 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results EOC (b) (7)(E)

Thanks. Have a good night.

(b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)
Desk: (b) (6), (b) (7)(C)

Important: This document contains U.S. Customs and Border Protection information and records that may be confidential and sensitive. U.S. Customs and Border Protection has not approved this documents review, retransmission, dissemination, or use by anyone other than the intended recipient(s) listed above, please deliver immediately to the intended recipient(s). Anyone who steals, knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record or thing of value to the U.S. Customs and Border Protection shall be fined or imprisoned not more then ten (10) years pursuant to 18 USC 641.

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 6:32 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results EOC (b) (7)(E)

Hi (b) (6), (b) (7)(C)

Your recovered emails have been successfully copied to the following location:

(b) (7)(E)

From the TRUMP TRUMP TRUMP TRUMP subject search there are (b) (7)(E) email messages. A search using @tuta.io was run. There were (b) (7)(E) email messages with [name@tuta.io](#) (where name means user name, and some were found in the attachments). The results from that search were copied to the (b) (7)(E)

Click on the above link to access your PST files and copy to a location/folder on your (b) (7)(E) Each individual PST file will need to be copied.

Once the files have been copied to the new location you can access them in Outlook by doing the following:

To open the .PST file, open your Outlook and select File/Open/ Outlook Data File and browse to the new folder on your C drive all of the recovered messages will be found in a folder called "Root Items". Select that folder by clicking on it. You will now be able to view your emails in Outlook and move to any folder of your choice.

If you have any issues, please let me know. The searches will be run again tomorrow morning once the index on (b) (7)(E) is fixed.

I will be leaving for the night shortly, but will monitor my cell phone in case you see something else to be run.

Sincerely,

(b) (6), (b) (7)(C)

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)
(w) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 6:08 PM
To: (b) (6), (b) (7)(C) >
Subject: RE: Search results

I see. So no full address. No need to see them.

Thanks,

(b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)
Desk (b) (6), (b) (7)(C)

Important: This document contains U.S. Customs and Border Protection information and records that may be confidential and sensitive. U.S. Customs and Border Protection has not approved this documents review, retransmission, dissemination, or use by anyone other than the intended recipient(s) listed above, please deliver immediately to the intended recipient(s). Anyone who steals, knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record or thing of value to the U.S. Customs and Border Protection shall be fined or imprisoned not more then ten (10) years pursuant to 18 USC 641.

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 6:07 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results

It was searched in all contents, meaning searching all messages to and from fuckcbp@tuta.io. All messages that contained tuta.io (there were several hits, but none containing the full email address). Did you want to see those results? I can re-run that search.

And the last search using "TRUMP TRUMPTRUMP TRUMP TRUMPTRUMPTRUMP" in the body did not net any results. But all of the searches will be re-run tomorrow because of the issue on (b) (7)(E)

(b) (6), (b) (7)(C)

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)
(w) (b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 6:04 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search results

(b) (6), (b) (7)(C)

Can you tell me in what context "tuta.io" was used? I think running "TRUMP TRUMPTRUMP TRUMP TRUMPTRUMPTRUMP" in the body would be great.

Thanks for the assistance!

(b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)
Desk: (b) (6), (b) (7)(C)

Important: This document contains U.S. Customs and Border Protection information and records that may be confidential and sensitive. U.S. Customs and Border Protection has not approved this documents review, retransmission, dissemination, or use by anyone other than the intended recipient(s) listed above, please deliver immediately to the intended recipient(s). Anyone who steals, knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record or thing of value to the U.S. Customs and Border Protection shall be fined or imprisoned not more then ten (10) years pursuant to 18 USC 641.

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 5:49 PM
To: (b) (6), (b) (7)(C) (b) (6), (b) (7) (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) (b) (7)(E) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Subject: Search results

Good Evening All:

OPR just reached out to eDiscovery as well. A back page was given so an additional search was conducted. Four searches have been run. Below is a screen shot of the results. The time frame for each search starts November 1, 2016 and the end date is today, February 23, 2017.

There is an issue with (b) (7)(E)
As of right now here are the search results.

