

EXHIBIT 1

Adam A. Marshall
Reporters Committee for Freedom of the Press
1156 15th St. NW, Suite 1020
Washington, D.C. 20005
amarshall@rcfp.org

Avi Asher Shapiro
Committee to Project Journalists
330 7th Avenue, 11th Floor
New York, NY 10001
aashapiro@cpj.org

U.S. Customs and Border Protection
Washington, D.C.

May 6, 2019

VIA FOIAOnline

Re: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

The Reporters Committee for Freedom of the Press (“RCFP” or “Reporters Committee”) and the Committee to Project Journalists (“CPJ”) submit this request pursuant to the Freedom of Information Act (“FOIA” or “the Act”), 5 U.S.C. § 552, to the United States Customs and Border Protection (“CBP”). The Reporters Committee is a nonprofit association dedicated to protecting First Amendment freedoms and the newsgathering rights of journalists.¹ CPJ is a nonprofit association that promotes press freedoms worldwide and defends the rights of journalists to report the news without fear of reprisal.²

I. Background

On or around June 1, 2017, Jeffrey A. Rambo, a CBP agent normally based in San Diego, CA, and temporarily assigned to the National Targeting Center in Sterling, VA, contacted Ali Watkins, a reporter then working at Politico, using his personal email.³ Mr. Rambo said he worked for the government and that he needed to talk to her immediately, but declined to give his name.⁴ Mr. Rambo and Ms. Watkins met in a Washington, D.C.

¹ See generally, The Reporters Committee for Freedom of the Press, www.rcfp.org.

² See generally, Committee to Protect Journalists, <https://cpj.org/>.

³ See Scott Shane & Ron Nixon, *Border Agent Who Questioned Reporter is Investigated for Computer Misuse*, N.Y. Times (July 12, 2018), <https://nyti.ms/2CEeLT8>; Shane Harris et al., *Customs and Border Protection Agency Faces Inquiry After Questioning Reporter About Her Sources*, Wash. Post (June 12, 2018), <https://perma.cc/QL2E-CBAQ>.

⁴ Shane & Nixon, *supra* note 2.

restaurant or bar where he questioned her about her sources for a story she bylined that day in Politico on an escalation of Russian espionage activity in the United States.⁵ He reportedly stated that he had been relocated to Washington to help identify government officials who were leaking to the press, and asked Ms. Watkins for her help.⁶ Mr. Rambo presented Ms. Watkins with accurate dates and destinations for overseas trips she had taken with James A. Wolfe, then-security director of the Senate Select Committee on Intelligence.⁷ During the meeting, Mr. Rambo said that it would “turn your world upside down” if the information about Mr. Wolfe were reported in the Washington Post, which Ms. Watkins took as a threat.⁸

II. Requested Records

Pursuant to FOIA, RCFP and CPJ request access to and copies of the following records:

1. All audits, logs, or records reflecting Mr. Rambo’s access to or activity on TECS⁹ between January 1, 2017 and July 1, 2018;
2. All audits, logs, or records reflecting Mr. Rambo’s access to or activity on the Advance Passenger Information System (“APIS”) between January 1, 2017 and July 1, 2018;
3. All audits, logs, or records reflecting Mr. Rambo’s access to or activity on the Automated Targeting System (“ATS”), or any database accessible through ATS, between January 1, 2017 and July 1, 2018;
4. All records reflecting Mr. Rambo’s secondment, temporary assignment, or detailing to the National Targeting Center;
5. All records reflecting any assignment of Mr. Rambo to a Federal Bureau of Investigation (“FBI”) task force between January 1, 2017 and July 1, 2018;
6. Any emails to, from, copying, or blind copying Mr. Rambo, between January 1, 2017 and July 1, 2018, that contain one or more of the following terms or phrases: “leak”, “leaks”, “unauthorized disclosure” or “unauthorized disclosures”;
7. All emails on Mr. Rambo’s non-governmental email account(s) to or from Ms. Watkins;

⁵ Michael M. Grynbaum et al., *How an Affair Between a Reporter and a Security Aide Has Rattled Washington Media*, N.Y. Times (June 24, 2018), <https://nyti.ms/2TYUnqL>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp-tecs-december2010_0.pdf

