



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

July 17, 2015

Mr. William Marshall
Judicial Watch
425 Third Street, SW
Suite 800
Washington, DC 20024

Subject: Judicial Watch, Inc. v. U.S. Department of Homeland Security
(Civil Action No. 1:15-00222-RBW), Second Interim Response

Dear Mr. Marshall:

This is the Department of Homeland Security (DHS) Office of Inspector General's (OIG's) second interim response to Judicial Watch's Freedom of Information Act (FOIA) request for (1) a copy of a DHS-OIG report regarding a "hands off list" purportedly maintained by DHS, [U.S.] Immigration and Customs Enforcement (ICE) and/or [U.S.] Customs and Border Protection (CBP) used to allow certain individuals to enter the United States, who had been previously denied entry to the United States or been made to undergo secondary screening by CBP based on suspicion of terrorism ties;" and (2) all communications to or from former Acting/Deputy Inspector General Charles Edwards regarding that report from May 31, 2013, to May 31, 2014. This response is provided in accordance with the Joint Status Report of June 15, 2015, which was filed in the United States District Court for the District of Columbia in the above-captioned matter.

You were notified that to locate records responsive to Judicial Watch's request, we initiated searches in the OIG's Front Office and its Offices of Legislative Affairs, Investigations, Management and Counsel. In response to item 1 of Judicial Watch's request, we located one report of investigation (ROI), the investigative summary and exhibit 1 for which is enclosed. The remaining exhibits to that ROI are still undergoing review; however, we plan to produce releasable portions prior to the next scheduled production date of September 11, 2015.

Our searches are ongoing for records responsive to item 2 of Judicial Watch's request, but we will produce releasable portions of any responsive records on a rolling basis as they are reviewed and prepared for production, every sixty days until the production is complete.

As discussed above, enclosed is the main investigative summary and exhibit 1 for the ROI responsive to item 1 of Judicial Watch's request. We reviewed the records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

3 page(s) are released in full (RIF);
 12 page(s) are released in part (RIP);
 page(s) are withheld in full (WIF);
 page(s) are duplicate copies of material already processed;
 page(s) were referred to other entities.

The exemptions cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS-OIG is invoking Exemption 6 to protect the names of third parties and any information that could reasonably be expected to identify such individuals, including job titles, locations, actions and other information.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes...[if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS-OIG is invoking Exemption 7(C) to protect the names of third parties and any information that could reasonably be expected to identify such individuals in these investigative records, including job titles, locations, actions and other information.

Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)

Exemption 7(E) protects all law enforcement information that “would disclose techniques and procedures for law enforcement investigation or prosecution, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law.” 5 U.S.C. § 552(b)(7)(E). DHS-OIG is withholding from disclosure specific information pertaining to a

terrorist watch list which could reasonably be expected to risk circumvention of the law.

Additionally, pursuant to a consultation with the U.S. Customs and Border Protection (CBP), CBP redacted certain other information that could reasonably be expected to risk circumvention of the law if released. Those redactions are marked as “per CBP” in the enclosed documents.

Appeal

Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. If you choose to file an administrative appeal of redactions made by DHS-OIG, it must be in writing and received within 60 days of the date of this response.¹ Please address any appeal to: FOIA/PA Appeals Unit; DHS-OIG Office of Counsel; Stop 0305; 245 Murray Lane, SW; Washington, DC 20528-0305.

If you choose to file an administrative appeal of redactions made by CBP, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 799 Ninth St. NW, Washington, DC 20229-1177.

Both the envelope and letter of appeal must be clearly marked, “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify this response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9. DHS-OIG will provide you with another response as it pertains to the continuing search and processing of responsive records.

Sincerely,



Stephanie L. Kuehn
Supervisory FOIA/PA Disclosure Specialist

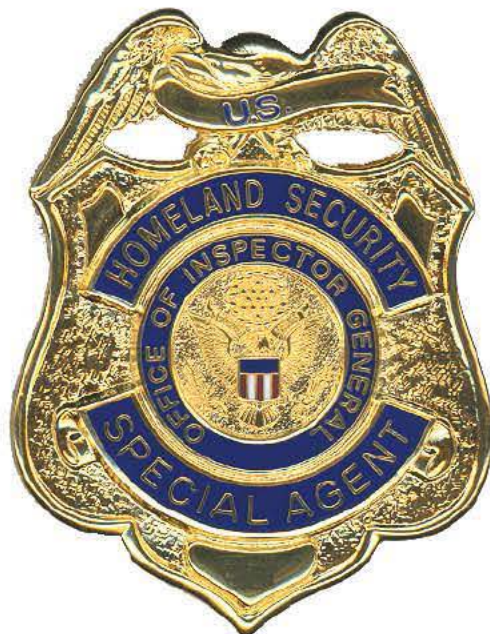
Enclosures

¹ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

**DEPARTMENT OF HOMELAND SECURITY
OFFICE OF INSPECTOR GENERAL**

REPORT OF INVESTIGATION

**I13-CBP-WFO-00549
TECS Terrorist Records**



~~THIS REPORT CONTAINS SENSITIVE LAW ENFORCEMENT MATERIAL. IT MAY NOT BE LOANED OUTSIDE YOUR AGENCY AND, EXCEPT IN CONNECTION WITH OFFICIAL AGENCY ACTION, NO PORTION OF THE REPORT MAY BE COPIED OR DISTRIBUTED WITHOUT THE KNOWLEDGE AND CONSENT OF THE INSPECTOR GENERAL.~~



Homeland Security

REPORT OF INVESTIGATION

<i>Case Number:</i>	I13-CBP-WFO-00549
<i>Case Title:</i>	TECS Terrorist Records U.S. Customs and Border Protection
<i>Report Status:</i>	Final
<i>Alleged Violation(s):</i>	18 U.S.C. § 2071 – Concealment, Removal or Mutilation Generally 5 U.S.C. § 2302 – Prohibited Personnel Practices

SYNOPSIS

The Department of Homeland Security, (DHS) Office of Inspector General (OIG), initiated this investigation after receipt of a letter from members of Congress, which requested an investigation into the alleged alteration and/or deletion of TECS records dealing with possible links to terrorism. Additionally, the letter requested an investigation into the circumstances of the alleged administrative actions against the DHS complainant and whether the actions were appropriate.

The complainant alleged that DHS and/or the U.S Customs and Border Protection (CBP) are not taking the steps necessary to ensure subjects associated with terrorist organizations are added to the Terrorist Screening Database (TSDB). A DHS OIG review of the procedure revealed that DHS and CBP have a vetting process in place at the National Targeting Center (NTC) which ensures terrorism suspects can be added to the TSDB without causing undue hardship to individuals who have been misidentified.

DHS OIG uncovered no evidence of retaliation against the complainant by his chain-of-command. It was determined that the complainant violated CBP policy by entering terrorist lookouts into the TECS system. The complainant was not disciplined, but was ordered to modify the records so they were in compliance with CBP policy. When the complainant attempted to again circumvent CBP policy by entering TECS records using an alternate configuration, [REDACTED] was appropriately reprimanded.