FROM	SUBJECT	DATE
(b) (7)(E)	hunger games	(b) (6), (b) (7)(C) 2/23/2017 5:32:00...
(b) (7)(E)	ALT USCIS	2/23/2017 5:11:00...
(b) (7)(E)	tuta.io	2/23/2017 5:08:00...
(b) (7)(E)	TRUMP (Multip...	2/23/2017 5:02:00...

(b) (7)(E)

For the search concerning TRUMP, in the subject line the scope of the search was "TRUMP TRUMP TRUMP TRUMP". The 204 hits include duplicates sent from Bulletin Intelligence. For the email address there were no hits. If only tuta.io was used there were hits, but not including fuckcbp.tuta.io. There was one hit for AltImmigration@ALT_USCIS. That email was from (b) (6), (b) (7)(C) to Mr. McAleenan. The last search used "redneck bruh hunger games". There were no hits.

Another search for content can be run using TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP to see if there are any different results.

Sincerely,

(b) (6), (b) (7)(C)

(b) (7)(E)

Office of Information and Technology (OIT)
 Enterprise Services (ES)
 U.S. Customs and Border Protection (CBP)
 (w) (b) (6), (b) (7)(C) (c) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
 Sent: Thursday, February 23, 2017 5:00 PM
 To: (b) (6), (b) (7)(C)
 Subject: RE: Email Legality of search request

Yes, I am with (b) (6), (b) (7)(C) now. Thanks.

From: (b) (6), (b) (7)(C)
 Sent: Thursday, February 23, 2017 4:57:02 PM
 To: (b) (6), (b) (7)(C)
 Cc: (b) (6), (b) (7)(C)
 Subject: FW: Email Legality of search request

Good Evening (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) sent this email coming from (b) (6), (b) (7)(C) to ascertain how wide spread the 3 attachments may have gone through CBP. I wanted to make you aware of this request for its legality. In a conversation with (b) (6), (b) (7)(C) all (b) (7)(E)

Sincerely,

(b) (6), (b) (7)(C)

(b) (7)(E)

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)
(w) (b) (6), (b) (7)(C) (c) (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 4:21 PM
To: (b) (6), (b) (7)(C)
Subject: FW: Email
Importance: High

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 4:12 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Email
Importance: High

I want these email subjects searched for in (b) (7)(E)
Who can do this?

(b) (6), (b) (7)(C)

From: LANDFRIED, PHIL A
Sent: Thursday, February 23, 2017 3:50 PM
To: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Subject: FW: Email

Not sure what do with this one. Hopefully you have some Ideas

Thanks

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 3:48 PM
To: LANDFRIED, PHIL A <(b) (6), (b) (7)(C)> KARISCH, RODOLFO (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Email

AC LANDFRIED and AC KARISCH,

Please see attached from Twitter Account Alt Immigration.

It purports to have a series of emails from 5 CBPOs.

(b) (5), (b) (7)(E)

The initial data dump appears to be a single email chain, but the tweet indicates more emails to come.

Additionally, the third attachment is a tweet I sent to AC KARISCH earlier today, indicating the group is willing to pay for negative information on our employees.

Thank you for looking into the matter.

V/R
Patrick

Patrick Flanagan
(b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 3:24 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: Email

Good afternoon,

The information you requested is attached. Please let me know if you need anything else.

Thanks!
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
Office of Public Affairs
U.S. Customs and Border Protection
Office: (b) (6), (b) (7)(C) Cell: (b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:14 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

No worries. (b) (6), (b) (7)(C) and I have connected on the issue. Thanks,

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:40 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

Sir – Unfortunately I got a call from a committee staffer right after I hung up with you, and I think I missed your call. Were you and (b) (6), (b) (7)(C) able to connect about this issue?

V/r,

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 2:18 PM
To: (b) (6), (b) (7)(C)
Subject: Question on CBP response to Senators Gardner and Lee
Importance: High

(b) (6), (b) (7)(C)

I just spoke with (b) (6), (b) (7)(C) who pointed me in your direction. I have a question about the attached letter/response to Senators Gardner and Lee regarding CBP request for information from private companies. The letter references Twitter and the “@ALT_USCIS” account, but asks specifically for information about various practices/policies (not about information regarding that specific incident).

