

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 06, 2017 6:28 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: FW: Customs Summons
Attachments: AltTwitterSty040617.pdf

FYI

(b) (6), (b) (7)(C) found a complaint being issued since the OPR Miami office used a Customs Summons to try to get Twitter data.

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

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

Office of Professional Responsibility-Los Angeles

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



From: (b) (6), (b) (7)(C)
Sent: Thursday, April 06, 2017 3:57 PM
To: (b) (6), (b) (7)(C)
Subject: Customs Summons

I know you all have a Title 19 and 8 background so the attached is not likely to affect our AOR. Too bad the rest of our organization doesn't have a better understanding of the Customs Summons.

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

Senior Special Agent
U.S. Customs and Border Protection (CBP)
Office of Professional Responsibility (OPR)

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

San Francisco, CA
Phone: (b) (6), (b) (7)(C)

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

From: (b) (6), (b) (7)(C)
Sent: Friday, April 07, 2017 3:40 PM
To: (b) (6), (b) (7)(C)
Subject: FW: Customs Summons
Attachments: AltTwitterSty040617.pdf

FYI if you haven't seen this yet.

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, April 06, 2017 6:31 PM
To:

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

Subject: FW: Customs Summons - Lawsuit/Court Filing
Attachments: AltTwitterSty040617.pdf

Interesting read – we must be prudent when we seek to use a summons. See attached complaint being filed against our agency.

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

Assistant Special Agent in Charge
Office of Professional Responsibility-Los Angeles
Tel (b) (6), (b) (7)(C) Fax (b) (6), (b) (7)(C)



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Attorneys for Plaintiff
TWITTER, INC.

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 TWITTER, INC.,

11 Plaintiff,

12 v.

13 U.S. DEPARTMENT OF HOMELAND
14 SECURITY; U.S. CUSTOMS AND
15 BORDER PROTECTION; JOHN F. KELLY,
16 in his official capacity as Secretary of
17 Homeland Security; KEVIN K.
18 MCALEENAN, in his official capacity as
19 Acting Commissioner, U.S. Customs and
20 Border Protection; STEPHEN P. CARUSO,
in his official capacity as Special Agent In
Charge, U.S. Customs and Border Protection;
and ADAM HOFFMAN, in his official
capacity as Special Agent, U.S. Customs and
Border Protection,

21 Defendants.

Case No. _____

22 **COMPLAINT**

23 Plaintiff Twitter, Inc. (“Twitter”), by and through its attorneys, hereby alleges:

24 **INTRODUCTION**

25 1. This is an action to prevent the U.S. Department of Homeland Security (“DHS”),
26 U.S. Customs and Border Protection (“CBP”), and the individual Defendants from unlawfully
27 abusing a limited-purpose investigatory tool to try to unmask the real identity of one or more
28 persons who have been using Twitter’s social media platform, and specifically a Twitter account

1 named @ALT_USCIS, to express public criticism of the Department and the current
2 Administration. The rights of free speech afforded Twitter’s users and Twitter itself under the
3 First Amendment of the U.S. Constitution include a right to disseminate such anonymous or
4 pseudonymous political speech. In these circumstances, Defendants may not compel Twitter to
5 disclose information regarding the real identities of these users without first demonstrating that
6 some criminal or civil offense has been committed, that unmasking the users’ identity is the least
7 restrictive means for investigating that offense, that the demand for this information is not
8 motivated by a desire to suppress free speech, and that the interests of pursuing that investigation
9 outweigh the important First Amendment rights of Twitter and its users. But Defendants have
10 not come close to making any of those showings. And even if Defendants could otherwise
11 demonstrate an appropriate basis for impairing the First Amendment interests of Twitter and its
12 users, they certainly may not do so using the particular investigatory tool employed here—which
13 Congress authorized solely to ensure compliance with federal laws concerning imported
14 merchandise—because it is apparent that whatever investigation Defendants are conducting here
15 does not pertain to imported merchandise.

16 2. In the days and weeks following the inauguration of President Donald J. Trump, a
17 new and innovative class of American speakers emerged on Twitter’s ubiquitous online
18 platform: speakers who purport to be current or former employees of federal agencies, or others
19 with special insights about the agencies, who provide views and commentary that is often
20 vigorously opposed, resistant, or “alternative” to the official actions and policies of the new
21 Administration. Typically, these so-called “alternative agency” accounts are named and self-
22 described by their users in a manner that both (a) identifies the particular federal agency that the
23 user seeks primarily to criticize and with which the user purports to have significant knowledge,
24 and (b) proclaims that the user is not an official voice or spokesperson for the agency. Examples
25 of these accounts include @alt_labor, which purports to provide informed but unofficial
26 commentary on the U.S. Department Labor, and @blm_alt, which does the same for the federal
27 Bureau of Land Management. Dozens of such accounts have sprung up, and many of them are
28 actively used to disseminate criticism of the Administration and its policies. Many of these

1 accounts have attracted large audiences of other Twitter users (“followers”), often numbering in
2 the tens of thousands or more.

3 3. Like many Twitter users, those who speak through these “alternative agency”
4 accounts do so pseudonymously, often going to considerable lengths to avoid disclosing their
5 real identities. The motivations these users have for preserving their anonymity presumably
6 include a desire to speak freely and without the fear of negative consequences that may flow
7 from being identified as the source of controversial views and commentary concerning the
8 Administration and its agencies. Such fears are likely to be especially great for users of
9 “alternative agency” accounts who are currently employed by the very agency that is a principal
10 target of the commentary, in light of the retaliation, harassment, or even loss of livelihood that
11 might occur if their real identities became known to their superiors.

12 4. One such “alternative agency” account is @ALT_USCIS. Like other accounts of
13 this sort, @ALT_USCIS claims to be run by one or more current government employees—in this
14 case, employees of the United States Citizenship and Immigration Services (“USCIS”), a unit
15 within the Defendant DHS. And as with other such accounts, the person or persons who
16 established and speak through @ALT_USCIS have identified themselves only by means of this
17 pseudonymous account name. To the best of Twitter’s knowledge, they have not disclosed their
18 real identities in any of their public communications through this account.

19 5. In the just over two months since it was created, @ALT_USCIS has frequently
20 criticized the immigration policies of the new Administration, highlighted what the user views as
21 a history of waste and mismanagement within USCIS and DHS, and publicized facts that the
22 account’s users portray as casting doubt on Administration policies.

23 6. The Defendants are now threatening the anonymity of the person(s) speaking
24 through the @ALT_USCIS account. Specifically, on March 14, 2017, they issued and delivered
25 to Twitter an administrative summons (the “CBP Summons”) demanding that Twitter provide
26 them records that would unmask, or likely lead to unmasking, the identity of the person(s)
27 responsible for the @ALT_USCIS account. The summons was issued by a Special Agent in
28

1 Charge within U.S. Customs and Border Protection, another unit of DHS. The CBP Summons is
2 unlawful and must be enjoined for two reasons.

3 7. *First*, the sole statutory authority CBP invoked in issuing the summons—19
4 U.S.C. § 1509—authorizes the agency to compel production of only a narrow class of records
5 relating to the importation of merchandise. But CBP’s investigation of the @ALT_USCIS
6 account plainly has nothing whatsoever to do with the importation of merchandise into the
7 United States. Section 1509 thus provides CBP no power to compel Twitter to reveal
8 information pertaining to the identity of the individual(s) behind the @ALT_USCIS account.

9 8. *Second*, permitting CBP to pierce the pseudonym of the @ALT_USCIS account
10 would have a grave chilling effect on the speech of that account in particular and on the many
11 other “alternative agency” accounts that have been created to voice dissent to government
12 policies. The Supreme Court has long recognized the extraordinary value of the kind of speech
13 emanating from these accounts—pure political speech criticizing government policies and
14 highlighting government waste and mismanagement. And the Court has likewise recognized that
15 anonymity is often essential to fostering such political speech where, as here, the speaker could
16 face retaliation or retribution if his or her real identity were linked to the speech. In this context,
17 the CBP Summons must be declared unlawful and enjoined absent an evidentiary showing by
18 Defendants that some criminal or civil offense has been committed, that unmasking the users’
19 identity is the least restrictive means for investigating that offense, that the demand for this
20 information is not motivated by a desire to suppress free speech, and that the interests of
21 pursuing that investigation outweigh the important free speech rights of Twitter and its users.
22 Defendants have not even attempted to meet that burden.

23 9. For these and other reasons discussed below, Twitter respectfully requests that
24 this Court declare the summons unlawful and enjoin its enforcement.

25 **JURISDICTION AND VENUE**

26 10. This Court has jurisdiction under 28 U.S.C. § 1331 because this action arises
27 under the First Amendment to the U.S. Constitution, the Administrative Procedure Act (“APA”),
28 the Tariff Act of 1930, as amended, and other Federal statutes.

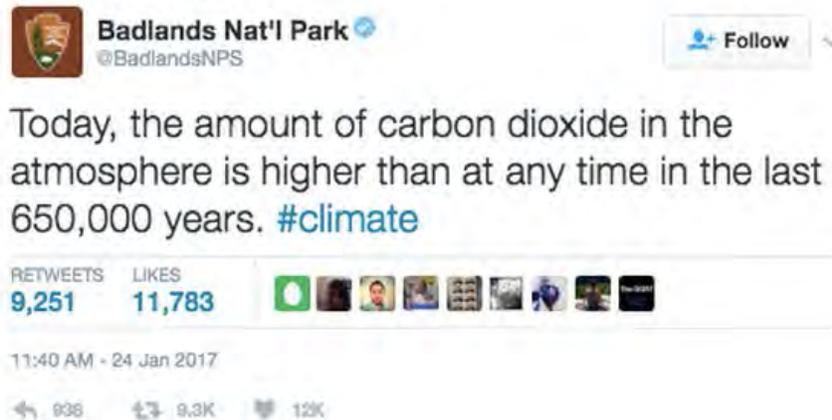
FACTUAL BACKGROUND

The Emergence And Popularity Of “Alternative Agency” Accounts On The Twitter Platform

20. President Donald J. Trump was inaugurated on January 20, 2017. That day the official Twitter account of the National Park Service retweeted an image comparing the crowd size at President Trump’s inauguration to the apparently larger crowd size at President Obama’s 2009 inauguration.

21. As the public began to remark on the agency’s retweet, the National Park Service abruptly shut down its own account and sent an internal email to agency employees explaining that “[a]ll bureaus and the department have been directed by [the] incoming administration to shut down Twitter platforms immediately until further notice.” And President Trump called the acting director of the National Park Service to complain about the agency retweeting an unflattering comparison of his inaugural crowd size. The day after the inauguration, the Park Service reactivated its official account and Tweeted an apology for “the mistaken [retweets] from our account yesterday.”¹

22. Four days after the inauguration, on January 24, 2017, the official Twitter account for Badlands National Park began to Tweet a series of statements about climate change from the @BadlandsNPS account.



¹ Lisa Rein, *Interior Department Reactivates Twitter Accounts After Shutdown Following Inauguration*, WASH. POST (Jan. 21, 2017), https://www.washingtonpost.com/news/powerpost/wp/2017/01/20/interior-department-banned-from-twitter-after-retweet-of-smaller-than-usual-trump-inauguration-crowd/?utm_term=.4e6d99996772.

1 23. Press reports described the @BadlandsNPS account as having gone “rogue,” and
2 the National Park Service explained that a former employee who still had access to the
3 @BadlandsNPS account had been responsible for the Tweets. The Park Service quickly
4 removed the unauthorized Tweets and blocked the former employee’s access.

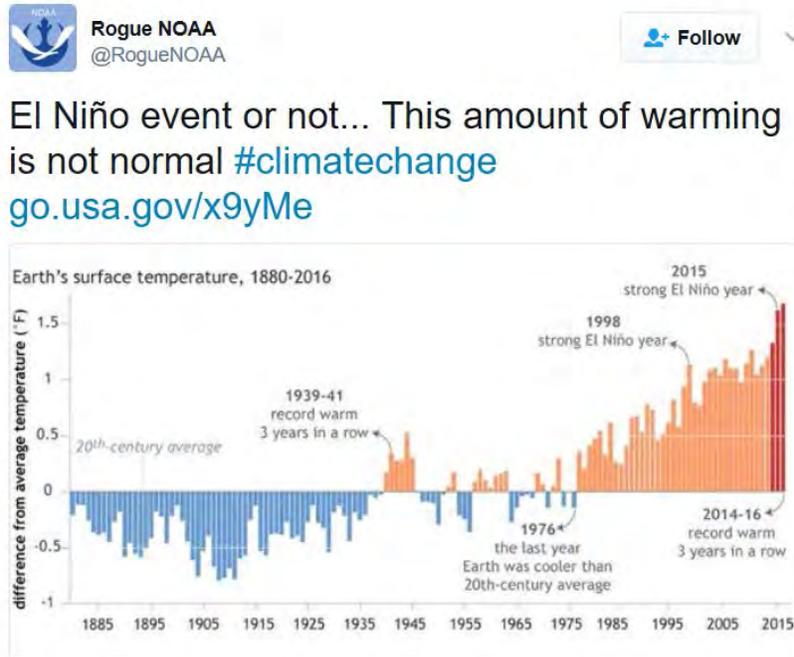
5 24. Shortly thereafter, a new wave of Twitter accounts began to appear on the
6 Twitter platform: self-identified as expressing “alternative” ideas, views, and information about
7 a particular federal agency. Although seemingly inspired by the National Park Service’s
8 inauguration day Tweet or by the short-lived takeover of the @BadlandsNPS account, these new
9 alternative agency accounts were not “official” accounts of any government agency. Instead,
10 they operated under names such as @blm_alt, @alt_labor, and @RogueEPASTaff. Within
11 weeks, dozens of such accounts had been created, many attracting tens of thousands of followers
12 or more. In some cases, multiple alternative agency accounts appeared for a single agency.

13 25. While some of these alternative agency accounts appear to be run by former
14 federal employees or activists with no connection to the government, many of the accounts
15 claim, through their user-created account descriptions or the content of their Tweets, to be
16 administered by individuals who are currently employed by the federal agency after which the
17 account is named.

18 26. These self-designated alternative agency accounts have tended to challenge views
19 of the Administration and its policies, often (but not always) focusing on the policies of the
20 particular agency for which the account was named. The styles of expression emanating from
21 these accounts vary greatly.

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1 27. Some accounts appear to equate the simple act of broadcasting facts as an
2 expression of dissent.



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14 28. The accounts often have expressed disagreement with specific policies of the
15 official agency.