Interviews revealed that the complainant is [REDACTED] knowledge on [REDACTED] was routinely described as “passionate” about [REDACTED] job. Investigation revealed that the complainant routinely operated outside of CBP policy and failed to use good judgment when linking individuals to terrorist organizations. [REDACTED] eventually linked so many travelers to extremist

<i>Reporting Agent</i>		<i>Distribution:</i>	
Name: [REDACTED]	Signature: [REDACTED]	Washington Field Office	Original
Title: Special Agent - WFO	Date: 3/19/14	Headquarters	1 cc
<i>Approving Official</i>		Component	1 cc
Name: [REDACTED]	Signature: [REDACTED]		
Title: A/Special Agent in Charge - WFO	Date: 03/19/14		

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

organizations (often for unsubstantiated reasons), that [REDACTED] links were disregarded. Many of those interviewed expressed an opinion that the complainant would be a valuable asset to CBP if [REDACTED] was closely monitored to ensure [REDACTED] worked within the established guidelines of CBP policy.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

DETAILS

On August 7, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG), initiated this investigation after DHS OIG senior management received a letter from Michael T. McCaul, Congressman, Chairman of the House Committee on Homeland Security, and Tom Coburn, Senator, Ranking Member of the Senate Homeland Security and Governmental Affairs Committee, which requested an investigation into the alleged alteration and/or deletion of TECS records dealing with possible links to terrorism. Additionally, the letter requested an investigation into the circumstances of the alleged administrative actions against the DHS complainant and whether the actions were appropriate. (Exhibit 1)

Allegation #1: DHS and U.S. Customs and Border Protection (CBP) are not taking the steps necessary to ensure subjects associated with terrorist organizations are prevented from entering the United States by listing them on the Terrorist Screening Database (TSDB).

On August 30, 2013, [REDACTED] CBP, [REDACTED] was interviewed via telephone by DHS OIG. [REDACTED] stated that while assigned to [REDACTED] at [REDACTED] [REDACTED] in [REDACTED] added approximately 15-20 Memorandum of Intelligence Reports (MOIRs) to [REDACTED] executive summary in TECS. [REDACTED] subsequently added linked records to those MOIRs, resulting in approximately 820 TECS records.

It was determined by CBP management that those 820 TECS records conflicted with a 2007 CBP Memorandum entitled "Guidance for Nominating Known or Suspected Terrorists to the Terrorist Screening Database" (revised and reissued by CBP in 2010). In order to be in compliance with CBP policy, [REDACTED] was ordered by [REDACTED] supervisors to modify all 820 records and remove all references to terrorism.

[REDACTED] was [REDACTED] the National Targeting Center (NTC), Reston, VA, from [REDACTED] to [REDACTED]. While there, [REDACTED] was assigned to work on [REDACTED] Project (the "[REDACTED]" or "[REDACTED]"). Upon [REDACTED] return to [REDACTED] [REDACTED] continued to work on [REDACTED] Project by making TECS entries without the oversight of the NTC. The NTC contacted CBP management in [REDACTED] and informed them that [REDACTED] was not authorized to continue work on [REDACTED] Project. [REDACTED] was again instructed to modify [REDACTED] TECS entries to conform to the CBP policy on TECS entries. This time, [REDACTED] [REDACTED] violating the TECS entry policy. (Exhibit 2)

7E

On September 25, 2013, [REDACTED], [REDACTED] at the NTC, was interviewed by DHS OIG. [REDACTED] stated that the proper process for a CBP officer to nominate a subject to the Watchlist requires the officer to submit the nomination to his supervisor (GS-13 or above). After reviewing the nomination, the supervisor can forward it to the NTC, or they can refuse to submit it. A CBP supervisor does not have to forward nominations they feel are not worthy of submission.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

According to [REDACTED] the creation of a TECS record for NTC purposes is a Standardized Operating Procedure. (Exhibit 3)

Also on September 25, 2013, [REDACTED], CBP, [REDACTED] [REDACTED] at the NTC, was interviewed by DHS OIG. [REDACTED] stated that while [REDACTED] was [REDACTED] the NTC, [REDACTED] was assigned to the [REDACTED] Project. [REDACTED] was known to [REDACTED] the assignment on which [REDACTED] was working. After [REDACTED] the NTC and [REDACTED] continued to work on the [REDACTED] Project, 7E even though [REDACTED] had no legitimate authority to do so. Since [REDACTED] departure however, the NTC had met with the DHS Privacy Office and the DHS Office for Civil Rights and Civil Liberties and narrowed the scope of the project.

[REDACTED] contacted [REDACTED] supervisors in [REDACTED] and requested that they instruct [REDACTED] not to reference the NTC project if [REDACTED] continued to do work on [REDACTED] explained to them 7E that the project had evolved and the work [REDACTED] was doing was no longer in compliance with the newly established SOPs. (Exhibit 4)

On November 13, 2013, [REDACTED] was again interviewed by DHS OIG. [REDACTED] showed the PowerPoint presentation [REDACTED] had given to Congressional staff members and turned over a copy of files contained on an IronKey thumb drive to DHS OIG. According to [REDACTED] the files provided were related to [REDACTED] complaint. (Exhibit 5)

On December 5, [REDACTED], CBP, NTC, was interviewed by DHS OIG. [REDACTED] said that the NTC maintains interaction with various law enforcement and intelligence agencies and the National Counter-Terrorism Center (NCTC), and that he has come to realize that no single agency knows the "whole picture". The NTC processes approximately 7E per CBP nominations to the watch list annually, so it is obvious that not everyone with ties to terrorists/terrorism is already linked. [REDACTED] stated it is so important to get suspects nominated to the NTC in an expedient manner. [REDACTED] did not agree with the TECS records modification and believed the information should have remained in TECS if it were relevant and accurate. (Exhibit 6)

On December 17, 2013, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. [REDACTED] stated that per CBP policy, CBP officers were not allowed to create terrorist-related lookouts in TECS. 7E per CBP

[REDACTED] 7E per CBP [REDACTED] explained that CBP officers who felt an individual needed to be placed in the TSDB were to complete a nomination package on that subject and forward it to the NTC for proper vetting.

[REDACTED] stated that some of the MOIRs [REDACTED] entered into TECS contained potentially valuable information; however, the information could not be easily accessed by line officers. First, [REDACTED] MOIRs were incredibly detailed and not easily read for relevant content. Second, the reports were

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

derived from open-source material which could not be readily verified. [REDACTED] stated that this underscored the need for [REDACTED] to submit individuals to the NTC through the nomination process so that all of [REDACTED] gathered intelligence could be read through and verified. CBP, particularly at the port, did not have the resources to validate all of [REDACTED] work.

[REDACTED] stated that he has [REDACTED] years of experience with CBP and he is comfortable with CBP's policy on how terrorist-related records are entered into TECS. He believes the policy of nominating people to the watchlist rather than CBP officers creating lookouts independently is a good one. (Exhibit 7)

On December 17, 2013, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. [REDACTED] stated that in 2010, his [REDACTED] [REDACTED] "scrub" the TECS records entered by [REDACTED] which were terrorist-related. [REDACTED] said there were "hundreds of them". [REDACTED] remove the terrorism references from the records. [REDACTED] remove lookouts on subjects who were previously [REDACTED] (watchlisted) but had been downgraded. [REDACTED] recognized at the time that this was a "big deal". [REDACTED] knew modifying the records was the right thing to do, but he also recognized that [REDACTED] was doing a good job, and he did not want to discourage [REDACTED]

[REDACTED] said that [REDACTED] records were causing individuals entering the country (regardless of which port they entered) to be referred to secondary screening multiple times. [REDACTED] said that [REDACTED] considered individuals "guilty by association". [REDACTED] created subject records in TECS on individuals because they attended open conferences or seminars with watchlisted subjects. [REDACTED] connections were too tenuous, or were gained through open-source material which could not be verified.

[REDACTED] stated that it was a CBP officer's (CBPO) job to conduct inspections and report the results to the NTC, who had "the big picture". According to [REDACTED] it is not a CBP officer's job to create lookouts. (Exhibit 8)

On December 17, 2013, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. In August 2013, [REDACTED] was working as [REDACTED] when [REDACTED] entered an incident log report (IOIL) into TECS which required [REDACTED] approval. IOILs, unlike a MOIR, are supposed to be the result of a personal interview or screening of a subject. [REDACTED] was aware of policy which indicated [REDACTED] should not be entering "third party" intelligence information into TECS using an IOIL instead of an MOIR. [REDACTED] did not approve the TECS entry [REDACTED] [REDACTED] the CBP policy. [REDACTED] attempt to enter intelligence information into TECS via the IOIL instead of the MOIR, and [REDACTED] attempt to have [REDACTED] (who is [REDACTED]) [REDACTED] were viewed as attempts by [REDACTED] to circumvent [REDACTED] [REDACTED] mandate that all of [REDACTED] MOIRs were to be routed through him for review.