The response is sitting with PLCY for clearance, but I’m concerned it’s not directly responsive, which will lead to additional inquiries. Do either of you have time for a quick call this afternoon or tomorrow?

Thanks,

(b) (6), (b) (7)(C)

Acting Chief of Staff, Office of Policy
Department of Homeland Security

(b) (6), (b) (7)(C) (O) (b) (6), (b) (7)(C) (M)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:08 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

Thanks!

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 4:06 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

(b) (6), (b) (7)(C)

Sounds good. I just sent an updated invite for noon tomorrow Thank you

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:53 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

Absolutely. I'm around all day (between 8:30 and 4:00), except from 10-11 and from 1-1:30.

(b) (5)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:44 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Question on CBP response to Senators Gardner and Lee
Importance: High

Hi (b) (6), (b) (7)(C)

DHS received another congressional inquiry regarding the Twitter case. This letter is for the Secretary's signature. CBP proposed the same response we sent to Senator Wyden earlier this month, however, it isn't completely responsive. I am including (b) (6), (b) (7)(C) from DHS Policy. I think it may be helpful if we have a follow up conversation regarding an appropriate response regarding this letter and if we receive others so that we are on the same page. Are you available for a call tomorrow?

Thank you

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Acting Assistant Commissioner
Office of Congressional Affairs
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Thursday, April 20, 2017 2:18 PM

To: (b) (6), (b) (7)(C)

Subject: Question on CBP response to Senators Gardner and Lee

Importance: High

(b) (6), (b) (7)(C)

I just spoke with (b) (6), (b) (7)(C) who pointed me in your direction. I have a question about the attached letter/response to Senators Gardner and Lee regarding CBP request for information from private companies. The letter references Twitter and the “@ALT_USCIS” account, but asks specifically for information about various practices/policies (not about information regarding that specific incident).

The response is sitting with PLCY for clearance, but I’m concerned it’s not directly responsive, which will lead to additional inquiries. Do either of you have time for a quick call this afternoon or tomorrow?

Thanks,

(b) (6), (b) (7)(C)

ice of Policy

Department of Homeland Security

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:27 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Question on CBP response to Senators Gardner and Lee

Great. Thanks.

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 4:17 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Question on CBP response to Senators Gardner and Lee

Sure thing, I will move it to 4 pm

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 4:16 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Question on CBP response to Senators Gardner and Lee

(b) (6), (b) (7)(C)

I am actually traveling tomorrow. My flight leaves at 12:30 and I'll be on the ground around 2:45. Could we push the call up to sometime between 9-11, or sometime after 3:30?

Thanks,

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 4:06 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Question on CBP response to Senators Gardner and Lee

(b) (6), (b) (7)(C)

Sounds good. I just sent an updated invite for noon tomorrow Thank you

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:53 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Question on CBP response to Senators Gardner and Lee

Absolutely. I'm around all day (between 8:30 and 4:00), except from 10-11 and from 1-1:30.

(b) (5)

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:44 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Question on CBP response to Senators Gardner and Lee
Importance: High

Hi (b) (6), (b) (7)(C)

DHS received another congressional inquiry regarding the Twitter case. This letter is for the Secretary's signature. CBP proposed the same response we sent to Senator Wyden earlier this month, however, it isn't completely responsive. I am including (b) (6), (b) (7)(C) from DHS Policy. I think it may be helpful if we have a follow up conversation regarding an appropriate response regarding this letter and if we receive others so that we are on the same page. Are you available for a call tomorrow?

Thank you

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Acting Assistant Commissioner
Office of Congressional Affairs
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 2:18 PM
To: (b) (6), (b) (7)(C)
Subject: Question on CBP response to Senators Gardner and Lee
Importance: High

(b) (6), (b) (7)(C)

I just spoke with (b) (6), (b) (7)(C) who pointed me in your direction. I have a question about the attached letter/response to Senators Gardner and Lee regarding CBP request for information from private companies. The letter references Twitter and the "@ALT_USCIS" account, but asks specifically for information about various practices/policies (not about information regarding that specific incident).

The response is sitting with PLCY for clearance, but I'm concerned it's not directly responsive, which will lead to additional inquiries. Do either of you have time for a quick call this afternoon or tomorrow?