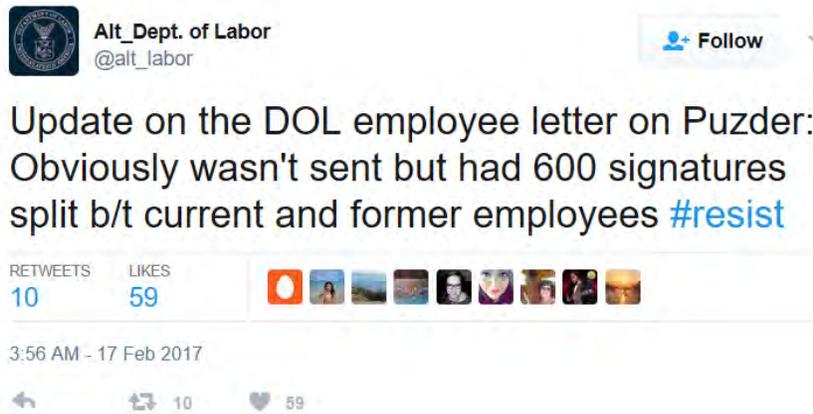
Rogue EPA Staff @RogueEPAstaff · Mar 13
Great way to win voters - give more of their kids asthma due to dirty school buses

Sammy Roth @Sammy_Roth
Another EPA program on the chopping block: Grants to slash pollution from old diesel engines: eeneews.net/greenwire/2017... #airpollution

Alternative CDC @Alt_CDC · Jan 25
The mere existence of a "Vaccine Review Committee" would represent a serious threat to global public health.

David Juurlink @DavidJuurlink
Let's not forget Donald Trump's comments about vaccines and autism. Read @drflanders kinderarepediatrics.ca/immunizations/...

1 29. One of the many Tweets from the @alt_labor account publicized a letter signed
2 by 600 current and former Labor Department employees opposing the confirmation of the
3 President's nominee for Labor Secretary, Andrew Puzder.



11 30. Like many online platforms, Twitter's platform offers users the choice between
12 speaking in a self-identifying manner (for example, by selecting a user name that matches or is
13 similar to the user's real name) or pseudonymously (through an account that has a user name and
14 user description that do not disclose the speaker's real identity).

15 31. Pseudonymity of the speaker(s) is a defining feature of the alternative agency
16 accounts that have recently emerged on the Twitter platform. While the persons who establish
17 and use these accounts sometimes provide highly general descriptions of themselves (for
18 example, by stating in the account's biography that the user or users work or previously worked
19 for a particular agency), they typically refrain from revealing their real names. The users appear
20 to view and depend on preservation of their anonymity as crucial to their ability to express
21 information and ideas that are contrary to the policies and objectives of the Administration and
22 its agencies. Preserving anonymity appears to be especially important for users of these
23 alternative agency accounts who are current federal employees, given the risk that such users
24 could face retaliation, sanctions, or other negative repercussions from their federal employer if
25 they were identified as the source of criticism of their agency.²

26

27 ² Alleen Brown, *Rogue Twitter Accounts Fight To Preserve The Voice Of Government Science*,
28 THE INTERCEPT (Mar. 11, 2017), <https://theintercept.com/2017/03/11/rogue-twitter-accounts-fight-to-preserve-the-voice-of-government-science> (reporting that several "alternative agency" accounts are administered by current agency employees and that those employees wish to

The @ALT USCIS Twitter Account

32. This case concerns one particular alternative agency account that, like many others, was created in late January 2017: @ALT_USCIS.

33. As of the time Twitter received the CBP Summons, the public, user-provided description of the @ALT_USCIS account described its user or users as “[o]fficial inside resistance.” As of then and now, the account description prominently declares that the account is “[n]ot [expressing] the views of DHS or USCIS.” The account’s profile image plays off USCIS’s official logo (displayed side-by-side below), further indicating a correspondence or relationship to the agency, albeit one that is unofficial, ideologically or politically averse, and/or “rogue.”³ Tweets from this account use hashtags such as “#altgov,” expressly self-identifying as part of the broader alternative agency movement.



34. On several occasions, Tweets from the @ALT_USCIS account have claimed that the person speaking through the account is a current federal employee of the United States Citizenship and Immigration Services (USCIS), an entity that reportedly has 19,000 employees and contractors. But beyond purporting to identify his or her employer, the person(s) using the account have chosen to remain pseudonymous.

35. In two months of existence, the @ALT_USCIS account has attracted over 32,000 followers and has issued thousands of Tweets.

preserve their anonymity “out of fear of workplace retaliation and pressure to shut down their accounts”).

³ The accountholder reworked the account’s description and profile image at some point after Twitter received the CBP Summons. The profile image displayed above is as it was when the summons was received.

1 36. The @ALT_USCIS account has expressed dissent in a range of different ways.
2 One of the account's first Tweets asserted a fact about illegal immigration in the United States
3 that the author apparently believed cast doubt on the Administration's immigration policy.

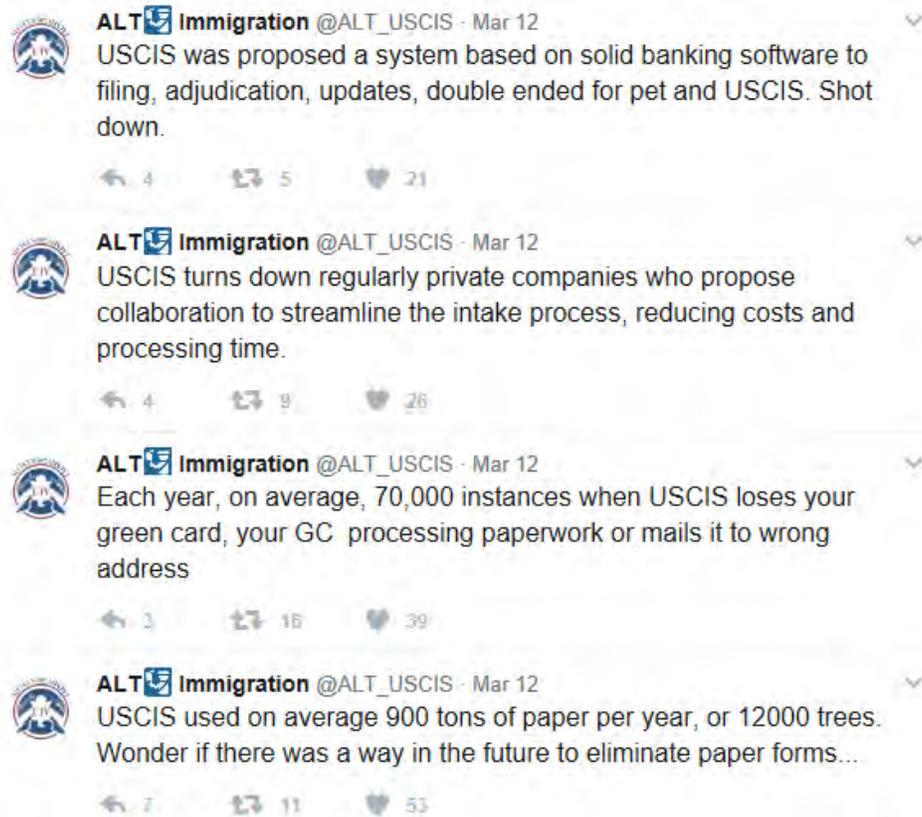


12 37. The @ALT_USCIS account has often criticized immigration policies with which
13 the speaker apparently disagrees. The account was created on nearly the same day that the
14 President issued his original immigration Executive Order. Tweets from the account have
15 repeatedly criticized the Order—often referring to it as the “#MuslimBan.” Other Tweets have
16 taken aim at the President's proposal to build a wall along the U.S.-Mexico border. For example,
17 on March 11, 2017, the account used news that a fence-jumper had trespassed onto the White
18 House grounds to argue that the Administration's proposed border fence will be ineffective.



26 38. Tweets from the @ALT_USCIS account have also purported to shine a light on
27 historical and recent mismanagement at USCIS. For example, on March 12—two days before
28 issuance of the CBP Summons challenged in this suit—a series of Tweets from the account

1 decried what the author described as waste, inefficiency, and poor management in the agency’s
 2 attempts to set up a new automated system for processing immigration applications.



16 39. The account has regularly leveled criticism at U.S. Customs and Border
 17 Protection—the agency that issued the summons challenged by this lawsuit.



27 40. The account has also frequently tweeted disagreement with the current
 28 Administration’s policies on subjects other than immigration—expressing opposition to efforts in

1 Congress to repeal the Affordable Care Act and urging Democrats to resist confirmation of
2 Supreme Court nominee Neil Gorsuch, among many other issues.

3 41. Occasionally, the account has highlighted USCIS or DHS policies that the speaker
4 appears to support. For example, the day DHS Secretary Kelly announced that the Department
5 would continue to exempt from removal individuals covered by the prior Administration's
6 Deferred Action for Childhood Arrivals policy (DACA), the account issued the following Tweet.



15 U.S. Customs And Border Protection Orders Twitter To Produce
16 Records That Would Strip The @ALT_USCIS Account Of Anonymity

17 42. On March 14, 2017, Defendant Adam Hoffman, an agent within U.S. Customs
18 and Border Protection, transmitted to Twitter by fax a summons, ordering Twitter to produce
19 certain records pertaining to the @ALT_USCIS account. The CBP Summons invoked as
20 authority 19 U.S.C. § 1509. It was signed by Defendant Stephen P. Caruso, a CBP Special
21 Agent in Charge based in Miramar, Florida. A true and accurate copy of the CBP Summons, in
22 the form it was received by Twitter, is attached as Exhibit A.

23 43. The CBP Summons states that Twitter is “required” to “produce[] for inspection”
24 “[a]ll records regarding the [T]witter account @ALT_USCIS to include, User names, account
25 login, phone numbers, mailing addresses, and I.P. addresses.” The purpose of this request
26 appears to be, and the effect of Twitter’s complying with it likely would be, to enable or help to
27 enable Defendants to pierce the anonymity of the person or persons who established and use the
28 @ALT_USCIS account.

1 44. The CBP Summons warned Twitter that “[f]ailure to comply with this summons
2 will render you liable to proceedings in a U.S. District Court to enforce compliance with this
3 summons as well as other sanctions.”

4 45. The CBP Summons ordered Twitter to produce the records to a CBP office in
5 Washington D.C. by 11:45 A.M. on March 13, 2017—the day *before* the CBP Summons was
6 faxed to Twitter.

7 46. The CBP Summons states generically that “production of the indicated records is
8 required in connection with an investigation or inquiry to ascertain the correctness of entries, to
9 determine the liability for duties, taxes, fines, penalties, or forfeitures, and/or to ensure
10 compliance with the laws or regulations administered by CBP and ICE.” Beyond that boilerplate
11 language, the CBP Summons provides no justification for issuance of a summons targeting the
12 @ALT_USCIS account.

13 47. The CBP Summons further “requested”—but did not order or otherwise compel—
14 Twitter “not to disclose the existence of this summons for an indefinite period of time.”

15 48. Notwithstanding the request on the face of the CBP Summons that Twitter not
16 disclose the existence of the CBP Summons to anyone, a “Summons Notice” included in the
17 CBP Summons describes a procedure whereby the subject of the summons (i.e., the person
18 whose “business transactions or affairs” are purportedly being investigated) supposedly could
19 “object to the examination” of the requested records by “advis[ing] the person summoned [i.e.
20 Twitter], in writing, not to comply with the summons” and “send[ing] a copy of that notice by
21 registered or certified mail to the CBP Officer ... who issued the summons.” To be effective,
22 any such objection would have to be sent “not later than the” deadline set by the CBP Summons
23 for compliance—which, again, had already passed by the time the CBP Summons was served on
24 Twitter. Neither the CBP Summons itself, nor the statute that supposedly authorizes issuance of
25 the summons (*i.e.*, 19 U.S.C. § 1509), nor the regulations implementing that statute describe any
26 procedure for Twitter to object to compliance with the summons.

27 49. On March 28, 2017, counsel for Twitter contacted Defendant Hoffman to raise
28 concerns regarding the request not to provide notice to the user and the legal basis for seeking

1 information about the identified account using a summons issued under 19 U.S.C. § 1509.
2 Defendant Hoffman advised counsel for Twitter that CBP did not want the user notified and that
3 he would discuss notice with his supervisors. With regard to the legal basis for the summons,
4 Defendant Hoffman stated vaguely that he is conducting an investigation. But he did not identify
5 any law or laws that he believed had been broken or point to any evidence substantiating any
6 such belief—such as particular Tweets that he believes were unlawful. Defendant Hoffman took
7 the position that the summons was an appropriate investigative tool, but he did not provide any
8 specifics as to how a summons issued under 19 U.S.C. § 1509 could be an appropriate means for
9 CBP’s Office of Professional Responsibility to be conducting this particular investigation. In
10 fact, to the limited extent he did explain the nature of the investigation, it seemed to confirm that
11 the investigation had nothing to do with obtaining records to assess whether appropriate duties
12 and taxes had been paid on imported merchandise.

13 50. Twitter advised Defendant Hoffman that, unless he or his agency obtained a court
14 order under the federal Stored Communications Act, 18 U.S.C. § 2705, directing Twitter not to
15 disclose the CBP Summons to the @ALT_USCIS accountholder(s), Twitter would, in
16 accordance with its standard practices, notify the accountholder(s) of the existence and content of
17 the CBP Summons. On March 31, 2017, Defendant Hoffman sent Twitter an email confirming
18 that no such court order would be obtained. On April 2, 2017, Twitter stated in a response to
19 Defendant Hoffman that it intended to notify the accountholder(s) the next day about the CBP
20 Summons.

21 51. On April 4, 2017, Twitter notified the @ALT_USCIS accountholder(s) about the
22 existence and contents of the CBP Summons. At approximately the same time, Twitter also
23 informed Defendant Hoffman of its intention to challenge the CBP Summons in court if it was
24 not withdrawn within 48 hours. Later that day, counsel for Twitter sent Defendant Hoffman an
25 email elaborating the bases for Twitter’s legal objections to the CBP Summons—namely that the
26 summons falls outside the statutory parameters of 19 U.S.C. § 1509 and infringes on the First
27 Amendment rights of Twitter’s users and Twitter itself—and reiterating Twitter’s intention to
28 sue absent withdrawal of the summons.

1 52. As of today’s date, Defendants have not notified Twitter of any intent to withdraw
2 the CBP Summons.

3 **COUNT I**
4 **(19 U.S.C. § 1509; Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202;**
5 **APA, 5 U.S.C. § 706)**

6 **THE SUMMONS EXCEEDS THE SCOPE**
7 **OF CBP’S AUTHORITY UNDER 19 U.S.C. § 1509**

8 53. Plaintiff hereby incorporates by reference paragraphs 1-52 as if set forth fully
9 herein.

10 54. The summons is unlawful because it demands production of records that CBP is
11 not authorized to obtain under 19 U.S.C. § 1509.

12 55. The summons exceeds the scope of CBP’s authority under 19 U.S.C. § 1509 for
13 two reasons. *First*, 19 U.S.C. § 1509 authorizes CBP to obtain documents only for investigations
14 and inquiries relating to the importation of merchandise. *Second*, even if CBP issued the
15 summons for a proper purpose, the summons seeks production of records that are not of the
16 narrowly limited type that CBP is authorized to obtain under 19 U.S.C. § 1509. These two
17 reasons are explained more fully below.