[REDACTED] believes that the current system for entering terrorist-related subject records works well. He stated that the policy provides for a system of "checks and balances" and keeps TECS from being

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

“flooded with junk”. [REDACTED] stated that he thinks the NTC is the best entity to review intelligence provided by CBPOs and ensure that only quality information is uploaded to the system. (Exhibit 9)

On January 6, 2014, [REDACTED], DHS Office for Civil Rights and Civil Liberties (CRCL), Washington, DC, was interviewed by DHS OIG. [REDACTED] stated that current watchlisting guidelines ensure that an individual is not watchlisted based solely on protected activity (i.e. practices protected by the U.S. Constitution). The Watchlisting Guidance Policy is maintained by the Screening Coordination Office (SCO) within the DHS Office of Policy.

[REDACTED] described [REDACTED] action of entering individuals into TECS with language that links them to terrorist activity without utilizing the nomination process through NTC as “totally inappropriate”. [REDACTED] stated that had [REDACTED] followed the nomination process, the NTC would have ensured that subjects were not entered into TECS based solely on religious affiliation. (Exhibit 10)

On January 9, 2014, [REDACTED], CBP, NTC, was interviewed by DHS OIG. [REDACTED] said [REDACTED] sometimes created links without enough information to justify the links. [REDACTED] stated that doing so only “waters down” important cases that are forwarded to the Department of State for further adjudication. [REDACTED] said that he agrees with the nomination process currently in place. He stated DHS and CBP are doing what is necessary to ensure subjects who need to be in the system are put in the system. (Exhibit 11)

On January 27, 2014, [REDACTED] CBP, [REDACTED] was interviewed by DHS OIG. [REDACTED] advised that he refused to forward any of [REDACTED] nomination packets up the chain-of-command. [REDACTED] CBP had instituted a committee to review [REDACTED] nominations before they were forwarded to the NTC, so [REDACTED] would not have forwarded any of the packets directly to the NTC. (Exhibit 19)

On January 31, 2014, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. [REDACTED] stated he is aware that no CBPO is allowed to enter information into TECS with the wording describing someone as a terrorist or part of a terrorist group. This information would be forwarded to NTC for review and ultimately the decision to classify someone or some group as a terrorist or terrorist group would be determined by the NTC. [REDACTED] **/E per CBP** [REDACTED] **/E per CBP** [REDACTED] stated he was never instructed by his supervisor to not approve [REDACTED] TECS records. (Exhibit 20)

Allegation #2: [REDACTED] was retaliated against by CBP management for actions [REDACTED] describes as “whistle-blowing”.

On August 22, 2013, [REDACTED] Customs and Border Protection [REDACTED] was interviewed by DHS OIG. [REDACTED] stated that when he was first assigned to the Passenger Analysis Unit (PAU), all CBPOs were instructed to put as much information on individuals and terrorists into TECS as possible. [REDACTED] stated this policy changed

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

in the late 2000s, and all CBPOs were given protocols to follow to have terrorist information uploaded into TECS.

The policy stated the CBPO will provide the terrorist information to his supervisor who will forward the information up the CBP chain-of-command. [REDACTED] stated that if CBP management concurred with the information, they would forward the information to the NTC for final vetting. [REDACTED] advised that no CBPO was allowed to put in terrorist lookouts or terrorist information in TECS without going through this protocol.

[REDACTED] stated he [REDACTED] CBP, [REDACTED] a project related to multiple terrorist lookout records TECS. [REDACTED] said [REDACTED] advised that [REDACTED] had entered hundreds of records that were outside the CBP policy guidelines as they related to TECS entries for terrorists. [REDACTED] a project to remove or modify the TECS entries to conform to the current policies of CBP. [REDACTED] stated that to the best of his recollection, there were nearly 1000 TECS records that needed to be modified. [REDACTED] advised that it took [REDACTED] approximately 6 months to complete the TECS modifications.

[REDACTED] stated that [REDACTED] was given standard verbiage to input into the TECS record of all the records [REDACTED] modified. [REDACTED] stated some of the information [REDACTED] was using to place terrorist lookouts on individuals was coming from newspapers, online inquiries and public sources of knowledge. This information was not corroborated through [REDACTED] personal contact with the individuals.

After [REDACTED] completed this project [REDACTED] was assigned to the [REDACTED] [REDACTED] advised that [REDACTED] was assigned to [REDACTED] while [REDACTED] however, [REDACTED] decided to [REDACTED] [REDACTED] did not get selected for [REDACTED] due to [REDACTED] having less seniority than other CBPOs who bid on this position. [REDACTED] indicated he does not believe [REDACTED] was retaliated against by CBP management by not being selected for [REDACTED] and believes it was based solely on seniority. (Exhibit 12)

On August 22, 2013, [REDACTED], CBP, was interviewed by DHS OIG. [REDACTED] advised that [REDACTED] recently issued [REDACTED], to [REDACTED] improperly entering TECS records as it related to terrorist organizations. [REDACTED] stated [REDACTED] that the CBP policy does not allow CBPOs to create TECS records which are directly related to terrorism. (Exhibit 13)

On August 22, 2013, [REDACTED], CBP, [REDACTED], was interviewed by DHS OIG. [REDACTED] stated that CBP policy states any CBPO who believes an individual is involved in terrorist activities can submit a nomination packet through their chain-of-command to be reviewed by the NTC. [REDACTED] recounted several instances whereby [REDACTED] operated outside of the CBP guidelines as they relate to the entering of terrorist suspects in TECS.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

██████████ stated he advised ██████████, CBP, ██████████, of this information and ██████████ was instructed to correct all the information ██████████ input into TECS which was outside of CBP policy. (Exhibit 14)

Also on August 22, 2013, ██████████, CBP, ██████████ was interviewed by DHS OIG. ██████████ stated he ██████████ the internal review of CBP ██████████ terrorist records. After this review was conducted they determined that hundreds of TECS records attributed to ██████████ where in the TECS system but outside of the parameters of the CBP policy as it related to terrorists records. ██████████ stated the review determined ██████████ would devote one hundred percent of ██████████ time to modifying ██████████ TECS records to be compliant with CBP policy.

██████████ advised ██████████ gave ██████████ specific instructions as how to modify the TECS records and provided ██████████ will multiple emails of his instructions concerning this modification. ██████████ stated after ██████████ completed this project ██████████ was given the opportunity to nominate any individuals or organizations that ██████████ felt needed to be vetted by the NTC. ██████████ stated he does not recall ██████████ submitting any nomination after this project.