Thanks,

(b) (6), (b) (7)(C)

Acting Chief of Staff, Office of Policy
Department of Homeland Security

(b) (6), (b) (7)(C)

(b) (5)

|
|

(b) (5)

United States Senate
WASHINGTON, DC 20510

SCANNED/RECEIVED
BY ESEC SEC

2017 APR -7 PM 4:49

April 7, 2017

The Honorable John F. Kelly
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20528

Dear Secretary Kelly:

We are writing to request clarification about U.S. Customs and Border Protection's (CBP's) internal protocols for ordering that private companies divulge their customers' names, addresses, account holder details, or any other personally identifiable information.

Recent news reports allege that a Special Agent in Charge at CBP ordered Twitter to reveal the identity of a Twitter user who operates a parody account called @ALT_USCIS. That Twitter user frequently criticizes the government's policies, specifically those policies in place at DHS and CBP. In order to better understand how and why CBP requests such information, please answer the following questions:

1. Under what statutory authority may CBP pursue agency investigations of private companies, their customers, or individuals? If DHS believes such CBP investigations may rely on multiple provisions of law, please list all that apply.
2. How many requests has CBP made of private companies for their customers' personally identifiable information or any other information that might otherwise lead CBP to the identity of any of those companies' customers?
3. Is there any official established policy at DHS or CBP that provides guidance to officials within CBP on when and whether such requests should be made? If so, please provide a reference to that specific policy and if not, please indicate how such decisions are made.
4. Prior to requesting that private companies divulge their customers' personally identifiable information or other details about their customers, does CBP pursue any other courses of action to attempt to complete their investigation without making such a request? If so, please detail what courses of action CBP typically takes prior to making such a request.
5. Is there any circumstance in which CBP would consider non-criminal speech a sole factor in whether to request that a private company divulge any of their customers' personally identifiable information or any other information that might otherwise lead CBP to the identity of any of those customers?

6. Are there instances outside of an official criminal or civil investigation in which CBP would request that a private company provide a customer's personally identifiable information or any other information that might otherwise lead CBP to the identity of that customer? If so, please provide examples of such instances.
7. Do DHS and CBP believe that an appropriate court order should be sought prior to requesting that a private company unmask the identity of one of their customers?

CBP must ensure that any properly authorized investigation does not disregard the rights to free speech enshrined in the First Amendment to the U.S. Constitution. Greater clarification as to how DHS and CBP approach such investigations will help the public understand your Department's level of commitment to those fundamental principles. We look forward to your prompt reply.

Sincerely,



Cory Gardner
U.S. Senator



Mike Lee
U.S. Senator

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 2:22 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

Hahahaha. Can't say OCA isn't trying to be responsive...

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:21 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

I just called him too ☺ He said he would call us back

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:20 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

(b) (6), (b) (7)(C) I just called him. He had someone in his office and he said he would call me back in 5 mins. Do you want me to direct him to you? Or handle?

V/r,

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:18 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

(b) (6), (b) (7)(C)

I can call (b) (6), (b) (7)(C)

Thanks

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 20, 2017 3:13 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Question on CBP response to Senators Gardner and Lee

Sir – I'll give you a call momentarily.

V/r,

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Sent: Thursday, April 20, 2017 2:18 PM

To: (b) (6), (b) (7)(C)

Subject: Question on CBP response to Senators Gardner and Lee

Importance: High

(b) (6), (b) (7)(C)

I just spoke with (b) (6), (b) (7)(C) who pointed me in your direction. I have a question about the attached letter/response to Senators Gardner and Lee regarding CBP request for information from private companies. The letter references Twitter and the “@ALT_USCIS” account, but asks specifically for information about various practices/policies (not about information regarding that specific incident).

The response is sitting with PLCY for clearance, but I’m concerned it’s not directly responsive, which will lead to additional inquiries. Do either of you have time for a quick call this afternoon or tomorrow?