18 56. *First*, 19 U.S.C. § 1509 confers authority on the Secretary (or a delegate at or
19 above the rank of district director or special agent in charge) to compel disclosure of records only
20 in connection with “any investigation or inquiry conducted for the purpose of ascertaining the
21 correctness of any entry, for determining the liability of any person for duty, fees and taxes due
22 or duties, fees and taxes which may be due the United States, for determining liability for fines
23 and penalties, or for insuring compliance with the laws of the United States administered by the
24 United States Customs Service.” 19 U.S.C. § 1509(a). The first three items on the list clearly
25 relate narrowly to imports, and the meaning of the fourth term is “cabin[ed]” by the first three.
26 *See Yates v. United States*, 135 S. Ct. 1074, 1085 (2015) (applying “the principle of *noscitur a*
27 *sociis*—a word is known by the company it keeps—to ‘avoid ascribing to one word a meaning so
28 broad that it is inconsistent with its accompanying words, thus giving unintended breadth to the
Acts of Congress.’” (quoting *Gustafson v. Alloyd Co.*, 513 U.S. 561, 575 (1995))).

1 57. Defendants could not plausibly establish that they issued the CBP Summons—
2 which demands “[a]ll records regarding the [T]witter account @ALT_USCIS to include User
3 names, account login, phone numbers, mailing addresses, and I.P. addresses”—in any
4 investigation or inquiry relating to the import of merchandise.

5 58. *Second*, § 1509 does not authorize the Defendants to compel production of the
6 account-related records that the summons demands. The Secretary or his delegate can compel
7 the production of only records that fall within a narrow category defined in 15 U.S.C.
8 § 1509(d)(1)(A). *See* 15 U.S.C. § 1509(a)(2)(D) (“[T]he Secretary ... may ... summon ... any ...
9 person he may deem proper ... to produce records, *as defined in subsection (d)(1)(A).*”).

10 59. Subsection 1509(d)(1)(A) limits the “records” whose production may be
11 permissibly compelled through a summons to those (1) that are “required to be kept under
12 section 1508 of this title” and (2) “regarding which there is probable cause to believe that they
13 pertain to merchandise the importation of which into the United States is prohibited.” The
14 records that the CBP Summons demands Twitter to disclose meet neither of these criteria.

15 60. Section 1508 requires importers to maintain certain records relating to their
16 activity of importing merchandise. *See United States v. Frowein*, 727 F.2d 227, 233 (2d Cir.
17 1984) (“Section 1508 ... imposes recordkeeping requirements on those who import or cause
18 goods to be imported.”). Specifically, the entities that must maintain records under section 1508
19 are limited to the following: any “owner, importer, consignee, importer of record, entry filer, or
20 other party who—(A) imports merchandise into the customs territory of the United States, files a
21 drawback claim, or transports or stores merchandise carried or held under bond, or
22 (B) knowingly causes the importation or transportation or storage of merchandise carried or held
23 under bond into or from the customs territory of the United States,” 19 U.S.C. § 1508(a)(1); *or*
24 any “agent of any party described in paragraph (1),” *id.* § 1508(a)(2); *or* any “person whose
25 activities require the filing of a declaration of entry, or both,” *id.* § 1508(a)(3). The records
26 Section 1508 requires these entities to maintain are limited to records that both “pertain to any
27 such activity, or to the information contained in the records required by this chapter in
28

1 connection with any such activity” and “are normally kept in the ordinary course of business.” 19
2 U.S.C. § 1508(a)(3).

3 61. Subsection 1509(d)(1)(A)(ii) likewise limits the scope of records whose
4 production CBP may compel pursuant to a summons to records relating to the importation of
5 merchandise—specifically, records “pertain[ing] to *merchandise the importation of which into*
6 *the United States is prohibited.*”

7 62. The CBP Summons plainly does not request records relating to the importation of
8 merchandise. It requests that Twitter produce information that pertains to the identity of the
9 person(s) who established and use the @ALT_USCIS account. And it is utterly implausible that
10 Defendants’ interest in the person(s) who established and use the @ALT_USCIS account stems
11 from their importation of merchandise into the United States.

12 63. The CBP Summons also violates the Stored Communications Act (“SCA”),
13 18 U.S.C. § 2701 *et seq.*, which “protects individuals’ privacy and proprietary interests,”
14 “reflect[ing] Congress’s judgment that users have a legitimate interest in the confidentiality of
15 communications in electronic storage at a communications facility.” *Theofel v. Farey-Jones*, 359
16 F.3d 1066, 1072 (9th Cir. 2003). The SCA establishes legal processes that government agencies
17 must follow in order to obtain certain types of information from a service provider such as
18 Twitter, which have not been followed here. The basic subscriber information the CBP
19 Summons seeks—such as the user’s name and address—can be obtained “us[ing] an
20 administrative subpoena authorized by a Federal or State statute.” 18 U.S.C. § 2703(c)(2). But
21 the CBP Summons is not a valid administrative subpoena because, among other defects, it
22 exceeds the scope of CBP’s authority under 19 U.S.C. § 1509.

23 64. For the foregoing reasons, the Court should enjoin Defendants from taking any
24 further action to enforce the CBP Summons and declare it to be an unlawful exercise of
25 Defendants’ authority, in contravention of 15 U.S.C. § 1509 and the SCA. Such relief is
26 warranted under, among other laws, the APA because issuance, service, and enforcement of the
27 subpoena is “not in accordance with law” and “in excess of statutory jurisdiction, authority, or
28 limitations.” 5 U.S.C. § 706(2)(A), (C).

COUNT II

(U.S. Const. amend. I; Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202;
APA, 5 U.S.C. § 706)

**THE FIRST AMENDMENT BARS THE CBP SUMMONS ABSENT SATISFACTION
OF THE STRINGENT STANDARD FOR UNMASKING ANONYMOUS SPEAKERS**

65. Plaintiff herein incorporates by reference paragraphs 1-64 as if set forth fully herein.

66. Twitter provides a platform for speech for hundreds of millions of users. Its users Tweet about a broad range of topics, from a favorite sports team to the birth of a child to the latest executive order. Many of Twitter’s users choose to express themselves on the platform pseudonymously.

67. The CBP Summons seeks to force Twitter to disclose information that would identify, or likely lead to the identification of, a person (or group of persons) who has chosen to criticize the government pseudonymously and whose speech is potentially valuable since the person—as a self-described public employee—may be in the best position to “know what ails the agenc[y] for which [he or she] work[s].” *Dahlia v. Rodriguez*, 735 F.3d 1060, 1066-1067 (9th Cir. 2013) (quoting *Waters v. Churchill*, 511 U.S. 661, 674 (1994)).

68. Compelled disclosure of the identities of Twitter users who have engaged in pseudonymous speech would chill their exercise of the constitutionally protected right to speak anonymously. Moreover, independent of its users’ rights, Twitter’s actions in providing a platform for the dissemination of its users’ speech—including its decision to permit the publication of pseudonymous speech—is fully protected by the First Amendment. *See, e.g., Marcus v. Search Warrants*, 367 U.S. 717, 731-732 (1961); *cf., e.g., Arkansas Educ. Television Comm’n v. Forbes*, 523 U.S. 666, 674 (1998). When rights of free speech—especially anonymous free speech—are at stake, courts generally permit an organization or business to assert those rights on behalf of its members or customers. *See, e.g., Virginia v. American Booksellers Ass’n, Inc.*, 484 U.S. 383, 392-393 (1988) (permitting booksellers to assert First Amendment rights of buyers of adult-oriented books); *Publius v. Boyer-Vine*, 2017 WL 772146,

1 at *5 n.5 (E.D. Cal. Feb. 27, 2017) (collecting cases holding that entities such as websites can
2 assert the First Amendment rights of their anonymous users).

3 69. The decision to speak anonymously or pseudonymously is protected by the First
4 Amendment. As the Supreme Court has explained, “an author’s decision to remain anonymous,
5 like other decisions concerning omissions or additions to the content of a publication, is an
6 aspect of the freedom of speech protected by the First Amendment.” *McIntyre v. Ohio Elections*
7 *Comm’n*, 514 U.S. 334, 342 (1995). “Anonymity is a shield from the tyranny of the majority. It
8 thus exemplifies the purpose behind the Bill of Rights, and of the First Amendment in particular:
9 to protect unpopular individuals from retaliation—and their ideas from suppression—at the hand
10 of an intolerant society.” *Id.* at 357.

11 70. A time-honored tradition of pseudonymous free speech on matters of public
12 moment runs deep in the political life of America. “Undoubtedly the most famous pieces of
13 American political advocacy are *The Federalist Papers*, penned by James Madison, Alexander
14 Hamilton, and John Jay, but published under the pseudonym ‘Publius.’” *In re Anonymous*
15 *Online Speakers*, 661 F.3d 1168, 1172-73 (9th Cir. 2011) (citing *McIntyre*, 514 U.S. at 344 n.6).

16 71. The decision to maintain anonymity “may be motivated by fear of economic or
17 official retaliation, by concern about social ostracism, or merely by a desire to preserve as much
18 of one’s privacy as possible.” *Watchtower Bible and Tract Soc’y of New York, Inc. v. Village of*
19 *Stratton*, 122 S. Ct. 2080, 2089-90 (2002) (internal citation omitted). In the present case, there is
20 reason for concern that the CBP Summons itself may reflect the very sort of official retaliation
21 that can result from speech that criticizes government officials and agencies. Because of the
22 potential for retaliation and ostracism, “[t]here can be no doubt that [requiring identification of
23 pseudonymous authors] would tend to restrict freedom to distribute information and thereby
24 freedom of expression.” *Talley v. California*, 362 U.S. 60, 64-65 (1960); *see also (WIN)*
25 *Washington Initiatives Now v. Rippie*, 213 F.3d 1132, 1139 (9th Cir. 2000) (“Depriving
26 individuals of ... anonymity is ... ‘a broad intrusion, discouraging truthful, accurate speech by
27 those unwilling to [disclose their identities] and applying regardless of the character or strength
28 of an individual’s interest in anonymity.’”) (quoting *American Constitutional Law Found., Inc. v.*

1 *Meyer*, 120 F.3d 1092, 1103 (10th Cir. 1997)); *see also Am. Civil Liberties Union of Nevada v.*
2 *Heller*, 378 F.3d 979, 988 (9th Cir. 2004).

3 72. These First Amendment interests are at their zenith when, as here, the speech at
4 issue touches on matters of public political life. Political expression “occupies the core of the
5 protection afforded by the First Amendment” and must be afforded the highest level of First
6 Amendment protection. *McIntyre*, 514 U.S. at 346; *see also Mills v. Alabama*, 384 U.S. 214,
7 218 (1966) (“[T]here is practically universal agreement that a major purpose of that Amendment
8 was to protect the free discussion of governmental affairs.”); *New York Times Co. v. Sullivan*,
9 376 U.S. 254, 270 (1964) (a case should be considered “against the background of a profound
10 national commitment to the principle that debate on public issues should be uninhibited, robust,
11 and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly
12 sharp attacks on government and public officials.”).

13 73. These protections for anonymous and pseudonymous political speech are as
14 robust on the Internet as any other mode of speech. The Supreme Court has unequivocally held
15 that speech on the Internet is entitled to the highest form of First Amendment protection. *See*
16 *Reno v. ACLU*, 521 U.S. 844, 870 (1997). As the Supreme Court aptly recognized, through the
17 Internet and interactive services such as Twitter, “any person with a phone line can become a
18 town crier with a voice that resonates farther than it could from any soapbox. Through the use of
19 Web pages, mail exploders, and newsgroups, the same individual can become a pamphleteer.”
20 *Id.*; *see also In re Anonymous Online Speakers*, 661 F.3d at 1173 (“Although the Internet is the
21 latest platform for anonymous speech, online speech stands on the same footing as other
22 speech.”). “As with other forms of expression, the ability to speak anonymously on the Internet
23 promotes the robust exchange of ideas and allows individuals to express themselves freely
24 without ‘fear of economic or official retaliation ... [or] concern about social ostracism.’” *In re*
25 *Anonymous Online Speakers*, 661 F.3d at 1173 (quoting *McIntyre*, 514 U.S. at 341-342).

26 74. Compelling Twitter to disclose information that would identify or lead to the
27 identification of the person(s) who established and use the @ALT_USCIS account would chill
28 the expression of particularly valuable political speech—namely speech by current or former

1 public employees, or others with special insight into operations of our government. The
2 Constitution does not permit a government agency to suppress dissent voiced by current or
3 former employees in their private capacity—especially when such efforts exceed the agency’s
4 statutory authority. “[C]itizens do not surrender their First Amendment rights by accepting
5 public employment.” *Lane v. Franks*, 134 S. Ct. 2369, 2374 (2014). Indeed, “[t]here is a
6 significant First Amendment interest in encouraging public employees, who have special access
7 to facts relevant to debates on issues of public concern, to speak freely and make that
8 information available.” *Johnson v. Multnomah Cty., Or.*, 48 F.3d 420, 424 (9th Cir. 1995).
9 “[S]peech by public employees on subject matter related to their employment holds special value
10 precisely because those employees gain knowledge of matters of public concern through their
11 employment.” *Franks*, 134 S. Ct. at 2378-2381. “It may often be the case that, unless public
12 employees are willing to blow the whistle, government corruption and abuse would persist
13 undetected and undeterred.” *Dahlia*, 735 F.3d at 1066-1067. “The interest at stake is as much
14 the public’s interest in receiving informed opinion as it is the employee’s own right to
15 disseminate it.” *San Diego v. Roe*, 543 U.S. 77, 82 (2004).