██████████ stated he received information on August 20, 2013, regarding ██████████ again entering terrorist information in TECS. ██████████ stated ██████████ was trying to circumvent the system by entering terrorist information into TECS through an MOIR, Incident Log. The CBP policy on incident log entries states that the CBPO entering the information must have personal contact with the individual at a port of entry. ██████████ did not have personal contact with the individuals ██████████ entered the reports in TECS. (Exhibit 15)

On September 25, 2013, ██████████, CBP, NTC was interviewed by DHS OIG. ██████████ said that ██████████ was known for "██████████". He described ██████████ as "passionate" and "adamant" while working on the assigned task, but said that ██████████ "target development was on ██████████ own". ██████████ stated that if CBPOs entered TECS records that are not in compliance with SOPs, it is appropriate that the owner of the records must modify them to be in compliance. (Exhibit 16)

On December 5, 2013, ██████████, CBP, NTC, was interviewed by DHS OIG. ██████████ met ██████████ for the first time while ██████████ ██████████ acted as ██████████ did not consider himself ██████████ ██████████ stated that ██████████ research was very thorough and ██████████ was very accurate. ██████████ displayed a high level of expertise in ██████████ field. ██████████ stated that ██████████ needed someone to make sure ██████████ stayed within the guidelines they had to operate under. ██████████ said that ██████████ "never erred on the side of the traveler". ██████████ also saw nothing wrong with ██████████ linking records to the NTC ██████████ Initiative; however, ██████████ was later required to remove ██████████ references from his TECS entries. (Exhibit 17)

7E

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

On December 17, 2013, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. [REDACTED] said that [REDACTED] would not have been able to enter records into TECS without supervisor approval; however, prior to the initial records modification in 2010, no one had any idea that what [REDACTED] was doing was a problem. According to [REDACTED] the records modification in 2010 was not a disciplinary action or punitive in nature. CBP management just realized that [REDACTED] records were not in compliance with CBP policy, so the records were modified. [REDACTED] was disciplined after the 2012 incident because [REDACTED] had known by then that [REDACTED] was not allowed to enter terrorist-related lookouts in TECS.

[REDACTED] stated that he would not be surprised if [REDACTED] career had suffered because of the incident in 2012, but he had no direct knowledge of any specifics. According to [REDACTED] [REDACTED] had done nothing wrong up to that point, but when [REDACTED] continued to enter terrorist-related data after being told not to, [REDACTED] was disobeying a direct order. Obviously, that could negatively affect [REDACTED] career. [REDACTED] said [REDACTED] is very good at what [REDACTED] does, but [REDACTED] needs to be monitored to ensure [REDACTED] stays within CBP policy. (Exhibit 8)

On December 17, 2013, [REDACTED], CBP, [REDACTED], was interviewed by DHS OIG. [REDACTED] stated [REDACTED] meetings with [REDACTED] and described each as a "broken record" of the previous meeting. [REDACTED] said [REDACTED] [REDACTED] that there is a process for creating an entry based on official information, and open-source material found on the Internet is not "official information". [REDACTED] stated that he warned the NTC that [REDACTED] reports were derived from unverified open-source material and needed to be vetted. [REDACTED] said that [REDACTED] reports are not properly annotated so that an intelligence analyst could independently verify the sources of [REDACTED] information. [REDACTED] also noted that [REDACTED] reports are too complex and need to be written in layman's terms. (Exhibit 18)

On January 9, 2014, [REDACTED] CBP, NTC, was interviewed by DHS OIG. [REDACTED] described [REDACTED] as an "asset to CBP". He stated that [REDACTED] was "extremely intelligent" and has a "ton of knowledge". [REDACTED] went on to say [REDACTED] does not know how to focus [REDACTED] information. He stated that [REDACTED] once [REDACTED] [REDACTED]. [REDACTED] said it was just a "matter of common sense" that you would not [REDACTED]. [REDACTED] described some of [REDACTED] links as "genius", but said there were also plenty of links that no one but [REDACTED] understood. While [REDACTED] was [REDACTED] at the NTC, [REDACTED] had to regulate a lot of [REDACTED] work. (Exhibit 11)

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

EXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>
1	Memorandum of Activity dated August 21, 2013, Other – Case Predication.
2	Memorandum of Activity dated September 3, 2013, Personal Interview: [REDACTED] [REDACTED].
3	Memorandum of Activity dated September 25, 2013, Personal Interview: [REDACTED] [REDACTED], Customs and Border Protection.
4	Memorandum of Activity dated September 25, 2013, Personal Interview: [REDACTED] [REDACTED], Customs and Border Protection.
5	Memorandum of Activity dated November 13, 2013, Personal Interview: [REDACTED] [REDACTED] Customs and Border Protection.
6	Memorandum of Activity dated December 6, 2013, Personal Interview: [REDACTED] [REDACTED], Customs and Border Protection.
7	Memorandum of Activity dated December 18, 2013, Personal Interview: [REDACTED] [REDACTED] Customs and Border Protection.
8	Memorandum of Activity dated December 18, 2013, Interview of [REDACTED] Customs and Border Protection.
9	Memorandum of Activity dated December 18, 2013, Personal Interview: [REDACTED] [REDACTED] Customs and Border Protection.
10	Memorandum of Activity dated January 6, 2014, Telephonic Interview: [REDACTED] [REDACTED] DHS Civil Rights and Civil Liberties.
11	Memorandum of Activity dated January 10, 2014, Personal Interview: [REDACTED] [REDACTED], Customs and Border Security.
12	Memorandum of Activity dated September 9, 2013, Interview of [REDACTED] [REDACTED]
13	Memorandum of Activity dated September 9, 2013, Interview of CBP [REDACTED] [REDACTED]

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

- 14 Memorandum of Activity dated September 9, 2013, Interview of CBP [REDACTED]
[REDACTED].
- 15 Memorandum of Activity dated September 9, 2013, Interview of CBP [REDACTED]
[REDACTED].
- 16 Memorandum of Activity dated September 25, 2013, Personal Interview: [REDACTED]
[REDACTED] Customs and Border Protection.
- 17 Memorandum of Activity dated December 6, 2013, Personal Interview: [REDACTED]
[REDACTED] Customs and Border Protection.
- 18 Memorandum of Activity dated December 18, 2013, Personal Interview: [REDACTED]
[REDACTED] Customs and Border Protection.
- 19 Memorandum of Activity dated February 3, 2014, Interview of [REDACTED]
[REDACTED].
- 20 Memorandum of Activity dated February 7, 2014, Interview of [REDACTED]
[REDACTED].

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 1



Homeland
Security

MEMORANDUM OF ACTIVITY

Type of Activity: Other – Case Predication

Case Number: I13-CBP-WFO-00139	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On August 7, 2013, the U.S. Department of Homeland Security (DHS), Office of Inspector General (OIG), Washington Field Office initiated this investigation after DHS OIG Senior Management received a letter from Michael T. McCaul, Chairman, House Committee on Homeland Security, and Tom Coburn, Ranking Member, Senate Homeland Security and Governmental Affairs Committee, who requested an investigation into an allegation of alteration and/or deletion of TECS records dealing with possible links to terrorism. Additionally, the letter requested an investigation into the circumstances of the alleged administrative actions against the DHS complainant and whether the actions were appropriate.

Attachment:

1. Letter from Representative McCaul and Senator Coburn to Charles Edwards, Deputy Inspector General, dated July 31, 2013.

Name, Title, Signature, and Date: [Redacted] 8/21/13 Acting Special Agent in Charge	Reviewing Official Name, Title, Signature, and Date: [Redacted] 08/21/13 Assistant Special Agent in Charge
IMPORTANT NOTICE	
This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.	

Congress of the United States
Washington, DC 20515

July 31, 2013

Dr. Charles K. Edwards
Deputy Inspector General
DHS Office of Inspector General
Washington, D.C. 20528

Dear Dr. Edwards:

We appreciate you attending the briefing on Friday, July 26, 2013 that was presented to Committee staff concerning allegations by a DHS whistleblower. We request you conduct an investigation into the matters discussed, specifically the alteration and/or deletion of TECs records which deal with possible links to terrorism. Additionally, we would like you to investigate the circumstances of the alleged administrative actions against the whistleblower and whether they were appropriate.

We expect your office to investigate with particular sensitivity to the whistleblower's work situation and request ongoing updates as facts become known.

We appreciate you addressing this request in an expeditious manner. If you have any questions, please have your staff contact Dr. R. Nicholas Palarino, Deputy Chief of Staff/Policy, U.S. House of Representatives Committee on Homeland Security at 202-226-8417 and/or Dan Lips, Director of Homeland Security, Senate Homeland Security and Government Affairs Committee at 202-224-4751.