8. Any email to, from, copying, or blind copying a U.S. government employee that contains the following URL:
<https://www.politico.com/story/2017/06/01/russia-spies-espionage-trump-239003>;
9. All emails in Mr. Rambo's non-governmental email account(s), sent or received between January 1, 2017 and July 1, 2018, to or from any email address ending in one of the following domains: nytimes.com, foxnews.com, washingtonpost.com, wsj.com, turner.com, ap.org, usatoday.com, politico.com, buzzfeed.com, mcclatchydc.com, npr.org, or huffingtonpost.com;
10. All emails in Mr. Rambo's governmental and non-governmental email account(s) to or from any email address ending in "usdoj.gov" or "fbi.gov", and sent or received between January 1, 2018 and July 1, 2018;
11. All records containing or reflecting information provided by CBP to the Department of Homeland Security ("DHS"), the White House, or Congress in response to the June 13, 2018 letter from Representative Jamie Raskin and Representative Jerrold Nadler requesting information about Mr. Rambo, CBP, and DHS;¹⁰
12. All CBP emails to, from, copying, or blind copying any email address(es) ending in "usdoj.gov" or "fbi.gov", that mention or refer to Mr. Rambo, sent or received between June 1, 2018 and August 1, 2018;
13. All emails, memos, reports, or other records of CBP's Office of Professional Responsibility ("OPR") that mention or refer to Mr. Rambo, since May 1, 2017;
14. All emails, memos, reports, or other records including "National Targeting Center" or "NTC," and "alert" or "notification" or "protocol" or "request" or "queue," and "Rambo" or "Watkins" or "Wolfe", between January 1, 2017 and July 1, 2018;
15. All communications to CBP and/or its components from any member of the United States Intelligence Community¹¹, between January 1, 2017 and July 1, 2018, that contain one or more of the following terms or phrases: "leak", "leaks", "unauthorized disclosure", or "unauthorized disclosures";
16. All CBP emails to, from, copying, or blind copying any email address(es) ending in "usdoj.gov", since January 1, 2017, that contain one or more of the

¹⁰ Available at <https://www.documentcloud.org/documents/4514783-Letter-to-Kelly-Nielsen-RE-CBP-Agent-6-13-18.html>.

¹¹ See <https://www.intelligence.gov/how-the-ic-works#our-organizations>.

following terms or phrases: “leak”, “leaks”, “unauthorized disclosure”, or “unauthorized disclosures”;

17. All policies, notices, guidelines, memoranda, or other records describing the role of CBP and/or its components in investigating disclosures of government information to the news media;
18. All policies, notices, guidelines, memoranda, or other records describing the role of CBP and/or its components with respect to the transportation of classified information across the United States border;
19. All policies, notices, guidelines, memoranda, or other records describing how or when the Office of Professional Responsibility (“OPR”) investigates computer crimes or unauthorized access to CBP computer systems, that have been promulgated since January 1, 2017;
20. All policies, notices, guidelines, memoranda, or other records governing CBP’s sharing of information or data with other government agencies in matters involving the unauthorized disclosure of national defense information or classified material, that have been promulgated since January 1, 2017;
21. All policies, notices, guidelines, memoranda, or other records detailing the National Targeting Center’s role in the investigation of criminal violations of 18 U.S.C. §§ 793, 794, 798, or 1030; and
22. All policies, notices, guidelines, memoranda, or other records detailing CBP’s policies or procedures governing the secondment or temporary assignment of CBP personnel to the National Targeting Center.

III. Fees and Fee Categorization

As a representative of the news media, the Reporters Committee is only required to pay for the direct cost of duplication after the first 100 pages.¹² This information is being sought on behalf of the Reporters Committee for analysis and free dissemination to the general public through multiple avenues, including RCFP’s website,¹³ social media accounts,¹⁴ and email newsletters.¹⁵ These records are not being sought for commercial purposes.

As a representative of the news media, CPJ is similarly only required to pay for the direct cost of duplication after the first 100 pages.¹⁶ This information is being sought

¹² 5 U.S.C. § 552(a)(4)(A)(ii)(II).

¹³ The Reporters Committee for Freedom of the Press, www.rcfp.org.

¹⁴ The Reporters Committee for Freedom of the Press—Facebook, Facebook, <https://www.facebook.com/ReportersCommittee/> (approximately 8200 followers); Reporters Committee (@rcfp) | Twitter, Twitter, <http://bit.ly/2Yvg9Ry> (approximately 15,300 followers).

¹⁵ <https://rcfp.us15.list-manage.com/subscribe?u=682100887bbcff066b451132&id=8f701b284f>.

¹⁶ 5 U.S.C. § 552(a)(4)(A)(ii)(II).

on behalf of CPJ for analysis and free dissemination to the general public through multiple avenues, including CPJ's website,¹⁷ social media accounts,¹⁸ and email newsletters.¹⁹ These records are not being sought for commercial purposes.

In the event that there are fees for responding to this request, the Reporters Committee and CPJ are willing to pay up to \$50. Please let us know in advance if fees for responding to this request will exceed that amount before proceeding.

IV. Conclusion

If this request is denied in whole or in part, please justify all denials by reference to specific exemptions and explain why ICE "reasonably foresees that disclosure would harm an interest" protected by that exemption or why "disclosure is prohibited by law."²⁰ Please also ensure that all segregable portions of otherwise exempt material are released.

If you have any questions regarding this request, please feel free to contact Adam Marshall at amarshall@rcfp.org. Thank you in advance for your assistance.

Sincerely,

Adam A. Marshall
Reporters Committee for Freedom of the Press

Avi Asher Shapiro
Committee to Project Journalists

¹⁷ Committee to Protect Journalists, <https://cpj.org>.

¹⁸ Committee to Protect Journalists—Facebook, Facebook, <https://www.facebook.com/committeetoprotectjournalists/> (approximately 188,000 followers); Committee to Protect Journalists (@pressfreedom) | Twitter, Twitter, <http://bit.ly/2WqNAD1> (approximately 187,000 followers).

¹⁹ <https://cpj.org/about/email-lists.php>.

²⁰ 5 U.S.C. § 552(a)(8).