16 75. In light of the compelling First Amendment interests at stake, Defendants must
17 satisfy “stringent standards” before using a subpoena or other compulsory legal process to
18 attempt to unmask the identity of the person(s) who established and use the @ALT_USCIS
19 account. *Mason Awtry v. Glassdoor, Inc.*, 2016 WL 1275566, at *1 (N.D. Cal. Apr. 1, 2016);
20 *see In re Anonymous Online Speakers*, 661 F.3d at 1778 (“[T]he nature of the speech should be a
21 driving force in choosing a standard by which to balance the rights of anonymous speakers”
22 against the interests of those seeking disclosure, with political speech warranting “imposition of
23 a heightened standard”). In particular, Defendants must demonstrate that (1) “there is a real
24 evidentiary basis for believing” that some criminal or civil offense has been committed,
25 *Highfields Capital Mgmt., L.P. v. Doe*, 385 F. Supp. 2d 969, 975-976 (N.D. Cal. 2005);
26 (2) revealing the identity of the speaker(s) is “necessary”—that is, that it is the least restrictive
27 means for investigating that offense, *Glassdoor, Inc.*, 2016 WL 1275566, at *16; *Art of Living*
28 *Foundation v. Does 1-10*, 2011 WL 5444622, *10 (N.D. Cal. Nov. 9, 2011); (3) Defendants’

1 demand for this information is not motivated by a desire to suppress free speech; and (4) the
2 interests of pursuing that investigation outweigh the important First Amendment rights of Twitter
3 and its users, *Highfields*, 385 F. Supp. 2d at 975-976. *See also Doe No. 1 v. Cahill*, 884 A.2d
4 451 (Del. 2005) (preventing disclosure of identity of anonymous online speaker); *Dendrite*
5 *Intern., Inc. v. Doe No. 3*, 775 A.2d 756 (N.J. Super. 2001) (same). The heightened showing
6 required for such compulsory legal process is not only supported by substantial judicial
7 precedent, but also is consistent with the special procedures erected in other contexts to protect
8 First Amendment rights. *E.g., Makaeff v. Trump Univ., LLC*, 736 F.3d 1180, 1182-1183 (9th
9 Cir. 2013) (California’s anti-SLAPP statute “establish[es] a summary-judgment-like procedure
10 available at an early stage of [a] litigation that poses a potential chilling effect on speech-related
11 activities” (internal quotation omitted)); 28 C.F.R. § 50.10(c)(1) (requiring subordinates in the
12 Department of Justice to obtain the authorization of the Attorney General to issue a subpoena to
13 a member of the news media, or to use a subpoena to obtain from a third party communications
14 records or business records of a member of the news media).

15 76. Defendants have satisfied none of these requirements. To meet the first
16 requirement, Defendants must “adduce *competent evidence*” that “address[es] *all* of the
17 inferences of fact that [Defendants] would need to prove in order to [substantiate] at least one of
18 the” offenses that Defendants believe has been committed. *Highfields Capital Mgmt., L.P.*, 385
19 F. Supp. at 975. Defendants have fallen far short of this standard, given that they have neither
20 specified any offense they are purportedly investigating nor presented *any* evidence in support of
21 any element of any such offense.

22 77. Defendants have likewise failed to demonstrate that unmasking the identity of the
23 @ALT_USCIS accountholder(s) is the least restrictive way to investigate any offense or offenses
24 that they believe were committed. To establish that the CBP Summons is “necessary,”
25 Defendants must explain why other investigatory tools they have deployed have fallen short,
26 leaving Defendants with no choice but to pierce @ALT_USCIS’s pseudonymity. *E.g.*,
27 *Glassdoor, Inc.*, 2016 WL 1275566, at *16; *Art of Living Foundation*, 2011 WL 5444622, at *10.
28 Defendants have not come close to making that showing.

1 78. Defendants’ failure to establish that some offense within the law enforcement
2 purview of CBP was actually committed and that the CBP Summons is necessary to investigate
3 that offense likewise confirms that Defendants have failed to demonstrate that the summons is
4 not motivated by a desire to suppress free speech, or that Defendants’ need to unmask the
5 identity of the @ALT_USCIS account holder(s) outweighs the harm that doing so would cause to
6 the First Amendment rights of Twitter and its users.

7 79. For the foregoing reasons, the Court should enjoin Defendants from taking any
8 further action to enforce the CBP Summons and—absent the requisite showing—declare it to be
9 a violation of the rights of Twitter and its users under the First Amendment. Such relief is
10 warranted under, among other laws, the APA, because issuance, service, and enforcement of the
11 CBP Summons is “contrary to constitutional right.” 5 U.S.C. § 706(2)(B).

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

14 a. Declare that the CBP Summons is unlawful and unenforceable because
15 Defendants issued it for reasons not authorized by 19 U.S.C. § 1509 and because it demands
16 production of documents that Defendants are not authorized to demand or obtain under 19
17 U.S.C. § 1509, and further declare that the CBP Summons violates the Administrative Procedure
18 Act as not in accordance with law, 5 U.S.C. § 706(2)(A), and “in excess of statutory jurisdiction,
19 authority, or limitations,” *id.* § 706(2)(C).

20 b. Declare that the CBP Summons is unlawful and unenforceable because it violates
21 the First Amendment rights of both Twitter and its users by seeking to unmask the identity of
22 one or more anonymous Twitter users voicing criticism of the government on matters of public
23 concern without Defendants having satisfied the stringent standards for piercing a speaker’s
24 anonymity, and further declare that the CBP Summons violates the Administrative Procedure
25 Act as “contrary to constitutional right,” 5 U.S.C. § 706(2)(B);

26 c. Issue an order vacating and nullifying the CBP Summons, enjoining Defendants
27 or their agents from enforcing the CBP Summons, and declaring that Twitter has no obligation to
28 comply with the CBP Summons;

- 1 d. Award Plaintiff its costs and reasonable attorney's fees as appropriate; and
2 e. Grant such other relief as this Court may deem just and proper.

3 Dated: April 6, 2017

4 Respectfully submitted,

5 /s/ Mark D. Flanagan
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26 *Counsel for Plaintiff Twitter, Inc.*

Exhibit A



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:	[REDACTED]
	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
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	

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.

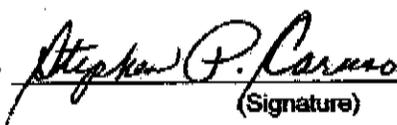
Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry to ascertain the correctness of entries, to determine the liability for duties, taxes, fines, penalties, or forfeitures, and/or to ensure compliance with the laws or regulations administered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

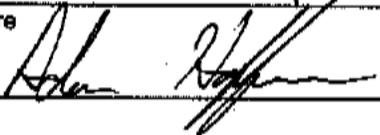
You are requested not to disclose the existence of this summons for an indefinite period of time. Any such disclosure will impede this investigation and thereby interfere with the enforcement of federal law.

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  (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"/> (For corporations, partnerships, and unincorporated associations which may be sued under a common name) 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 [REDACTED] (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.

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TWITTER, INC.

(b) County of Residence of First Listed Plaintiff San Francisco, CA (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) (see attachment)

DEFENDANTS

U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. CUSTOMS AND BORDER PROTECTION; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; KEVIN K. MCALEENAN, in his official capacity as Acting Commissioner, U.S. Customs and Border Protection; STEPHEN P. CARUSO, in his official capacity as Special Agent In Charge, U.S. Customs and Border Protection; and ADAM HOFFMAN, in his official capacity as Special Agent, U.S. Customs and Border Protection

County of Residence of First Listed Defendant Washington, D C (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U S Government Plaintiff
2 U S Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business in This State, Incorporated and Principal Place of Business in Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, PERSONAL INJURY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation-Transfer
8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 2201-2202; 5 U.S.C. § 706

Brief description of cause: Summons exceeds scope of authority under 19 U.S.C. § 1509 and violates the First Amendment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions): JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2) (Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE: 04/06/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ Mark D. Flanagan

CIVIL COVER SHEET

Attachment

Part I (c) Attorneys for Plaintiffs (Firm Name, Address, and Telephone Number)

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Palo Alto, California 94304
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Washington, D.C. 20006
ari.holtzblatt@wilmerhale.com
Telephone: (202) 663-6964

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 28, 2017 1:10 PM
To: (b) (6), (b) (7)(C)
Subject: FW: TWITTER

From: (b) (6), (b) (7)(C)
Sent: Tuesday, February 28, 2017 11:09 AM
To: FUNN, ERICK K (OPR) <(b) (6), (b) (7)(C)>
Subject: TWITTER

Erick,

If this is the case from last week, it is not sitting stagnant, we are already working it with (b) (7)(E) (b) (7)(E) but as I'm told the tweet feed may have been taken down by the originator of the twitter account. (b) (6), (b) (7)(C) discussed a subpoena to Twitter reference identifying who originated the account.

Path forward - (b) (7)(E) (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
(b) (7)(E)
(b) (6), (b) (7)(C)

From: FUNN, ERICK K (OPR)
Sent: Tuesday, February 28, 2017 8:56 AM
To: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: FW: Email

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

Please keep an eye on this file. Would like to get it going as soon as the (b) (7)(E) .

Erick

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

Sent: Tuesday, February 28, 2017 8:53 AM

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

Subject: RE: Email

Same as the other one... (b) (7)(E) .

(b) (7) (E)

* Case Type: Allegation
 * Incident City: UNKNOWN
 Lead Agency: [redacted]
 * Incident State: UNKNOWN-UNK
 Supporting Agency: [redacted]
 * The Case is: (b) (7)(E)
 * Case Summary: @ALT_USCIS Twitter account reportedly posting documents that i
 * Status: Unopened
 (b) (7)(E)

(b) (7)(E)

* Group: (b) (7)(E)
 * Method of Receipt: Email
 * Case Officer: [redacted]
 * Case Supervisor: [redacted]
 * Case Agent: (b) (6), (b) (7)(C)
 * Case Agent Supervisor: (b) (6), (b) (7)(C)
 * Subject Office: Unknown
 * Subject Type: CBP Other/Unknown
 Source Office: (b) (7)(E)
 Source Type: (b) (7)(E)
 Source Agency: CUSTOMS AND BORDER
 Case Resolution Code: [redacted]
 (b) (7)(E)

Relevant Dates

Last Modified: 24-Feb-2017 12:35:01
 Created: 23-Feb-2017 15:03:31
 * Incident Date: 23-Feb-2017 15:02:22
 Last Investigative Activity: [redacted]
 State/Local/Non-OPR Arrest: [redacted]
 Closed Date: [redacted]
 System Closed: [redacted]
 Prosecution: Date Submitted: [redacted]
 Prosecution: Declined Date: [redacted]
 Prosecution: Accepted Date: [redacted]

(b) (7)(E)

Dates

* Reported Date: 23-Feb-2017
 Incident Reported Date (examples: 28-Feb-2017)

(b) (7)(E)

Organization: CBP

(b) (7)(E)

From: KARISCH, RODOLFO
 Sent: Thursday, February 23, 2017 3:55 PM
 To: FUNN, ERICK K (OPR) (b) (6), (b) (7)(C)
 Subject: FW: Email

Erick, more info on the email caper. Please coordinate efforts with OIT.

Thanks,

Rudy

From: FLANAGAN, PATRICK S

Sent: Thursday, February 23, 2017 3:48 PM

To: LANDFRIED, PHIL A <(b) (6), (b) (7)(C)>

KARISCH, RODOLFO (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.

Would appreciate if OIT and OPR can do a scrub to make sure our systems haven't been hacked/compromised by the group.

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)

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: FLANAGAN, PATRICK S (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: Monday, April 10, 2017 6:37 AM
To: (b) (6), (b) (7)(C)
Subject: FW: TWITTER
Attachments: FINAL ES Twitter 201704511 - 040717 FINAL.docx; Add Info.docx; CBP_dump1_50.pdf; My Timeline regarding Twitter Information.docx; RE: Links that were found within the twitter feeds; 19 U_S_Code § 1509 - Examination of books and witnesses US Law LII - Legal Information Institute.mht

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: Sunday, April 09, 2017 7:29 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: TWITTER

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

Attached are some documents that I saved from Friday. Below is the hyperlink to everything I have from the beginning.

(b) (7)(E)

Let me know if you need anything.

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)**

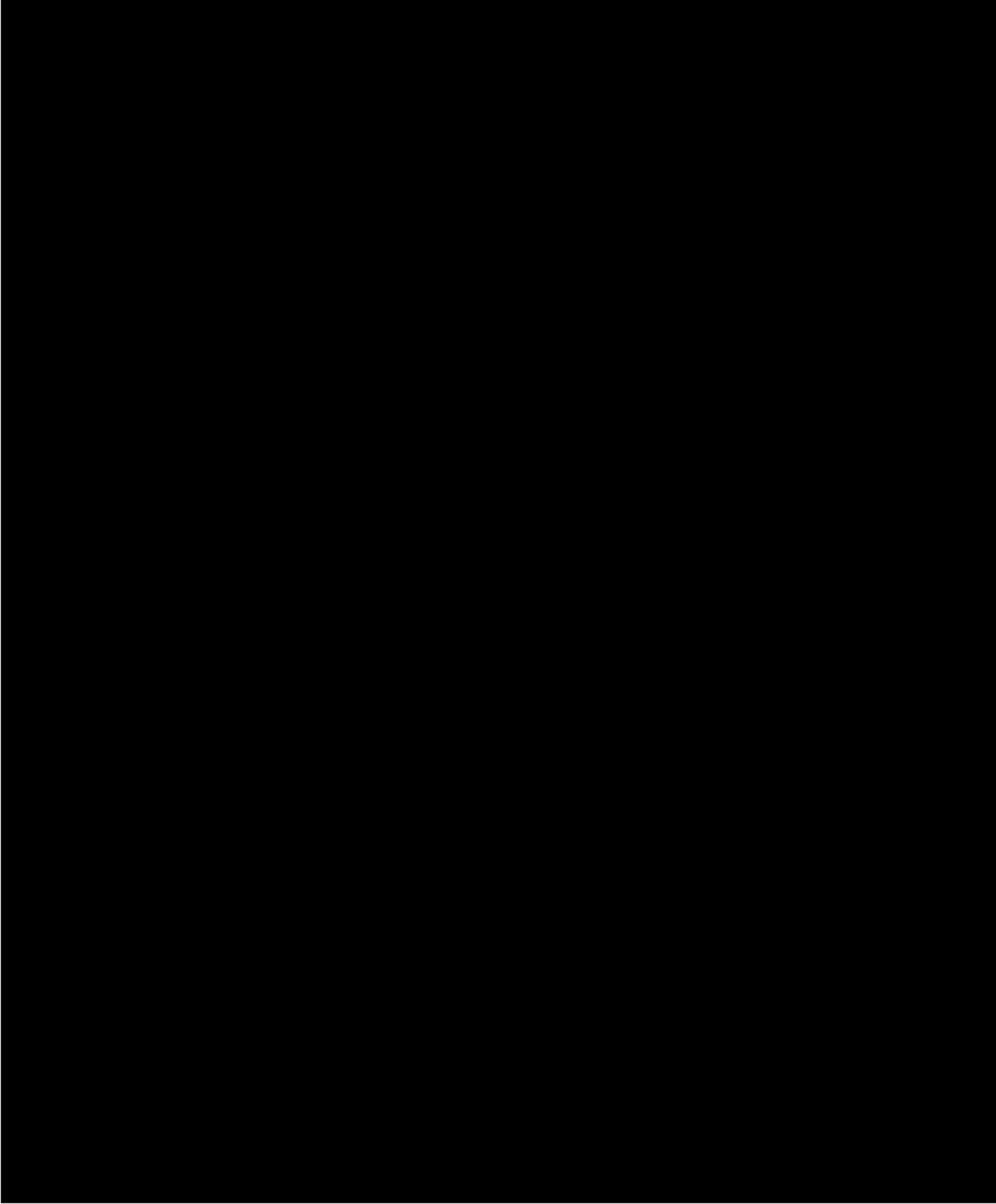
email: **(b) (6), (b) (7)(C)**



(b) (7)(E), (b) (5)