Sincerely,



Michael T. McCaul
Chairman
House Committee on Homeland Security



Tom Coburn
Ranking Member
Senate Homeland Security and Governmental
Affairs Committee



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 10, 2015

Mr. William Marshall
Judicial Watch
425 Third Street, SW
Suite 800
Washington, DC 20024

Subject: Judicial Watch, Inc. v. U.S. Department of Homeland Security
(Civil Action No. 1:15-00222-RBW), Third Interim Response

Dear Mr. Marshall:

This is the Department of Homeland Security (DHS) Office of Inspector General's (OIG's) third interim response to Judicial Watch's Freedom of Information Act (FOIA) request for (1) a copy of a DHS-OIG report regarding a "hands off list" purportedly maintained by DHS, [U.S.] Immigration and Customs Enforcement (ICE) and/or [U.S.] Customs and Border Protection (CBP) used to allow certain individuals to enter the United States, who had been previously denied entry to the United States or been made to undergo secondary screening by CBP based on suspicion of terrorism ties;" and (2) all communications to or from former Acting/Deputy Inspector General Charles Edwards regarding that report from May 31, 2013, to May 31, 2014. This response is provided in accordance with the Joint Status Report of July 17, 2015, which was filed in the United States District Court for the District of Columbia in the above-captioned matter.

You were notified that to locate records responsive to Judicial Watch's request, we initiated searches in the OIG's Front Office and its Offices of Legislative Affairs, Investigations, Management and Counsel.

In response to item 1 of Judicial Watch's request, we located one report of investigation (ROI). We produced releaseable portions of the ROI's investigative summary and exhibit 1 with our second interim response. Except for one compact disc referenced in Exhibit 5 of the ROI, we have completed processing the ROI, and we are producing the releaseable portions of the ROI's remaining exhibits with this response. We plan to complete our processing of the compact disc prior to the next scheduled production date of November 12, 2015.

With respect to item 2 of Judicial Watch’s request, we have completed our searches and plan to produce releaseable portions of responsive records prior to the next scheduled production date of November 12, 2015.

We reviewed the enclosed records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

- 19 page(s) are released in full (RIF);
- 56 page(s) are released in part (RIP);
- 23 page(s) and 1 CD are withheld in full (WIF);
- 7 page(s) are duplicate copies of material already processed;
- 49 page(s) were referred to other entities.

The exemptions cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input checked="" type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

Exemption 3, 5 U.S.C. § 552(b)(3)

Exemption 3 protects “information specifically exempted from disclosure by [another] statute.” 5 U.S.C. § 552 (b)(3). In this instance the Inspector General Act of 1978, 5 U.S.C. app. § 7(b), exempts from disclosure information that could disclose the identity of an employee who provided information to the OIG. DHS-OIG is, therefore, withholding information which would lead to the revelation of such information.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS-OIG is invoking Exemption 6 to protect the names of third parties and any information that could reasonably be expected to identify such individuals, including job titles, locations, actions and other information.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes...[if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS-OIG is invoking Exemption 7(C) to protect the names of third parties and any information that could reasonably be expected to identify such individuals in these investigative records, including job titles, locations, actions and other information.

Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)

Exemption 7(E) protects all law enforcement information that “would disclose techniques and procedures for law enforcement investigation or prosecution, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law.” 5 U.S.C. § 552(b)(7)(E). DHS-OIG is withholding from disclosure specific information pertaining to a terrorist watch list which could reasonably be expected to risk circumvention of the law.

Additionally, pursuant to consultations with the U.S. Customs and Border Protection (CBP) and the Federal Bureau of Investigation, those entities redacted certain other information that could reasonably be expected to risk circumvention of the law if released. Those redactions are marked as “per CBP” or “per FBI” in the enclosed documents.

Referrals

Additionally, 46 pages were referred to CBP, for processing and direct response to Judicial Watch. Further, 3 pages were referred to the FBI for processing and direct response to Judicial Watch.

Appeal

Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. If you choose to file an administrative appeal of redactions made by DHS-OIG, it must be in writing and received within 60 days of the date of this response.¹ Please address any appeal of DHS-

¹ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our

OIG's action to: FOIA/ PA Appeals Unit; DHS-OIG Office of Counsel; Stop 0305; 245 Murray Lane, SW; Washington, DC 20528-0305. Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act Appeal." Your appeal letters must also clearly identify this response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9.

If you choose to file an administrative appeal of redactions made by CBP, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 799 Ninth St. NW, Washington, DC 20229-1177. Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act Appeal." Your appeal letters must also clearly identify this response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9.

If you choose to file an administrative appeal of redactions made by the FBI, you may write to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty days from the date of this letter to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number (FBI #1327753-000) in any correspondence to OIP for proper identification of your request.

DHS-OIG will provide you with another response as it pertains to the remaining responsive records.

Sincerely,

for



Stephanie L. Kuehn
Supervisory FOIA/ PA Disclosure Specialist

Enclosures

requesters and should not be taken as an indication that excluded records do, or do not, exist.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 2



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED]

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On August 30, 2013, [REDACTED], Officer, U.S. Department of Homeland Security (DHS) U.S. Customs and Border Protection (CBP), was interviewed via telephone at [REDACTED] by [REDACTED], Special Agent (SA), DHS Office of Inspector General (OIG), Office of Investigations (INV) Washington Field Office (WFO), and [REDACTED], Senior Special Agent (SSA) DHS OIG INV Intelligence Research Branch (IRB), regarding [REDACTED] complaint about the removal and/or modification of terrorist-related records from the TECS database.

Prior to the interview, [REDACTED] was informed that the telephone interview was being recorded and that it was voluntary. [REDACTED] also acknowledged that [REDACTED] was aware of [REDACTED] right to confer with [REDACTED] attorney before and/or during the interview.

[REDACTED] provided the following information.

[REDACTED] has been with DHS since [REDACTED] was [REDACTED], and then [REDACTED] a Customs and Border Protection Officer (CBPO) in [REDACTED] has been stationed in [REDACTED] throughout [REDACTED] career with DHS. [REDACTED] claimed to have a Secret clearance and TECS level 2 access.

In 2004 [REDACTED] began doing counterterrorism reports for DHS.

In 2006, [REDACTED] was assigned to [REDACTED] when [REDACTED] wrote [REDACTED] (Attachment 1) While assigned to [REDACTED] CBP sent him to Deception Detection and Elicitation Response training at the Federal Law Enforcement Training Center (FLETC). While in the training class, [REDACTED] shared [REDACTED] with some of the role players [REDACTED]

b3

In late summer/early fall 2006, CBP management in [REDACTED] created the [REDACTED] CBP assigned [REDACTED] to [REDACTED] with CBPO [REDACTED] supervisor was [REDACTED] (now [REDACTED])

Name, Title, Signature, and Date: [REDACTED] Special Agent 9/3/13	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge 9/3/13 Washington Field Office
--	---

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

In 2006, [REDACTED] authored a Memorandum of Intelligence Report (MOIR) on the [REDACTED]. Per management, [REDACTED] was not allowed to upload the MOIR into TECS, but was permitted to upload a "three-page executive summary". CBP never gave [REDACTED] a "formal" reason why [REDACTED] MOIR was never uploaded, but it was [REDACTED] understanding that CBP management did not believe the contents of the MOIR. CBP management believed [REDACTED] was making unfounded allegations against individuals.

[REDACTED] was shut down on [REDACTED]. [REDACTED] was told that since [REDACTED] was [REDACTED], [REDACTED] had to do [REDACTED]-related work.

Over the course of the next three (3) years, [REDACTED] added approximately 15-20 MOIRs to the [REDACTED] executive summary in TECS. [REDACTED] subsequently added linked records to those MOIRs, and that was where the 820 records that [REDACTED] was later ordered to modify originated. [REDACTED] executive summary is still in TECS.