Thanks,

(b) (6), (b) (7)(C)

Acting Chief of Staff, Office of Policy
Department of Homeland Security

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

From: KARISCH, RODOLFO
Sent: Friday, April 07, 2017 2:06 PM
To: FUNN, ERICK K (OPR)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Statement

I like it and will forward to (b) (6), (b) (7)(C)

Thanks,

Rudy

From: FUNN, ERICK K (OPR)
Sent: Friday, April 7, 2017 3:03 PM
To: KARISCH, RODOLFO (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Sir

(b) (6), (b) (7)(C) and I propose the below. Please feel free to include or ignore our recommendations and you deem appropriate.

Erick

<BEGIN>

(b) (5)

From: (b) (6), (b) (7)(C)

Sent: Friday, April 7, 2017 1:38 PM

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) COUREY, MARC BENNETT (OCC)
(b) (6), (b) (7)(C) KARISCH, RODOLFO (b) (6), (b) (7)(C)

Subject: Statement

This gets us started. Appreciate any and all input.

(b) (6), (b) (7)(C)

Working Draft Statement

(b) (5)



(b) (6), (b) (7)(C)

From: FUNN, ERICK K (OPR)
Sent: Friday, April 07, 2017 2:15 PM
To: KARISCH, RODOLFO
Subject: RE: Statement

Sir,

Saw one typo after sending. Moving too quickly.

Erick

(b) (5)

From: (b) (6), (b) (7)(C)

Sent: Friday, April 7, 2017 1:38 PM

To: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) COUREY, MARC BENNETT (OCC)

(b) (6), (b) (7)(C) KARISCH, RODOLFO (b) (6), (b) (7)(C)

Subject: Statement

This gets us started. Appreciate any and all input.

(b) (6), (b) (7)(C)

(b) (5)

(b) (5)



(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 18, 2017 9:49 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Signed Sen. Wyden letter and new incoming letter
Attachments: C1 Signed Response to RM Wyden.pdf; Incoming WF Gardner 04.07.17.pdf

(b) (6), (b) (7)(C)

Deputy Associate Chief Counsel
(Enforcement & Operations)
Office of Chief Counsel
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)
Sent: Tuesday, April 18, 2017 10:48 AM
To: (b) (6), (b) (7)(C)
Subject: FW: Signed Sen. Wyden letter and new incoming letter

(b) (6), (b) (7)(C)

Deputy Associate Chief Counsel (Enforcement and Operations)
Office of Chief Counsel
U.S. Customs and Border Protection

Desk: (b) (6), (b) (7)(C)

Mobile: (b) (6), (b) (7)(C)

Unclassified Email: (b) (6), (b) (7)(C)

JWICS: (b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)
Sent: Wednesday, April 12, 2017 5:04 PM
To: KARISCH, RODOLFO (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Cc:

(b) (6), (b) (7)(C)

Subject: Signed Sen. Wyden letter and new incoming letter

OPR and OCC,

Attached is the signed letter to Senator Wyden on this issue, which (b) (6), (b) (7)(C) is transmitting to the Hill presently.

Also attached is the new incoming letter from Senator Gardner and Senator Lee. We've also had phone calls (not a letter) from Senator McCaskill's office requesting information similar to "what Sen. Gardner and Sen. Lee's letter asked for."

OCA will verbally reach out to staffers on the limited communication we can have on this topic (while you all work official response letter), once we get confirmed guidance from the front office.

V/r

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

*Office of Congressional Affairs
U.S. Customs and Border Protection*

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



**U.S. Customs and
Border Protection**

APR 11 2017

Commissioner

The Honorable Ron Wyden
Ranking Member
Committee on Finance
United States Senate
Washington, DC 20510

Dear Ranking Member Wyden:

This is in response to your April 7, 2017 correspondence regarding the summons U.S. Customs and Border Protection (CBP) issued to Twitter, Inc. on March 14, 2017. My staff reached out to your office on April 7, 2017, to provide information regarding the summons, and I had the opportunity to speak with your Trade Counsel, (b) (6), (b) (7)(C)

The investigation which prompted the issuance of the summons was initiated by CBP's Office of Professional Responsibility's (OPR) Cyber Investigations group, in conjunction with CBP's Special Agent in Charge, Miami, FL, and with assistance from the Department of Homeland Security's (DHS) Office of Inspector General (OIG) Cyber. It was focused on potential internal misconduct which is OPR's mandate. On April 7, 2017, DHS-OIG assumed full investigative jurisdiction over this investigation. On Friday, April 7, 2017, CBP withdrew the summons and as a result, Twitter voluntarily dismissed all claims, resolving the litigation.