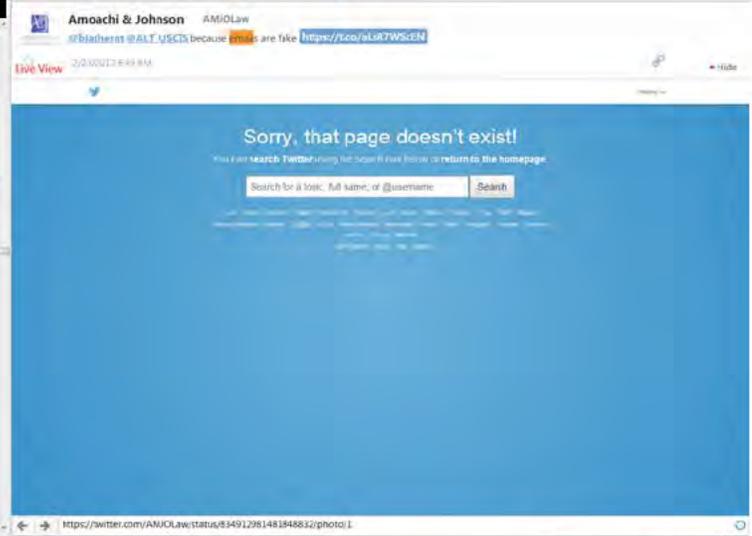
(b) (5), (b) (7)(E)

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



(b) (7)(E)

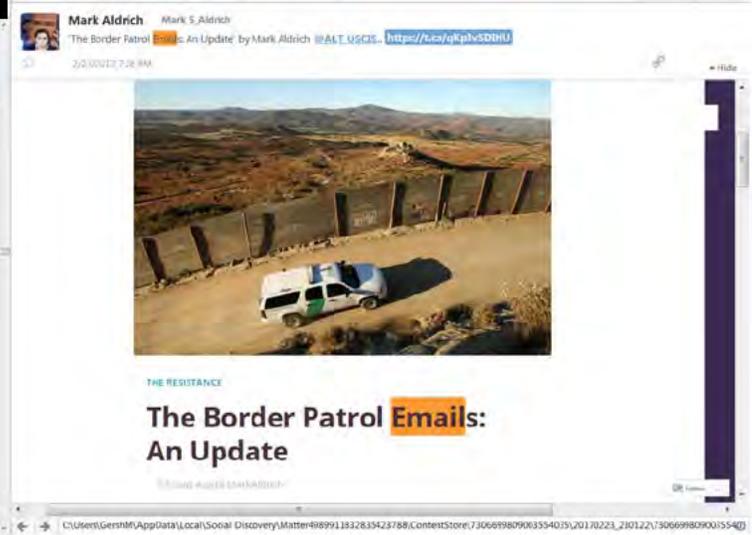
(b) (7)(E)



(b) (7)(E)

(b) (7)(E)

(b) (7)(E)



(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

Temmy Guerrero Tacna1014
Any way you look at it SCPD looks idiotic AND incompetent: <https://t.co/V0j/R5vdI>
@ALT_USCS @sims

2018/01/17 8:11 AM

ALTU Immigration ALT_USCS
@AMJLaw @Mark_S_Aldrich we are not real. We were shown screenshots. Then we asked the [redacted] to be forwarded out from a gov address: 1/2

Amoachi & Johnson AMJLaw
No, @Mark_S_Aldrich, the individual who created the fake [redacted] is person behind
@ALT_USCS handle. <https://t.co/7vgr4H0v7yH>

2018/01/17 8:00 AM

ALTU Immigration ALT_USCS
The Border Patrol [redacted]: An Update <https://t.co/MqjhdXjuM> via @Mark_S_Aldrich

2018/01/17 7:50 PM

Mark Aldrich Mark S. Aldrich
The Border Patrol [redacted]: An Update by Mark Aldrich @ALT_USCS. <https://t.co/gKp3vSD8HU>

2018/01/17 7:25 PM

Mark Aldrich Mark S. Aldrich
The Border Patrol [redacted]: An Update by Mark Aldrich <https://t.co/rlLnVyyrjQ> @ALT_USCS
<https://t.co/7vgr4H0v7yH> <https://t.co/FFN3FAyV>

2018/01/17 7:28 PM

ALTU Immigration ALT_USCS
@AMJLaw @Mark_S_Aldrich as we did not. We were shown screenshots, then we asked the [redacted] to be forwarded not from a gov address.
1/2

2018/01/17 8:00 AM

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

ALTU Immigration ALT_USCS
This app warns undocumented immigrants when raids are coming: <https://t.co/zzPTMlgjic>
by @mistercharlie7

2017/01/17 6:12 AM

Debbie Nathan DebbieNathan2
@ALT_USCS @WNYC [redacted] me.nates2@gmail.com

Debbie Nathan DebbieNathan2
@ALT_USCS 8 pm EST tonight 2/27, NPR radio show INDIVIBILE <https://t.co/ab0v42VWM>
& call 844 845TALK to discuss deportation Anonymous OK

2017/01/17 5:03 AM

Katie katie9873
@ALT_USCS closing in on 1 million signatures to impeach trump -
<https://t.co/h0zh4Gz3S> (Please share)

2017/01/17 5:00 AM

Kim Truebenbach ktb2014
<https://t.co/5H01eLpGaf> @BeeHombreNPS @ALT_USCS @AriSteeDyt any truth to this claim? If so where do we go with Trump Russia investigation

2017/01/17 4:53 AM

Lou Fiorentino loufi2012 FernandoK
@ALT_USCS <https://t.co/R4i3kb41q>

2017/01/17 4:51 AM

Debbie Nathan DebbieNathan2
@ALT_USCS @WNYC [redacted] me.nates2@gmail.com

2017/01/17 5:07 AM

(b) (7)(E)

[Redacted]

Subject: TRUMP TRUMP TRUMP TRUMP

Date: [Redacted]

From: [Redacted]

To: [Redacted]

TRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP
TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMP!!
MAGA

[Redacted]

[REDACTED]

Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date: [REDACTED]

From: [REDACTED]

To: [REDACTED]

MAGA mother fucker. Here we come. we gonna be great again!

[REDACTED]

TRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP
TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMP!!
MAGA

[REDACTED]

Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date: [REDACTED]

From: [REDACTED]

To: [REDACTED]

15000 more redneck bruh hunger games about to start

[REDACTED]

MAGA mother fucker. Here we come. we gonna be great again!

On [REDACTED]

TRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP
TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMP!!
MAGA

[REDACTED]

Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date: [REDACTED]

From: [REDACTED]

To: [REDACTED]

this is me January 21st looking for carlos

[REDACTED]

15000 more redneck bruh hunger games about to start

[REDACTED]

MAGA mother fucker. Here we come. we gonna be great again!

[REDACTED]

TRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP
TRUMP TRUMPTRUMP TRUMP TRUMP TRUMPTRUMP TRUMP TRUMP TRUMP!!
MAGA

[REDACTED]

Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date:

From:

To:

TRUMP is gonna make us great again! everyone gets a new lifted F250, you get an F250, you get an F250, you get an F250, you get an F250



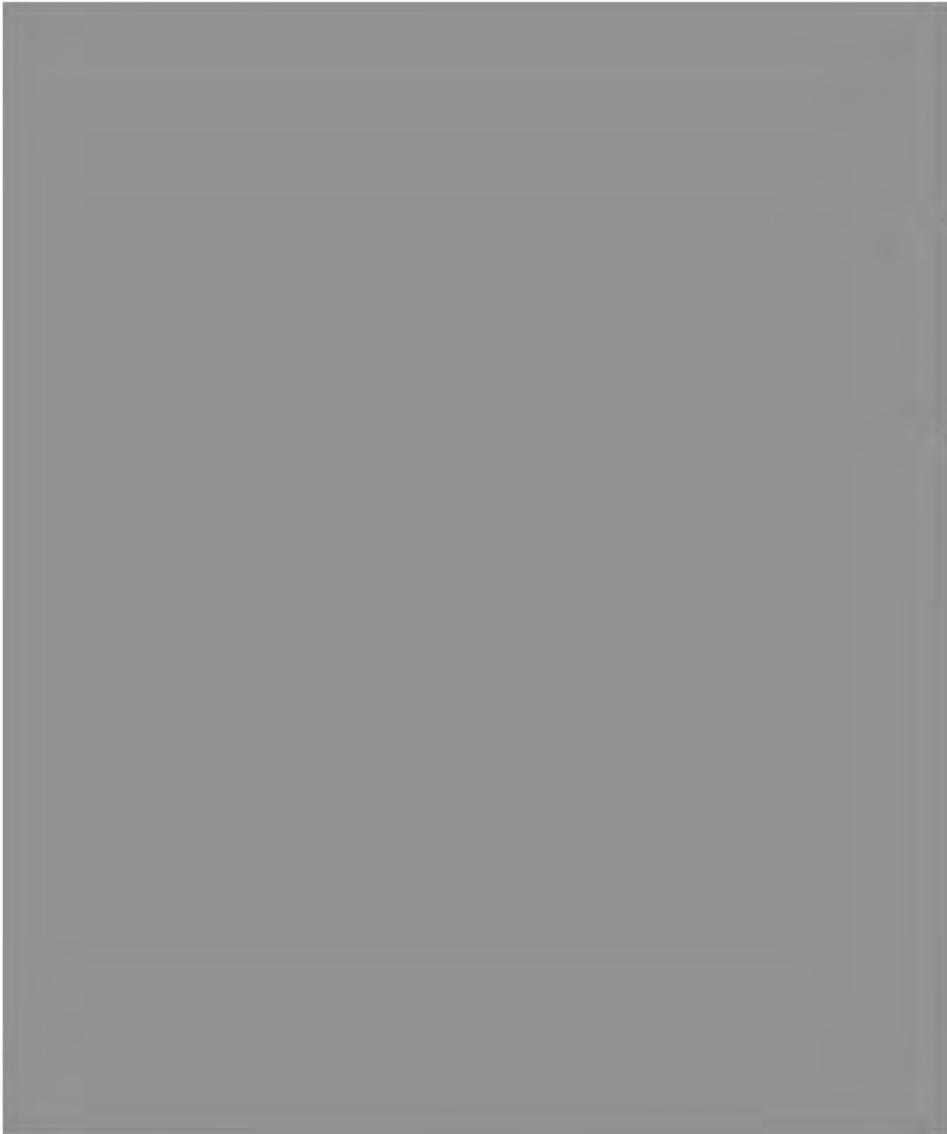
Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date:

From:

To:

40 thousand rednecks strong. America dont know we are about to go after brown wetback take their shit and ship the rats out in containers full of shit



GOD is

, you get

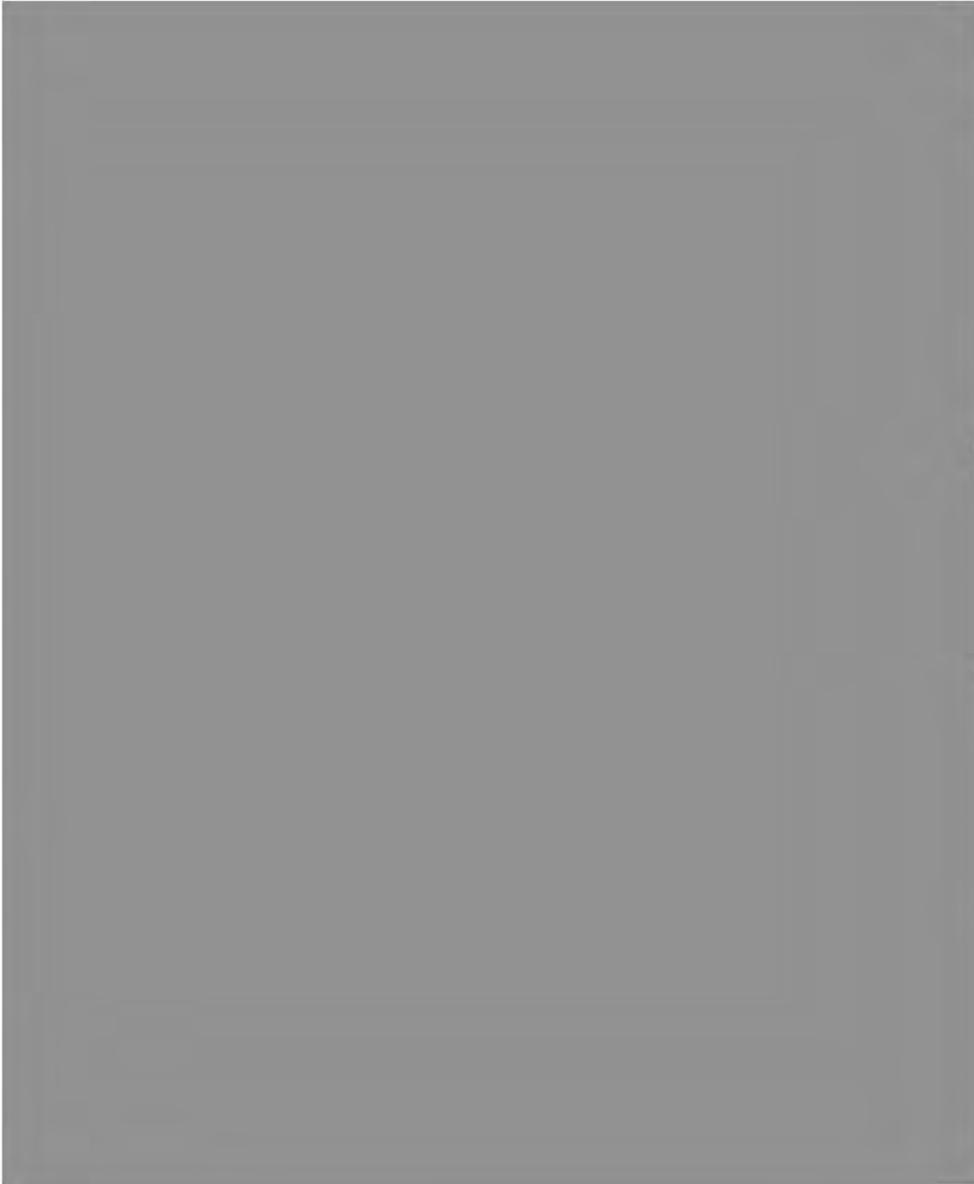
Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date:

From:

To:

Cleared in CASS. Do you think brandon judd will be secretary of state now?



take

GOD is

you

[REDACTED]

Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date: [REDACTED]

From: [REDACTED]

To: [REDACTED]

Judd will leave the union and get on that private contractor train building the wall and get rich.
sucking up to trump and rudy giuliani was no accident

[REDACTED]

1 of 2

[REDACTED]

Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date: [REDACTED]

From: [REDACTED]

To: [REDACTED]

we in the wetback killing business and business will be boom'n. i wana go to their houses, deport them then go back [REDACTED] flat screen tv, you know they all have big ass tv's for the soccer shit. goal!!!!!!!!!!!!!!!!!!!!!!.