Later in [REDACTED] [REDACTED] requested, through [REDACTED], to [REDACTED] CBP. In [REDACTED], [REDACTED] reported to FLETC for CBPO training. [REDACTED] was there until [REDACTED]. Upon completion, [REDACTED] was assigned to [REDACTED]. [REDACTED] continued adding records to TECS.

In [REDACTED] [REDACTED] received a call from an officer in the [REDACTED] port regarding [REDACTED] TECS records on [REDACTED] already existed, and [REDACTED] had "stacked" or "linked" entries to those records. [REDACTED] records had linked [REDACTED] to [REDACTED], and [REDACTED] [REDACTED] [REDACTED] [REDACTED] recommended [REDACTED] go through secondary inspection. At the time, [REDACTED] [REDACTED] [REDACTED]

7E

The next day, [REDACTED] received a call from the Director of Field Operations (DFO) office, who instructed [REDACTED] to modify the records so that [REDACTED] would not be stopped in the future. [REDACTED] assumed this happened because of [REDACTED] [REDACTED] [REDACTED] changed the record as instructed. At the time, [REDACTED] was [REDACTED] supervisor.

b3

On [REDACTED] [REDACTED] met with [REDACTED]. During the meeting, [REDACTED] mentioned [REDACTED] case on [REDACTED] later instructed [REDACTED] to modify all of [REDACTED] records in TECS by removing all references to terrorism. [REDACTED] was assigned to monitor [REDACTED] and ensure [REDACTED] complied with the directive. Both [REDACTED] and [REDACTED] told [REDACTED] [REDACTED] [REDACTED] and [REDACTED] was not allowed to create MOIRs or input linked records into TECS. [REDACTED] told [REDACTED] they had conference calls with headquarters about [REDACTED] entering terrorism subjects into TECS.

[REDACTED], had entered records into TECS in a similar manner. However, [REDACTED] was never told to remove or modify the records [REDACTED] entered.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

[REDACTED] supervisors cited a 2007 memorandum "Guidance for Nominating Known or Suspected Terrorists to the Terrorist Screening Database". [REDACTED] directive which stated [REDACTED] however, [REDACTED] argued that the directive [REDACTED]. [REDACTED]

[REDACTED] CBP management told [REDACTED] was being [REDACTED], CBP management reassigned [REDACTED] from the [REDACTED] to primary screening. The records created on organizations were never modified – only the records [REDACTED] on individuals.

b3

Since the modification of [REDACTED] TECS records, [REDACTED] has nominated [REDACTED] individuals for the Terrorist Watch List. [REDACTED] told [REDACTED] that none of the individuals [REDACTED] nominated were forwarded for vetting.

b3

CBP [REDACTED] the National Targeting Center (NTC) from [REDACTED] to [REDACTED] was unable to provide the name of [REDACTED] supervisor at NTC [REDACTED], but provided the names of [REDACTED], and [REDACTED] as individuals who could verify [REDACTED] work there.

In late 2012, CBP [REDACTED]. CBP assigned [REDACTED] to the unit, and [REDACTED] supervisor was [REDACTED]. While in this unit, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] stated that [REDACTED] wrote an MOIR on [REDACTED] entered it into TECS.

b3, 7E

On or about [REDACTED] informed [REDACTED] that [REDACTED] [REDACTED] [REDACTED] removed from TECS. On October 1, 2012, [REDACTED] was notified that [REDACTED] was being investigated for the misuse of TECS, because [REDACTED] had been told before that [REDACTED] was not allowed to create MOIRs or linked records.

[REDACTED] stated that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

b3

[REDACTED] mentioned that this [REDACTED] was later used as [REDACTED] [REDACTED] when [REDACTED] received a [REDACTED] [REDACTED] [REDACTED] [REDACTED]

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

A complete audio recording of this interview is attached and will be maintained in the Original Office Case File. (Attachment 2)

Attachments:

1. [REDACTED] dated [REDACTED] by [REDACTED].
2. One (1) compact disc dated August 30, 2013 containing an audio recording of the telephone interview with [REDACTED].

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

Deletion Page

Requester: William Marshall

Request #: 2014-143

5 Pages and 1 CD are withheld in full
by DHS/OIG and the following
marked exemptions are claimed.

EXEMPTIONS CLAIMED:

FOIA: 5 U.S.C. § 552

b(1) b(2) b(3): _____
 b(4) b(5) b(6) b(7)(A) b(7)(C) b(7)(D)
 b(7)(E) b(7)(F)

PRIVACY ACT: 5 U.S.C. § 552a

d(5) j(1) j(2) k(1) k(2) k(3)
 k(4) k(5) k(6) k(7)

Description of Document withheld: A document that we are unable to segregate as the document itself would identify the complainant. Additionally, OIG withholds a cd containing a recording of OIG's interview with the complainant. Such a recording of the complainant's voice would identify the complainant.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 3



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On September 25, 2013, [REDACTED], Customs and Border Protection (CBP) [REDACTED] at the National Targeting Center (NTC) was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) at the NTC, located at 12379 Sunrise Valley Drive, Suite C, Reston, VA regarding the complaint made by [REDACTED] that TECS records had been inappropriately altered and deleted.

[REDACTED] has been [REDACTED] is a [REDACTED] and [REDACTED]. He is also responsible for [REDACTED].

[REDACTED] provided the following information:

The NTC was established in 2002 to target criminal and terrorism suspects trying to enter the U.S. The NTC coordinates with the Terrorist Screening Center (TSC), which is maintained by the Federal Bureau of Investigation (FBI). The TSC maintains the U.S. government's consolidated Terrorist Watchlist—a single database of identifying information about those known or reasonably suspected of being involved in terrorist activity. Information gained from DHS components (e.g. information gained from CBP inspections and screenings) can be passed to the TSC, and information from the TSC can be passed to DHS entities such as CBP to prohibit watchlisted individuals from entering the country.

The TSC establishes the criteria for how individuals are nominated to the watchlist by placing strict criteria on the two databases the FBI maintains – the Terrorist Identities Datamart Environment (TIDE) and the Terrorist Screening Database (TSDB). The TIDE is the U.S. government's central database on known or suspected international terrorists, and contains classified information provided by members of the Intelligence Community. The TSDB is the unclassified system run by the TSC which contains all of the Watchlisted subjects for screening and law enforcement purposes. The established criterions ensure that only accurate information is being added to the databases.

Name, Title, Signature, and Date: [REDACTED] 9/25/13 Special Agent [REDACTED]	Reviewing Official Name, Title, Signature, and Date: [REDACTED] 9/25/13 Acting Special Agent in Charge – Washington Field Office
---	--

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

From [REDACTED] was [REDACTED] the NTC [REDACTED] [REDACTED] was assigned work on [REDACTED] [REDACTED] Project ([REDACTED] Project)¹. [REDACTED] was already linking persons in TECS to [REDACTED], and had created a Memorandum of Information Received (MOIR)² on [REDACTED] in TECS. [REDACTED] was only supposed to research and document [REDACTED] finding in the Targeting Framework³. [REDACTED] was instructed not to put individuals on the Watchlist, but instead document them for nomination. TECS records were created to identify the nomination while it was being reviewed.

7E

After a meeting between the NTC, DHS Privacy Office and DHS Office for Civil Rights and Civil Liberties, it was determined that individuals could only be “watchlisted” based on an association with a known or suspected terrorist already “watchlisted” in the TSDB – not based on their affiliation with [REDACTED] (or any [REDACTED] organization).