Thank you again for your interest in this important matter. We stand ready to brief and discuss this issue further at your convenience.

Sincerely,

(b) (6), (b) (7)(C)

Kevin K. McAleenan
Acting Commissioner

United States Senate
WASHINGTON, DC 20510

SCANNED/RECEIVED
BY ESEC SEC

2017 APR -7 PM 4:49

April 7, 2017

The Honorable John F. Kelly
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20528

Dear Secretary Kelly:

We are writing to request clarification about U.S. Customs and Border Protection's (CBP's) internal protocols for ordering that private companies divulge their customers' names, addresses, account holder details, or any other personally identifiable information.

Recent news reports allege that a Special Agent in Charge at CBP ordered Twitter to reveal the identity of a Twitter user who operates a parody account called @ALT_USCIS. That Twitter user frequently criticizes the government's policies, specifically those policies in place at DHS and CBP. In order to better understand how and why CBP requests such information, please answer the following questions:

1. Under what statutory authority may CBP pursue agency investigations of private companies, their customers, or individuals? If DHS believes such CBP investigations may rely on multiple provisions of law, please list all that apply.
2. How many requests has CBP made of private companies for their customers' personally identifiable information or any other information that might otherwise lead CBP to the identity of any of those companies' customers?
3. Is there any official established policy at DHS or CBP that provides guidance to officials within CBP on when and whether such requests should be made? If so, please provide a reference to that specific policy and if not, please indicate how such decisions are made.
4. Prior to requesting that private companies divulge their customers' personally identifiable information or other details about their customers, does CBP pursue any other courses of action to attempt to complete their investigation without making such a request? If so, please detail what courses of action CBP typically takes prior to making such a request.
5. Is there any circumstance in which CBP would consider non-criminal speech a sole factor in whether to request that a private company divulge any of their customers' personally identifiable information or any other information that might otherwise lead CBP to the identity of any of those customers?

6. Are there instances outside of an official criminal or civil investigation in which CBP would request that a private company provide a customer's personally identifiable information or any other information that might otherwise lead CBP to the identity of that customer? If so, please provide examples of such instances.
7. Do DHS and CBP believe that an appropriate court order should be sought prior to requesting that a private company unmask the identity of one of their customers?

CBP must ensure that any properly authorized investigation does not disregard the rights to free speech enshrined in the First Amendment to the U.S. Constitution. Greater clarification as to how DHS and CBP approach such investigations will help the public understand your Department's level of commitment to those fundamental principles. We look forward to your prompt reply.

Sincerely,



Cory Gardner
U.S. Senator



Mike Lee
U.S. Senator

(b) (6), (b) (7)(C)

From: FUNN, ERICK K (OPR)
Sent: Monday, April 10, 2017 9:00 AM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Letter to the Honorable Ron Wyden

Hi (b) (6), (b) (7)(C)

Looks great. Thank you for your efforts.

Erick

From: (b) (6), (b) (7)(C)
Sent: Monday, April 10, 2017 9:45:31 AM
To: FUNN, ERICK K (OPR); (b) (6), (b) (7)(C)
Subject: RE: Letter to the Honorable Ron Wyden

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C)

Deputy Associate Chief Counsel (Enforcement and Operations)
Office of Chief Counsel
U.S. Customs and Border Protection
Desk: (b) (6), (b) (7)(C)
Mobile: (b) (6), (b) (7)(C)
Unclassified Email: (b) (6), (b) (7)(C)
JWICS (b) (6), (b) (7)(C)

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From: FUNN, ERICK K (OPR)
Sent: Monday, April 10, 2017 8:58 AM

(b) (6), (b) (7)(C)

Subject: Letter to the Honorable Ron Wyden
Importance: High

(b) (6), (b) (7)(C)

A few edits from the version I sent last night.

Erick

(b) (5)

Sincerely,

Kevin K. McAleenan
Acting Commissioner