[REDACTED]

1 of 2

[REDACTED]

Subject: Re: TRUMP TRUMP TRUMP TRUMP

Date: [REDACTED]

From: [REDACTED]

To: [REDACTED]

fuck u you know OFOs will be going back at night after to get (evidence)

[REDACTED]

port
cer

ch.

Page 1 of 2

02/28/2017- Notified regarding a (b) (7)(E) case regarding Twitter

03/02/2017- (b) (6), (b) (7)(C) received the first (b) (7)(E). Information was on a removable hard drive.

03/03/17 - (b) (6), (b) (7)(C) provided the original (b) (7)(E) link for keyword searches conducted on email.

(b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C) sent me the original "leaked emails" (provided to you) as well as screen shots of interest when the word search "email" was performed. (also provided to you). (b) (6), (b) (7)(C) (b) (7)(E)

03/06/17- attempted to open the provided files utilizing a (b) (7)(E)

03/10- (b) (6), (b) (7)(C) and myself went to (b) (7)(E) SAC (b) (6), (b) (7)(C) and (b) (7)(E)

I was on leave March 11th -20th. Returned the 21st

03/23- I received a (b) (7)(E)

03/24- I was notified that the (b) (7)(E) was ready for pickup

03/27- Assistance from (b) (6), (b) (7)(C) was requested for guidance on the (b) (7)(E) which was provided March 28th.

A review was started with key word searches at that time.

(b) (7)(E)

From: (b) (7)(E)
Sent: Friday, April 07, 2017 9:03 AM
To: (b) (7)(E)
Subject: RE: Links that were found within the twitter feeds

The links were not looked through until the 6th ish. I am putting together a timeline as we speak from my notes and emails

From: (b) (7)(E)
Sent: Friday, April 07, 2017 9:58 AM
To: (b) (7)(E)
Subject: RE: Links that were found within the twitter feeds

Thanks

Do you know on what date

From: (b) (7)(E)
Sent: Friday, April 07, 2017 2:55:40 PM
To: (b) (7)(E)
Cc: (b) (7)(E)
Subject: Links that were found within the twitter feeds

While these are dated 02/23, we did not find these links until later

<https://thegadabouttown.com/2017/02/23/the-wetback-killing-business-the-border-patrol-emails/>

<https://thegadabouttown.com/2017/02/23/the-border-patrol-emails-an-update/>

v/r,

(b) (7)(E) Operations Analysis Specialist I Office of Professional Responsibility

(b) (7)(E)

(b) (7)(E) -Desk I (b) (7)(E) -Cell



(<https://www.cornell.edu/>)Cornell University Law School (<http://www.lawschool.cornell.edu/>)Search Cornell (<https://www.cornell.edu/search/>)

U.S. Code (<https://www.law.cornell.edu/uscode/text/>) › Title 19
(<https://www.law.cornell.edu/uscode/text/19/>) › Chapter 4
(<https://www.law.cornell.edu/uscode/text/19/chapter-4/>) › Subtitle III
(<https://www.law.cornell.edu/uscode/text/19/chapter-4/subtitle-III/>) › Part III
(<https://www.law.cornell.edu/uscode/text/19/chapter-4/subtitle-III/part-III/>) › § 1509

19 U.S. Code § 1509 - Examination of books and witnesses

US Code (https://www.law.cornell.edu/uscode/text/19/1509?qt-us_code_temp_noupdates=1&qt-us_code_temp_noupdates=1)
Notes (https://www.law.cornell.edu/uscode/text/19/1509?qt-us_code_temp_noupdates=1&qt-us_code_temp_noupdates=1)
Authorities (CFR) (https://www.law.cornell.edu/uscode/text/19/1509?qt-us_code_temp_noupdates=1&qt-us_code_temp_noupdates=1)
prev (<https://www.law.cornell.edu/uscode/text/19/1508>) | next (<https://www.law.cornell.edu/uscode/text/19/1510>)

(a) **AUTHORITY** In any investigation or inquiry conducted for the purpose of ascertaining the correctness of any entry, for determining the liability of any person for duty, fees and taxes due or duties, fees and taxes which may be due the United States, for determining liability for fines and penalties, or for insuring compliance with the laws of the United States administered by the United States Customs Service, the Secretary (but no delegate of the Secretary below the rank of district director or special agent in charge) may—

(1) examine, or cause to be examined, upon reasonable notice, any record (which for purposes of this section, includes, but is not limited to, any statement, declaration, document, or electronically generated or machine readable data) described in the notice with reasonable specificity, which may be relevant to such investigation or inquiry, except that—

(A) if such record is required by law or regulation for the entry of the merchandise (whether or not the Customs Service required its presentation at the time of entry) it shall be provided to the Customs Service within a reasonable time after demand for its production is made, taking into consideration the number, type, and age of the item demanded; and

(B) if a person of whom demand is made under subparagraph (A) fails to comply with the demand, the person may be subject to penalty under subsection (g);

(2) summon, upon reasonable notice—

(A) the person who—

(i) imported, or knowingly caused to be imported, merchandise into the customs territory of the United States,

(ii) exported merchandise, or knowingly caused merchandise to be exported, to a NAFTA country (as defined in section 3301(4) of this title (<https://www.law.cornell.edu/uscode/text/19/lii:usc:t:19:s:3301:4>)) or to Canada during such time as the United States-Canada Free-Trade Agreement is in force with respect to, and the United States applies that Agreement to, Canada,

(iii) transported or stored merchandise that was or is carried or held under customs bond, or knowingly caused such transportation or storage, or

(iv) filed a declaration, entry, or drawback claim with the Customs Service;

(B) any officer, employee, or agent of any person described in subparagraph (A);

(C) any person having possession, custody or care of records relating to the importation or other activity described in subparagraph (A); or

(D) any other person he may deem proper;

U.S. Code Toolbox

LII on your phone:



(<https://itunes.apple.com/us/app/lawlibe/id403807492>)

Law about... Articles from Wex

(https://www.law.cornell.edu/wex/wex_articles)

Download the PDF (8 pgs)

(https://www.law.cornell.edu/uscode/pdf/uscode19/lii_u)

Title 19 USC, RSS Feed

(https://www.law.cornell.edu/uscode/rss/usc_update_19)

Table of Popular Names

(<https://www.law.cornell.edu/popular>)

Capitals (<https://www.law.cornell.edu/ptoa>)

(<https://www.law.cornell.edu/ptoa>)

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to appear before the appropriate customs officer at the time and place within the customs territory of the United States specified in the summons (except that no witness may be required to appear at any place more than one hundred miles distant from the place where he was served with the summons), to produce records, as defined in subsection (d)(1)(A), and to give such testimony, under oath, as may be relevant to such investigation or inquiry; and

(3) take, or cause to be taken, such testimony of the person concerned, under oath, as may be relevant to such investigation or inquiry.

(b) REGULATORY AUDIT PROCEDURES

(1) In conducting a regulatory audit under this section (which does not include a quantity verification for a customs bonded warehouse or general purpose foreign trade zone), the Customs Service auditor shall provide the person being audited, in advance of the audit, with a reasonable estimate of the time to be required for the audit. If in the course of an audit it becomes apparent that additional time will be required, the Customs Service auditor shall immediately provide a further estimate of such additional time.

(2) Before commencing an audit, the Customs Service auditor shall inform the party to be audited of his right to an entry conference at which time the purpose will be explained and an estimated termination date set. Upon completion of on-site audit activities, the Customs Service auditor shall schedule a closing conference to explain the preliminary results of the audit.

(3) Except as provided in paragraph (5), if the estimated or actual termination date for an audit passes without the Customs Service auditor providing a closing conference to explain the results of the audit, the person being audited may petition in writing for such a conference to the officer designated pursuant to regulations, who, upon receipt of such a request, shall provide for such a conference to be held within 15 days after the date of receipt.

(4) Except as provided in paragraph (5), the Customs Service auditor shall complete the formal written audit report within 90 days following the closing conference unless the officer designated pursuant to regulations provides written notice to the person being audited of the reason for any delay and the anticipated completion date. After application of any exemption contained in section 552 of title 5 (<https://www.law.cornell.edu/uscode/text/5/552>), a copy of the formal written audit report shall be sent to the person audited no later than 30 days following completion of the report.

(5) Paragraphs (3) and (4) shall not apply after the Customs Service commences a formal investigation with respect to the issue involved.

(6)

(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 1592 of this title (<https://www.law.cornell.edu/uscode/text/19/1592>), the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries, if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 1520 of this title (<https://www.law.cornell.edu/uscode/text/19/1520>).

(c) SERVICE OF SUMMONS

A summons issued pursuant to this section may be served by any person designated in the summons to serve it. Service upon a natural person may be made by personal delivery of the summons to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the summons to an officer, or managing or general agent, or to any other

agent authorized by appointment or by law to receive service of process. The certificate of service signed by the person serving the summons is prima facie evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of records, such records shall be described in the summons with reasonable specificity.

(d) SPECIAL PROCEDURES FOR THIRD-PARTY SUMMONSES

(1) For purposes of this subsection—

(A) The term “records” includes those—

(i) required to be kept under section 1508 of this title (<https://www.law.cornell.edu/uscode/text/19/1508>); or

(ii) regarding which there is probable cause to believe that they pertain to merchandise the importation of which into the United States is prohibited.

(B) The term “summons” means any summons issued under subsection (a) of this section which requires the production of records or the giving of testimony relating to records. Such term does not mean any summons issued to aid in the collection of the liability of any person against whom an assessment has been made or judgment rendered.

(C) The term “third-party recordkeeper” means—

(i) any customhouse broker, unless such customhouse broker is the importer of record on an entry;

(ii) any attorney; and

(iii) any accountant.

(2) If—

(A) any summons is served on any person who is a third-party recordkeeper; and

(B) the summons requires the production of, or the giving of testimony relating to, any portion of records made or kept of the transactions described in section 1508 of this title (<https://www.law.cornell.edu/uscode/text/19/1508>) of any person (other than the person summoned) who is identified in the description of the records contained in such summons;

then notice of such summons shall be given to any persons so identified within a reasonable time before the day fixed in the summons as the day upon which such records are to be examined or testimony given. Such notice shall be accompanied by a copy of the summons which has been served and shall contain directions for staying compliance with the summons under paragraph (5)(B) of this subsection.

(3) Any notice required under paragraph (2) of this subsection shall be sufficient if such notice is served in the manner provided in subsection (b) of this section upon the person entitled to notice, or is mailed by certified or registered mail to the last known address of such person.

(4) Paragraph (2) of this subsection shall not apply to any summons—

(A) served on the person with respect to whose liability for duties, fees, or taxes the summons is issued, or any officer or employee of such person; or

(B) to determine whether or not records of the transactions described in section 1508 of this title (<https://www.law.cornell.edu/uscode/text/19/1508>) of an identified person have been made or kept.

(5) Notwithstanding any other law or rule of law, any person who is entitled to notice of a summons under paragraph (2) of this subsection shall have the right—

(A) to intervene in any proceeding with respect to the enforcement of such summons under section 1510 of this title (<https://www.law.cornell.edu/uscode/text/19/1510>); and

(B) to stay compliance with the summons if, not later than the day before the day fixed in the summons as the day upon which the records are to be examined or testimony given—

(i) notice in writing is given to the person summoned not to comply with the summons; and

(ii) a copy of such notice not to comply with the summons is mailed by registered or certified mail to such person and to such office as the Secretary may direct in the notice referred to in paragraph (2) of this subsection.

(6) No examination of any records required to be produced under a summons as to which no notice is required under paragraph (2) of this subsection may be made—

(A) before the expiration of the period allowed for the notice not to comply under paragraph (5)(B) of this subsection, or

(B) if the requirements of such paragraph (5)(B) have been met, except in accordance with an order issued by a court of competent jurisdiction authorizing examination of such records or with the consent of the person staying compliance.

(7) The provisions of paragraphs (2) and (5) of this subsection shall not apply with respect to any summons if, upon petition by the Secretary, the court determines, on the basis of the facts and circumstances alleged, that there is reasonable cause to believe the giving of no notice may lead to attempts to conceal, destroy, or alter records relevant to the examination, to prevent the communication of information from other persons through intimidation, bribery, or collusion, or to flee to avoid prosecution, testifying, or production of records.

(e) LIST OF RECORDS AND INFORMATION

The Customs Service shall identify and publish a list of the records or entry information that is required to be maintained and produced under subsection (a)(1)(A).

(f) RECORDKEEPING COMPLIANCE PROGRAM

(1) IN GENERAL

After consultation with the importing community, the Customs Service shall by regulation establish a recordkeeping compliance program which the parties listed in section 1508(a) of this title (<https://www.law.cornell.edu/uscode/text/19/liv:usc:t:19:s:1508:a>) may participate in after being certified by the Customs Service under paragraph (2). Participation in the recordkeeping compliance program by recordkeepers is voluntary.

(2) **CERTIFICATION** A recordkeeper may be certified as a participant in the recordkeeping compliance program after meeting the general recordkeeping requirements established under the program or after negotiating an alternative program suited to the needs of the recordkeeper and the Customs Service. Certification requirements shall take into account the size and nature of the importing business and the volume of imports. In order to be certified, the recordkeeper must be able to demonstrate that it—

(A) understands the legal requirements for recordkeeping, including the nature of the records required to be maintained and produced and the time periods involved;

(B) has in place procedures to explain the recordkeeping requirements to those employees who are involved in the preparation, maintenance, and production of required records;

(C) has in place procedures regarding the preparation and maintenance of required records, and the production of such records to the Customs Service;

(D) has designated a dependable individual or individuals to be responsible for recordkeeping compliance under the program and whose duties include maintaining familiarity with the recordkeeping requirements of the Customs Service;

(E) has a record maintenance procedure approved by the Customs Service for original records, or, if approved by the Customs Service, for alternative records or recordkeeping formats other than the original records; and

(F) has procedures for notifying the Customs Service of occurrences of variances to, and violations of, the requirements of the recordkeeping compliance program or the negotiated alternative programs, and for taking corrective action when notified by the Customs Service of violations or problems regarding such program.

(g) PENALTIES

(1) "INFORMATION" DEFINED

For purposes of this subsection, the term "information" means any record, statement, declaration, document, or electronically stored or transmitted information or data referred to in subsection (a)(1)(A).

(2) EFFECTS OF FAILURE TO COMPLY WITH DEMAND Except as provided in paragraph (4), if a person fails to comply with a lawful demand for information under subsection (a)(1)(A) the following provisions apply:

(A) If the failure to comply is a result of the willful failure of the person to maintain, store, or retrieve the demanded information, such person shall be subject to a penalty, for each release of merchandise, not to exceed \$100,000, or an amount equal to 75 percent of the appraised value of the merchandise, whichever amount is less.