7E

When [REDACTED] returned to [REDACTED] continued to do two things. First, [REDACTED] continued to enter subjects into TECS based on their affiliation with [REDACTED]. Second, [REDACTED] continued to enter subjects into TECS under the authority [REDACTED] had been granted while [REDACTED], and referenced the NTC event. Since [REDACTED] left [REDACTED]; however, the [REDACTED] had moved in other directions, and new guidelines had been established. [REDACTED] was unaware of the new protocols and objectives, and entered numerous records into TECS which were not in compliance. During this time, [REDACTED] nominated some individuals to the Watchlist, but [REDACTED] nominations were declined because there were [REDACTED] – only links to the [REDACTED] [REDACTED] organization.

7E

7E

The proper process for a CBP officer to nominate a subject to the Watchlist requires the officer to submit the nomination to his supervisor (GS-13 or above). After reviewing the nomination, the supervisor can forward it to the NTC, or they can refuse to submit it. A CBP supervisor does not have to forward nominations they feel are not worthy of submission. According to [REDACTED] how to create a TECS record for NTC purposes is a Standardized Operating Procedure.

¹ [REDACTED]

7E

² A Memorandum of Information Received (MOIR) is a TECS record which documents information an officer found, [REDACTED]

³ Targeting Framework is the case management system for the National Targeting Center

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 4



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: ██████████, Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On September 25, 2013, ██████████, Customs and Border Protection (CBP), National Targeting Center (NTC) was interviewed by Special Agent (SA) ██████████, Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) at the NTC, located at 12379 Sunrise Valley Drive, Suite C, Reston, VA¹.

██████████ provided the following information:

██████████ has been at the NTC for approximately ██████████ is the ██████████ ██████████ knew ██████████ at the NTC approximately ██████████ ago. ██████████ described ██████████ as "bright", but said that ██████████ had to be "reigned in" and focused on ██████████ project.

7E

██████████ was assigned to ██████████ Project. ██████████ ██████████ was known to ██████████. After ██████████ the NTC and ██████████ continued to work on the ██████████ Project, even though ██████████ had no legitimate authority to do so. Since ██████████ departure; however, the NTC had met with DHS Privacy Office and DHS Office for Civil Rights and Civil Liberties, and ██████████.

██████████ contacted ██████████ supervisors in ██████████ and requested that they instruct ██████████ not to reference the NTC project if ██████████ continued to do work on ██████████ explained to them that the project had evolved, and the work ██████████ was doing was no longer in compliance with the newly established SOPs.

7E

██████████ did not recall the specifics of ██████████ conversation with ██████████ referenced in ██████████ report; however, ██████████ stated that ██████████ knows ██████████ spoke with him regarding ██████████

¹ In a DHS OIG Memorandum of Activity dated August 22, 2013 "Interview of CBP ██████████ ██████████", by DHS OIG, ██████████ Field Office, Senior Special Agent (SSA), ██████████ reports ██████████ "contacted NTC ██████████ ██████████ about ██████████ TECS records and was advised these records should not have been entered in TECS and should be forward to the NTC for review.

Name, Title, Signature, and Date: ██████████ Special Agent 9/25/13	Reviewing Official Name, Title, Signature, and Date: ██████████ Acting Special Agent in Charge – Washington Field Office 3
---	---

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

█ stated that modifying TECS records to ensure compliance with established policy would be an appropriate action.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 5



Homeland
Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549

Case Title: TECS Terrorist Records

On November 13, 2013, [REDACTED] Customs and Border Protection (CBP), was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) at the WFO, located at 1300 North 17th Street, Suite 510, Arlington, VA regarding [REDACTED] complaint that TECS records had been inappropriately altered and deleted.

[REDACTED] showed SA [REDACTED] the PowerPoint presentation [REDACTED] had given to Congressional staff members and (Acting) DHS Inspector General Charles Edwards. Much of the information [REDACTED] presented was already provided to SA [REDACTED] during a telephone interview which occurred on August 30, 2013. [REDACTED] also supplied SA [REDACTED] with a copy of files [REDACTED] b3
According to [REDACTED] the files provided are related to [REDACTED] complaint. (Attachment 1)

Attachment:

1. One (1) Compact Disc containing files provided by [REDACTED] to SA [REDACTED], DHS OIG on November 13, 2013.

Name, Title, Signature, and Date: [REDACTED] Special Agent 11/13/13	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge - Washington Field Office 11/13/13
IMPORTANT NOTICE	
This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.	

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 6



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549

Case Title: TECS Terrorist Records

On December 5, 2013, [REDACTED], Customs and Border Protection (CBP), National Targeting Center (NTC) was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) at the NTC, located at 12379 Sunrise Valley Drive, Suite C, Reston, VA, regarding the complaint made by CBP [REDACTED] that TECS records had been inappropriately altered and deleted.

[REDACTED] provided the following information:

[REDACTED] is a [REDACTED] serves as the [REDACTED] at the NTC. He met [REDACTED] for the first time [REDACTED] the NTC [REDACTED] [REDACTED] three weeks of training (provided to all employees assigned to the NTC [REDACTED] attended. [REDACTED] stated that he considered [REDACTED] a friend.

[REDACTED] said that [REDACTED] possesses a unique expertise. He considered [REDACTED] to be very knowledgeable about [REDACTED] and said that [REDACTED] converses on the subject at a very high level. In his opinion, [REDACTED] probably knows more about [REDACTED] than [REDACTED] supervisors at [REDACTED].

[REDACTED] never had any specific discussions with [REDACTED] about the deletion and modification of TECS records, though he was aware that the incident occurred. He said he was sympathetic to [REDACTED] situation.

When asked if he felt the deletion and modification of TECS records was appropriate, [REDACTED] stated that he did not think so. He said that it would have been more suitable to determine if the records had merit before they were deleted or altered. [REDACTED] said that the main issue was whether or not [REDACTED] had identified individuals with ties to terrorist suspects. He said that was more important than whether protocol was followed. [REDACTED] felt that, if necessary, the protocol should be "cleaned up" to get those people submitted to the NTC for vetting.

[REDACTED] also pointed out that any information [REDACTED] put into TECS had to be approved by [REDACTED]

Name, Title, Signature, and Date: [REDACTED] 12/6/13 Special Agent - Washington Field Office	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge - Washington Field Office
--	--

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

supervisor. [REDACTED] suggested that [REDACTED] supervisors in [REDACTED] be asked the following questions: "Who ordered the deletion of the records?" and "What was the motivation?"

[REDACTED] said that [REDACTED] nominations to the NTC had to be approved through [REDACTED] chain-of-command, and that [REDACTED] supervisors could use their discretion as to whether to submit [REDACTED] nominations on to the NTC. In [REDACTED] opinion, the supervisors should have a very good reason for not forwarding the nomination. If [REDACTED] nominations for the watch list were not being submitted, [REDACTED] wondered where the breakdown was. [REDACTED] did not know how many nominations from the field get overturned by supervisors.

[REDACTED] said that the NTC maintains interaction with various law enforcement and intelligence agencies and the National Counter-Terrorism Center (NCTC), and that he has come to realize that no single agency knows the "whole picture". The NTC processes approximately [REDACTED] ^{7E per CBP} nominations to the watch list annually, so it is obvious that not everyone with ties to terrorists/terrorism is already linked. [REDACTED] said that it is highly unlikely that [REDACTED] supervisors have any information on investigations being undertaken by other agencies. Because of this, there would be no reason for anyone to assume that any other entity is investigating the targets of [REDACTED] investigations.

[REDACTED] had no definitive information on why [REDACTED] transfer to the NTC was rescinded.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 7



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On December 17, 2013, [REDACTED] Customs and Border Protection (CBP), [REDACTED] was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) and SA [REDACTED], DHS OIG INV, [REDACTED] Field Office, at the CBP Field Office, [REDACTED], regarding the complaint made by CBP [REDACTED], that TECS records had been inappropriately altered and deleted.