(B) If the failure to comply is a result of the negligence of the person in maintaining, storing, or retrieving the demanded information, such person shall be subject to a penalty, for each release of merchandise, not to exceed \$10,000, or an amount equal to 40 percent of the appraised value of the merchandise, whichever amount is less.

(C) In addition to any penalty imposed under subparagraph (A) or (B) regarding demanded information, if such information related to the eligibility of merchandise for a column 1 special rate of duty under title I, the entry of such merchandise—

(i) if unliquidated, shall be liquidated at the applicable column 1 general rate of duty; or

(ii) if liquidated within the 2-year period preceding the date of the demand, shall be reliquidated, notwithstanding the time limitation in section 1514 (<https://www.law.cornell.edu/uscode/text/19/1514>) or 1520 (<https://www.law.cornell.edu/uscode/text/19/1520>) of this title, at the applicable column 1 general rate of duty;

except that any liquidation or reliquidation under clause (i) or (ii) shall be at the applicable column 2 rate of duty if the Customs Service demonstrates that the merchandise should be dutiable at such rate.

(3) AVOIDANCE OF PENALTY No penalty may be assessed under this subsection if the person can show—

(A) that the loss of the demanded information was the result of an act of God or other natural casualty or disaster beyond the fault of such person or an agent of the person;

(B) on the basis of other evidence satisfactory to the Customs Service, that the demand was substantially complied with; or

(C) the information demanded was presented to and retained by the Customs Service at the time of entry or submitted in response to an earlier demand.

(4) PENALTIES NOT EXCLUSIVE Any penalty imposed under this subsection shall be in addition to any other penalty provided by law except for—

(A) a penalty imposed under section 1592 of this title (<https://www.law.cornell.edu/uscode/text/19/1592>) for a material omission of the demanded information, or

(B) disciplinary action taken under section 1641 of this title (<https://www.law.cornell.edu/uscode/text/19/1641>).

(5) REMISSION OR MITIGATION

A penalty imposed under this section may be remitted or mitigated under section 1618 of this title (<https://www.law.cornell.edu/uscode/text/19/1618>).

(6) CUSTOMS SUMMONS

Nothing in this subsection shall limit or preclude the Customs Service from issuing, or seeking the enforcement of, a customs summons.

(7) ALTERNATIVES TO PENALTIES**(A) In general** When a recordkeeper who—

(i) has been certified as a participant in the recordkeeping compliance program under subsection (f); and

(ii) is generally in compliance with the appropriate procedures and requirements of the program;

does not produce a demanded record or information for a specific release or provide the information by acceptable alternative means, the Customs Service, in the absence of willfulness or repeated violations, shall issue a written notice of the violation to the recordkeeper in lieu of a monetary penalty. Repeated violations by the recordkeeper may result in the issuance of penalties and removal of certification under the program until corrective action, satisfactory to the Customs Service, is taken.

(B) Contents of notice A notice of violation issued under subparagraph (A) shall—

(i) state that the recordkeeper has violated the recordkeeping requirements;

(ii) indicate the record or information which was demanded; and

(iii) warn the recordkeeper that future failures to produce demanded records or information may result in the imposition of monetary penalties.

(C) Response to notice

Within a reasonable time after receiving written notice under subparagraph (A), the recordkeeper shall notify the Customs Service of the steps it has taken to prevent a recurrence of the violation.

(D) Regulations

The Secretary shall promulgate regulations to implement this paragraph. Such regulations may specify the time periods for compliance with a demand for information and provide guidelines which define repeated violations for purposes of this paragraph. Any penalty issued for a recordkeeping violation shall take into account the degree of compliance compared to the total number of importations, the nature of the demanded records and the recordkeeper's cooperation.

(June 17, 1930, ch. 497, title IV, § 509, 46 Stat. 733 (<http://uscode.house.gov/statviewer.htm?volume=46&page=733>); June 25, 1948, ch. 646, § 26, 62 Stat. 990 (<http://uscode.house.gov/statviewer.htm?volume=62&page=990>); Pub. L. 91–271, title III (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW>), § 301(n), June 2, 1970, 84 Stat. 289 (<http://uscode.house.gov/statviewer.htm?volume=84&page=289>); Pub. L. 95–410, title I ([http://thomas.loc.gov/cgi-bin/bdquery/L?d095:.list/bd/d095pl.lst:410\(Public_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d095:.list/bd/d095pl.lst:410(Public_Laws))), § 105, Oct. 3, 1978, 92 Stat. 889 (<http://uscode.house.gov/statviewer.htm?volume=92&page=889>); Pub. L. 99–570, title III ([http://thomas.loc.gov/cgi-bin/bdquery/L?d099:.list/bd/d099pl.lst:570\(Public_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d099:.list/bd/d099pl.lst:570(Public_Laws))), § 3117, Oct. 27, 1986, 100 Stat. 3207–84 (<http://uscode.house.gov/statviewer.htm?volume=100&page=3207-84>); Pub. L. 103–182, title II ([http://thomas.loc.gov/cgi-bin/bdquery/L?d103:.list/bd/d103pl.lst:182\(Public_Laws\)](http://thomas.loc.gov/cgi-bin/bdquery/L?d103:.list/bd/d103pl.lst:182(Public_Laws))), § 205(b), title VI, § 615, Dec. 8, 1993, 107 Stat. 2094 (<http://uscode.house.gov/statviewer.htm?volume=107&page=2094>), 2175; Pub. L. 104–295 (<http://www.gpo.gov/fdsys/pkg/PLAW-104publ295/html/PLAW-104publ295.htm>), § 3(a)(1), (10), Oct. 11, 1996, 110 Stat. 3515 (<http://uscode.house.gov/statviewer.htm?volume=110&page=3515>), 3516; Pub. L. 107–210, div. A, title III (<http://www.gpo.gov/fdsys/pkg/PLAW-107publ210/html/PLAW-107publ210.htm>), § 382, Aug. 6, 2002, 116 Stat. 992 (<http://uscode.house.gov/statviewer.htm?volume=116&page=992>).

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 5:05 PM
To: LANDFRIED, PHIL A
Subject: Email Search results

We have some perspective emails that have been recovered and are being turned over to OPR for analysis. My team will investigate printing (b) (7)(E) as soon as possible.

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

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 6:02:57 PM
To: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search results

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

The results can be turned over to OPR for analysis. It looks like there might be several emails that contain TRUMP TRUMP TRUMP TRUMP in the subject line. Per our conversation, tomorrow morning all of the searches will be conducted again to see if there is any difference (b) (7)(E). Another email will be sent out to all parties once those searches are re-run.

(b) (6), (b) (7)(C) I will accept and export this 1 search, save the export to the (b) (7)(E) and send you a link if that is ok.

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 5:53 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search results

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

Thank you for the fast action on this.

Are you turning over results of the search to OPR directly or will (b) (7)(E)

Thank you,

(b) (7)(E)

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

Sent: Thursday, February 23, 2017 5:49 PM

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

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

Subject: Search results

Good Evening All:

OPR just reached out to (b) (7)(E) as well. (b) (7)(E)

(b) (7)(E) 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	DATE	STATUS
(b) (7)(E)	(b) (6), (b) (7)(C)	2/23/2017 5:32:00...	(b) (7)(E) Pending Acceptance
(b) (7)(E)	(b) (6), (b) (7)(C)	2/23/2017 5:11:00...	(b) (7)(E) Pending Acceptance
(b) (7)(E)	(b) (6), (b) (7)(C)	2/23/2017 5:08:00...	(b) (7)(E) Pending Acceptance
(b) (7)(E)	(b) (6), (b) (7)(C)	2/23/2017 5:02:00...	(b) (7)(E) Pending Acceptance

For the search concerning TRUMP, in the subject line the scope of the search was "TRUMP TRUMP TRUMP TRUMP". (b) (7)(E) (b) (7)(E)

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)
(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) and Phil now. Thanks.

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 4:57:02 PM
To: (b) (6), (b) (7)(C)
FLANAGAN, PATRICK S
Subject: FW: Email Legality of search request

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

(b) (6), (b) (7)(C) sent this email coming from Patrick Flanagan 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. (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)
Subject: FW: Email
Importance: High

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

From: LANDFRIED, PHIL A

Sent: Thursday, February 23, 2017 3:50 PM

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

Subject: FW: Email

Not sure what do with this one. Hopefully you have some Ideas

Thanks,

Phil

From: FLANAGAN, PATRICK S

Sent: Thursday, February 23, 2017 3:48 PM

To: LANDFRIED, PHIL A <(b) (6), (b) (7)(C)> KARISCH, RODOLFO (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.

Would appreciate if OIT and OPR can do a scrub to make sure our systems haven't been hacked/compromised by the group.

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: FLANAGAN, PATRICK S (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)

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: Friday, March 03, 2017 2:45 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Anytime

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)

(b) (6), (b) (7)(C)^{P)}

From: (b) (6), (b) (7)(C)
Sent: Friday, March 3, 2017 3:35 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Awesome- thanks!

From: (b) (6), (b) (7)(C)
Sent: Friday, March 03, 2017 3:33 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Yes, the (b) (7)(E) is the total number of messages before the duplicate messages were removed. The (b) (7)(E) are the actual number of messages recovered.

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

From: (b) (6), (b) (7)(C)
Sent: Friday, March 3, 2017 3:32 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

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

I was looking at the list of results and the last one (b) (7)(E) (b) (7)(E) shows (b) (7)(E) When I open the root items in that search, I am only seeing (b) (7)(E) ideas?

(b) (7)(E) (b) (7)(E)
E)

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

v/r
(b) (6), (b) (7)(C) Operations Analysis Specialist I Office of Professional Responsibility
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) -Desk 1 (b) (6), (b) (7)(C) -Cell

From: (b) (6), (b) (7)(C)
Sent: Friday, March 03, 2017 3:19 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Anytime

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

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

From: (b) (6), (b) (7)(C)
Sent: Friday, March 3, 2017 3:16 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Thank you so much! This helps immensely!

From: (b) (6), (b) (7)(C)
Sent: Friday, March 03, 2017 3:11 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

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

Yes, these are the only search terms that were used. Below is a screen shot of the results.

(b) (7)(E)
(b) (7)(E)

As you can see the only searches with results (based on the scope of each search) were TRUMP (b) (7)(E) (indicating (b) (7)(E)) and (b) (7)(E). The number of messages (i.e. (b) (7)(E) for (b) (7)(E) is the actual number of messages before the duplicate messages were removed during the export process.

Hope this helps.

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, March 3, 2017 3:03 PM

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

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

Subject: RE: Search screen shots

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

Thanks so much! This is great! Two quick questions:

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

Thanks again for your help-

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

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

Sent: Friday, March 03, 2017 2:57 PM

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

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

Subject: Search screen shots

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

Here are the promised screen shots. Please let me know if you have any questions or need a better copy.

Sincerely,

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

(b) (7)(E)

Cyber Security Directorate (CSD)
Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

From: (b) (6), (b) (7)(C)
Sent: Friday, March 03, 2017 2:38 PM
To: (b) (6), (b) (7)(C)
Subject: FW: Search screen shots

fysa

From: (b) (6), (b) (7)(C)
Sent: Friday, March 03, 2017 3:33 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Yes, the (b) (7)(E) is the total number of messages before the duplicate messages were removed. The (b) (7)(E) are the actual number of messages recovered.

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

From: (b) (6), (b) (7)(C)
Sent: Friday, March 3, 2017 3:32 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

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

I was looking at the list of results and the last one (b) (7)(E) show (b) (7)(E) When I open the root items in that search, I am only seeing (b) (7)(E) ideas?

(b) (7)(E) (b) (7)(E)

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

v/r,

(b) (6), (b) (7)(C) Operations Analysis Specialist I Office of Professional Responsibility

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

(b) (6), (b) (7)(C) -Desk 1 (b) (6), (b) (7)(C) -Cell

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

Sent: Friday, March 03, 2017 3:19 PM

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

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

Subject: RE: Search screen shots

Anytime

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

(b) (7)(E)

Office of Information and Technology (OIT)

Enterprise Services (ES)

U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, March 3, 2017 3:16 PM

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

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

Subject: RE: Search screen shots

Thank you so much! This helps immensely!

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

Sent: Friday, March 03, 2017 3:11 PM

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

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

Subject: RE: Search screen shots

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

Yes, these are the only search terms that were used. Below is a screen shot of the results.

(b) (7)(E) (b) (7)(E)

As you can see the only searches with results (based on the scope of each search) were (b) (7)(E) (b) (7)(E) (indicating (b) (7)(E)) and (b) (7)(E). The number of messages (i.e. (b) (7)(E)) for (b) (7)(E) the actual number of messages before the duplicate messages were removed during the export process.

Hope this helps.

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

(b) (7)(E)

Office of Information and Technology (OIT)

Enterprise Services (ES)

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

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

Sent: Friday, March 3, 2017 3:03 PM

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

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

Subject: RE: Search screen shots

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

Thanks so much! This is great! Two quick questions:
(
b
)
(

Thanks again for your help-

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

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

Sent: Friday, March 03, 2017 2:57 PM

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

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

Subject: Search screen shots

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

Here are the promised screen shots. Please let me know if you have any questions or need a better copy.

Sincerely,

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

(b) (7)(E)

Cyber Security Directorate (CSD)
Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

From: (b) (6), (b) (7)(C)
Sent: Monday, April 10, 2017 1:54 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

Thanks (b) (6), (b) (7)(C) will be great.

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

From: (b) (6), (b) (7)(C)
Sent: Monday, April 10, 2017 2:33 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

I will do. It may take a few days for me to get that information to you. I'm not sure who over there has the case. I'll have to make some calls. (b) (7)(E), (b) (5)

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

(b) (7)(E)

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

From: (b) (6), (b) (7)(C)
Sent: Monday, April 10, 2017 2:32 PM

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

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

Can you ask them to reach out to us so we know how to process the results for them? (b) (7)(E)

but we can (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)

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

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

Sent: Monday, April 10, 2017 2:28 PM

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

Cc: (b) (7)(E)

Subject: RE: Search screen shots original ticket

Ok sounds good. I'll note that in our summary report so they know it exists and who to contact to retrieve it.

Best Regards,

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

Assistant Special Agent in Charge

(b) (7)(E) Washington Office
Miami Office
Cellular
Miami Lab

(b) (7)(E)

U.S. Customs & Border Protection
Office of Professional Responsibility

(b) (7)(E)

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

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

Sent: Monday, April 10, 2017 2:23 PM

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

Cc: (b) (7)(E)

Subject: RE: Search screen shots original ticket

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

(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)

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

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

Sent: Monday, April 10, 2017 2:20 PM

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

Cc: (b) (7)(E)

Subject: RE: Search screen shots original ticket (b) (7)(E)

Good afternoon Ladies,

(b) (5), (b) (7)(E)

We are trying to get summary reports generated for all we have done so (b) (7)(E) and move forward.

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

(b) (7)(E)

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

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

Sent: Monday, April 10, 2017 2:17 PM

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

Cc: (b) (7)(E)

Subject: RE: Search screen shots original ticket (b) (7)(E)

Importance: High

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

Sorry for the delay. Due to possible issues regarding this case, I am going to pass you to (b) (6), (b) (7)(C) for the answer to this question.

Thanks so much for your help with this!

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

v/r,

(b) (6), (b) (7)(C) Operations Analysis Specialist I Office of Professional Responsibility

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

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

Sent: Monday, April 10, 2017 2:12 PM

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

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

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

Just checking back with you today to see where you want the results copied too.

Thanks,

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

(b) (7)(E)

Office of Information and Technology (OIT)

Enterprise Services (ES)

U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, April 7, 2017 2:56 PM

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

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

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

Your (b) (7)(E) request under (b) (7)(E) has almost finished exporting. Just to let you know there are (b) (7)(E) messages. I am not sure how many (b) (7)(E) his search will generate, but there are currently (b) (7)(E) We still have some room in (b) (7)(E) if you would like to be able to review all of the PST files at once. You would need some training and a (b) (7)(E) account. Would that be an option you would like to explore?

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)

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

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

Sent: Tuesday, March 28, 2017 10:56 AM

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

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

Thank you for your help. Hopefully we can wrap this up-

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

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

Sent: Tuesday, March 28, 2017 10:55 AM

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

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

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

The new (b) (7)(E) Hopefully the searches will be completed on or before Friday, April 7, 2017.

Take care,

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

Sent: Tuesday, March 28, 2017 10:52 AM

To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

Yes please- thank you

From: (b) (6), (b) (7)(C)
Sent: Tuesday, March 28, 2017 10:47 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

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

I am not sure, but will run them and let you know. Should be interesting. I am assuming the same dates November 1, 2016 through February 23, 2017.

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

(b) (7)(E)

gy (OIT)

Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, March 28, 2017 10:25 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

Yes. Do you think this would bring back too many results? (b) (7)(E)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, March 28, 2017 10:23 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

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

Just to confirm, when the original searches were done, each term was individually searched. (b) (5)

Thanks,

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

Sent: Tuesday, March 28, 2017 9:57 AM

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

Cc:

Subject: RE: Search screen shots

Importance: High

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

After a review of the email information you provided and now with more of the twitter information available, I would like to expand the email search for the following terms:

(b) (7)(E)

I think these should be specific enough and should resolve this issue. Let me know if there are any problems with this request or the search terms. Thanks for your assistance with this.

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

v/r,

(b) (6), (b) (7)(C) Operations Analysis Specialist | Office of Professional Responsibility

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

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

Sent: Friday, March 03, 2017 3:45 PM

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

Subject: RE: Search screen shots

Anytime

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)

U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, March 3, 2017 3:35 PM

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

Subject: RE: Search screen shots

Awesome- thanks!

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

Sent: Friday, March 03, 2017 3:33 PM

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

Subject: RE: Search screen shots

Yes, the (b) (7)(E) is the total number of messages before the duplicate messages were removed. The (b) (7)(E) are the actual number of messages recovered.

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, March 3, 2017 3:32 PM

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

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

Subject: RE: Search screen shots

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

I was looking at the list of results and the last one (b) (7)(E) shows (b) (7). When I open the root items in that search, I am only seeing (b) (7). Ideas?

(b) (7)(E) (b) (7)(E)

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

v/r.

(b) (6), (b) (7)(C) Operations Analysis Specialist I Office of Professional Responsibility

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

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

Sent: Friday, March 03, 2017 3:19 PM

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

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

Subject: RE: Search screen shots

Anytime

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, March 3, 2017 3:16 PM

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

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

Subject: RE: Search screen shots

Thank you so much! This helps immensely!

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

Sent: Friday, March 03, 2017 3:11 PM

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

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

Subject: RE: Search screen shots

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

Yes, these are the only search terms that were used. Below is a screen shot of the results.

(b) (7)(E) (b) (7)(E)

As you can see the only searches with results (based on the scope of each search) were (b) (7)(E) (b) (7)(E) (indicating (b) (7)(E)) and (b) (7)(E). The number of messages (i.e. (b) (7)(E) for (b) (7)(E)) is the actual number of messages before the duplicate messages were removed during the export process.

Hope this helps.

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)

U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, March 3, 2017 3:03 PM

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

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

Subject: RE: Search screen shots

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

Thanks so much! This is great! Two quick questions:

(
b
)
(

Thanks again for your help-

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

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

Sent: Friday, March 03, 2017 2:57 PM

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

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

Subject: Search screen shots

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

Here are the promised screen shots. Please let me know if you have any questions or need a better copy.

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)

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

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

From: (b) (6), (b) (7)(C)
Sent: Friday, April 07, 2017 2:00 PM
To: (b) (6), (b) (7)(C)
Subject: FW: Search screen shots original ticket (b) (7)(E)

FYSA

From: (b) (6), (b) (7)(C)
Sent: Friday, April 07, 2017 2:56 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

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

Your (b) (7)(E) request under (b) (7)(E) has almost finished exporting. Just to let you know there are (b) (7)(E) messages. I am not sure how many (b) (7)(E) this search will generate, but there are currently (b) (7)(E) (b) (7)(E). We still have some room in (b) (7)(E) if you would like to be able to review all of the (b) (7)(E) files at once. You would need some training and a (b) (7)(E) account. Would that be an option you would like to explore?

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)

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, March 28, 2017 10:56 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

Thank you for your help. Hopefully we can wrap this up-

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

From: (b) (6), (b) (7)(C)
Sent: Tuesday, March 28, 2017 10:55 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots original ticket (b) (7)(E)

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

The new (b) (7)(E) Hopefully the searches will be completed on or before Friday, April 7, 2017.

Take care,

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

Sent: Tuesday, March 28, 2017 10:52 AM

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

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

Yes please- thank you

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

Sent: Tuesday, March 28, 2017 10:47 AM

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

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

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

I am not sure, but will run them and let you know. Should be interesting. I am assuming the same dates

(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)

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

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

Sent: Tuesday, March 28, 2017 10:25 AM

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

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

Yes. Do you think this would bring back too many results? (b) (7)(E)

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

Sent: Tuesday, March 28, 2017 10:23 AM

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

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

Subject: RE: Search screen shots original ticket (b) (7)(E)

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

Just to confirm, when the original searches were done, each term was individually searched. (b) (5)

Thanks,

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

(b) (7)(E)

Office of Information and Technology (OIT)

Enterprise Services (ES)

U.S. Customs and Border Protection (CBP)

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

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

Sent: Tuesday, March 28, 2017 9:57 AM

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

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

Subject: RE: Search screen shots

Importance: High

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

After a review of the email information you provided and now with more of the twitter information available, I would like to expand the email search for the following terms:

(b) (7)(E)

I think these should be specific enough and should resolve this issue. Let me know if there are any problems with this request or the search terms. Thanks for your assistance with this.

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

v/r,

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

From: (b) (6), (b) (7)(C)
Sent: Friday, March 03, 2017 3:45 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Anytime

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

From: (b) (6), (b) (7)(C)
Sent: Friday, March 3, 2017 3:35 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Awesome- thanks!

From: (b) (6), (b) (7)(C)
Sent: Friday, March 03, 2017 3:33 PM
To: (b) (6), (b) (7)(C)
Subject: RE: Search screen shots

Yes, the (b) (7)(E) is the total number of messages before the duplicate messages were removed. The (b) (7)(E) are the actual number of messages recovered.

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

From: (b) (6), (b) (7)(C)
Sent: Friday, March 3, 2017 3:32 PM
To: (b) (6), (b) (7)(C)

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

Subject: RE: Search screen shots

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

I was looking at the list of results and the last one (b) (7)(E) shows (b) (7)(E) When I open the root items in that search, I am only seeing (b) (7)(E) deas?

(b) (7)(E)
(b) (7)(E)

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

v/r,

(b) (6), (b) (7)(C) Operations Analysis Specialist I Office of Professional Responsibility

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

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

Sent: Friday, March 03, 2017 3:19 PM

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

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

Subject: RE: Search screen shots

Anytime

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, March 3, 2017 3:16 PM

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

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

Subject: RE: Search screen shots

Thank you so much! This helps immensely!

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

Sent: Friday, March 03, 2017 3:11 PM

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

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

Subject: RE: Search screen shots

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

Yes, these are the only search terms that were used. Below is a screen shot of the results.

(b) (7)(E) (b) (7)(E)

As you can see the only searches with results (based on the scope of each search) were (b) (7)(E) (b) (7)(E) (indicating (b) (7)(E)) and (b) (7)(E). The number of messages (i.e. (b) (7)(E) for (b) (7)(E)) is the actual number of messages before the duplicate messages were removed during the export process.

Hope this helps.

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

(b) (7)(E)

Office of Information and Technology (OIT)
Enterprise Services (ES)
U.S. Customs and Border Protection (CBP)

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

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

Sent: Friday, March 3, 2017 3:03 PM

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

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

Subject: RE: Search screen shots

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

Thanks so much! This is great! Two quick questions:

(b) (5)

Thanks again for your help-

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

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

Sent: Friday, March 03, 2017 2:57 PM

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

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

Subject: Search screen shots

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

Here are the promised screen shots. Please let me know if you have any questions or need a better copy.

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)

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

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

From: (b) (6)
Sent: Friday, April 07, 2017 3:02 PM
To: (b) (6), (b) (7)(C) CBP Media Relations
Subject: Re: CNN request

Great, thanks (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Date: Friday, April 7, 2017 at 4:00 PM
To: (b) (6) CBP Media Relations (b) (7)(E)
Subject: RE: CNN request

I received your query. Hope to have something for you soon.

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

Department of Homeland Security
U.S. Customs and Border Protection
Office of Public Affairs / Media Division

From: (b) (6)
Sent: Friday, April 07, 2017 1:38:45 PM
To: CBP Media Relations
Subject: CNN request

Hi (b) (6), (b) (7)(C) just wanted to see if the CBP can comment on Twitter withdrawing its lawsuit against the U.S. Government after receiving word that the CBP is pulling its request to get identifying details about the @ALT_uscis account.

Thanks,

(b) (6)

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

From: (b) (7)(E)
Sent: Thursday, February 23, 2017 6:52 PM
To: (b) (6), (b) (7)(C)
Cc: (b) (7)(E)
Subject: FW: Search results

FYSA.

Thanks,

(b) (6), (b) (7)(C) (b) (7)(E)
(b) (7)(E)
Office of Information and Technology (OIT)
Enterprise Services (ES)
(Office) (b) (6), (b) (7)(C)
(Mobile) (b) (6), (b) (7)(C)
(Main) (b) (6), (b) (7)(C)
(b) (7)(E)

From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 6:03 PM
To: (b) (6), (b) (7)(C) (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: RE: Search results

Good Evening (b) (6), (b) (7)(C):

The results can be turned over (b) (7)(E). It looks like there might be several emails that contain (b) (7)(E) in the subject line. Per our conversation, tomorrow morning all of the searches will be conducted again to see if there is any difference (b) (7)(E). Another email will be sent out to all parties once those searches are re-run.

(b) (6), (b) (7)(C) I will accept and export this 1 search, save the export to (b) (7)(E) and send you a link if that is ok.

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: (b) (6), (b) (7)(C)
To: (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: RE: Search results

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

Thank you for the fast action on this.

(b) (5), (b) (7)(E)

Thank you,

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

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

Sent: Thursday, February 23, 2017 5:49 PM

To: (b) (6), (b) (7)(C) (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 (b) (7)(E) as well. (b) (7)(E)
(b) (7)(E) Below is a screen shot of the results. The time frame for each search starts (b) (7)(E)

There is an issue with (b) (7)(E)
(b) (7)(E) As of right now here are the search results.

FROM	SUBJECT	FROM DATE	STATUS
(b) (7)(E) (b) (7)(E) (b) (6), (b) (7)(C)	(b) (7)(E)	2/23/2017 5:32:00...	(b) (7)(E) Pending Acceptance
(b) (7)(E)	(b) (7)(E)	2/23/2017 5:11:00...	(b) (7)(E) Pending Acceptance
(b) (7)(E)	(b) (7)(E)	2/23/2017 5:08:00...	(b) (7)(E) Pending Acceptance
(b) (7)(E)	(b) (7)(E)	2/23/2017 5:02:00...	(b) (7)(E) Pending Acceptance

For the search concerning TRUMP, in the subject line the scope of the search was (b) (7)(E)
(b) (7)(E) (b) (7)(E). For the email address (b) (7)(E)
(b) (7)(E) (b) (7)(E) but not including (b) (7)(E) (b) (7)(E)
(b) (7)(E) (b) (7)(E). The last search used (b) (7)(E)
(b) (7)(E)

Another search for content can be run using (b) (7)(E) 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) and Phil now. Thanks.

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

Sent: Thursday, February 23, 2017 4:57:02 PM

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

FLANAGAN, PATRICK S

Subject: FW: Email Legality of search request

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

(b) (6), (b) (7)(C) sent this email coming from Patrick Flanagan 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 Patrick, 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)

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

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

Sent: Thursday, February 23, 2017 4:21 PM

To: (b) (7)(E)

Subject: FW: Email

Importance: High

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

Sent: Thursday, February 23, 2017 4:12 PM

To [REDACTED] (b) (6), (b) (7)(C) CBP SOC [REDACTED] (b) (6), (b) (7)(C)
Cc [REDACTED]

Subject: FW: Email
Importance: High

I want these email subjects searched for in [REDACTED] (b) (7)(E)
Who can do this?

[REDACTED] (b) (6)

From: LANDFRIED, PHIL A
Sent: Thursday, February 23, 2017 3:50 PM
To: [REDACTED] (b) (6), (b) (7)(C)
Subject: FW: Email

Not sure what do with this one. Hopefully you have some Ideas

Thanks,
Phil

From: FLANAGAN, PATRICK S
Sent: Thursday, February 23, 2017 3:48 PM
To: LANDFRIED, PHIL A [REDACTED] (b) (6), (b) (7)(C) KARISCH, RODOLFO <[REDACTED] (b) (6), (b) (7)(C)>
Cc: [REDACTED] (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.

[REDACTED] (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
[REDACTED] (b) (6), (b) (7)(C)

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From: (b) (6), (b) (7)(C)
Sent: Thursday, February 23, 2017 3:24 PM
To: FLANAGAN, PATRICK S (b) (6), (b) (7)(C)
[Redacted]
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)

Office of Public Affairs
U.S. Customs and Border Protection
Office (b) (6), (b) (7)(C) | Cell (b) (6), (b) (7)(C)