Prior to the interview, [REDACTED] was advised of his Beckwith / Garrity rights via DHS OIG INV Form 27 (Federal Employee Warning Form). (Attachment 1) [REDACTED] acknowledged those rights in writing. [REDACTED] was also given a non-disclosure warning via DHS OIG INV Form 18 (Disclosure Warning), which he acknowledged in writing. (Attachment 2)

[REDACTED] provided the following information:

[REDACTED] is [REDACTED] for CBP in [REDACTED] primary responsibility is the implementation of border security policy. In 2010, [REDACTED] was the first to notice that a number of subject records [REDACTED] entered into TECS were not in compliance with CBP policy. [REDACTED] directed the TECS records be modified, and [REDACTED] office oversaw the modification of the records.

[REDACTED] stated that per CBP policy, CBP officers were not allowed to create terrorist-related lookouts in TECS. According to [REDACTED] 7E per CBP

7E per CBP

7E per CBP

7E per CBP

[REDACTED] explained that CBP officers who felt an individual needed to be placed in the Terrorist Screening Database (TSDB) were to complete a nomination package on that subject and forward it to the National Targeting Center (NTC) for proper vetting.

Name, Title, Signature, and Date: [REDACTED] Special Agent - Washington Field Office 12/18/13	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge - Washington Field Office 12/18/13
---	---

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

In 2012, it was determined that [REDACTED] was creating records in TECS, and linking them to an event with NTC ownership. [REDACTED] had [REDACTED], and had continued to work on an NTC project [REDACTED]. When the NTC was contacted about [REDACTED] work, the NTC would not "sign off" on [REDACTED] work, and informed CBP that [REDACTED] was not to link records to the NTC project. Again, [REDACTED] TECS entries had to be modified to comply with NTC guidance.

[REDACTED] stated that some of the MOIRs [REDACTED] entered into TECS contained potentially valuable information; however, the information could not be easily accessed by line officers. First, [REDACTED] MOIRs were incredibly detailed, and not easily read for relevant content. Second, the reports were derived from open-source material which could not be readily verified. [REDACTED] stated that this underscored the need for [REDACTED] to submit individuals to the NTC through the nomination process so that all of [REDACTED] gathered intelligence could be read through and verified. CBP – particularly at the port – did not have the resources to validate all of [REDACTED] work.

[REDACTED] said that [REDACTED] MOIRs and subject records in TECS should have been approved by [REDACTED] supervisors. [REDACTED] did not know who signed off on [REDACTED] MOIRs and/or subject records. [REDACTED] stated that he does not trust [REDACTED] with access to CBP databases, and said that he needs oversight when accessing CBP systems.

[REDACTED] stated that he has [REDACTED] years of experience with CBP, and he is comfortable with CBP's policy on how terrorist-related records are entered into TECS. [REDACTED] said that TECS is "full of garbage" because so many people can enter records. He believes the policy of nominating people to the watchlist rather than CBP officers creating lookouts independently is a good one. [REDACTED] stated, "It should be hard to get a record in TECS."

[REDACTED] stated that [REDACTED] is very good at what [REDACTED] does, and said that [REDACTED] has a wealth of knowledge that he doubts any other CBP officer has.

Attachments:

1. [REDACTED] Federal Employee Warning Form, dated December 17, 2013.
2. [REDACTED] Non-Disclosure Form, dated December 17, 2013.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]
(Date/Time)

[Redacted]
(Location)

[Redacted]
(Printed Name)

[Redacted]
(Signature)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Signature)

[Redacted]
(Witness' Signature)

12/17/13 @ 0845
(Date/Time)

12/17/13 0845
(Date/Time)

Advice of Rights (Garrity)



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Disclosure Warning for Non-Bargaining Unit Employees

“WARNING NOT TO DISCLOSE INVESTIGATIVE INFORMATION”

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation involves a sensitive matter, you are instructed not to discuss the nature of this interview with any other person(s), except private legal counsel.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

I, [REDACTED], have read and understand the above warning.
(Print Name)

[REDACTED] (signature) Date: [REDACTED]
X Employee

[REDACTED] (print name) Date: 12/17/13
Special Agent

[REDACTED] (signature)
Special Agent
Department of Homeland Security
Office of Inspector General

[REDACTED] (print name) Date: 12/17/13

[REDACTED] (signature)
Witness

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 8



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On December 17, 2013, [REDACTED] Customs and Border Protection (CBP), [REDACTED] was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) and SA [REDACTED] DHS OIG INV, [REDACTED] Field Office, at the CBP Field Office, [REDACTED] regarding the complaint made by CBP [REDACTED], that TECS records had been inappropriately altered and deleted.

Prior to the interview, [REDACTED] was advised of his Beckwith / Garrity rights via DHS OIG INV Form 27 (Federal Employee Warning Form). (Attachment 1) [REDACTED] acknowledged those rights in writing. [REDACTED] was also given a non-disclosure warning via DHS OIG INV Form 18 (Disclosure Warning), which he acknowledged in writing. (Attachment 2)

[REDACTED] provided the following information:

[REDACTED] is the [REDACTED] and is a [REDACTED] From [REDACTED] to [REDACTED] was the [REDACTED] and from [REDACTED] to [REDACTED] he was the [REDACTED]. [REDACTED] stated that in 2010 he [REDACTED]. He said [REDACTED] supervisor was [REDACTED], who was [REDACTED].

[REDACTED] stated that in 2010, his [REDACTED] "scrub" the TECS records entered by [REDACTED] which were terrorist-related. [REDACTED] said there were "hundreds of them". [REDACTED] remove the terrorism references from the records. He [REDACTED] remove lookouts on subjects who were previously [REDACTED] (watchlisted) but had been downgraded. [REDACTED] recognized at the time that this was a "big deal". [REDACTED] knew modifying the records was the right thing to do; but, he also recognized that [REDACTED] was doing a good job, and he did not want to discourage [REDACTED].

When asked what made [REDACTED] TECS entries "terrorist-related", [REDACTED] stated that the subject records [REDACTED] created were linked to Memorandums of Information Received (MOIRs) on terrorist organizations or activities. [REDACTED] said they obviously were not related to drug smuggling, human trafficking, etc. They were related to terrorism, even if the subject of the record was coded as a

Name, Title, Signature, and Date: [REDACTED] Special Agent - Washington Field Office 12/18/13	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge - Washington Field Office 12/18/13
--	--

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

7E per CBP [REDACTED]. Comments in the remarks section of [REDACTED] records also generally made reference to terrorist organizations or activities.

[REDACTED] said that [REDACTED] records were causing individuals entering the country (regardless of which port they entered) to be referred to secondary screening multiple times. [REDACTED] said that [REDACTED] considered individuals "guilty by association". [REDACTED] created subject records in TECS on individuals because they attended open conferences or seminars with watchlisted subjects. [REDACTED] connections were too tenuous, or were gained through open-source material which could not be verified.

[REDACTED] reiterated that CBP officers who felt an individual needed to be placed in the Terrorist Screening Database (TSDB) were to complete a nomination package on that subject and forward it to the National Targeting Center (NTC) for proper vetting. [REDACTED] if [REDACTED] felt strongly that any individual in the records being modified needed to be forwarded to the NTC for vetting, to complete the nomination package and it would be sent to the NTC. [REDACTED] stated that [REDACTED] did not provide him with any nomination packages.

[REDACTED] stated that it was a CBP officer's job to conduct inspections and report the results to the NTC, who had "the big picture". According to [REDACTED] it is not a CBP officer's job to create lookouts.

In 2012, it was determined that [REDACTED] was creating records in TECS, and linking them to an event with NTC ownership. [REDACTED] had [REDACTED] continued to work on an NTC project [REDACTED]. When the NTC was contacted about [REDACTED] work, the NTC would not "sign off" on [REDACTED] work, and informed CBP that [REDACTED] was not to link records to the NTC project. It was [REDACTED] understanding that [REDACTED] was to route [REDACTED] work through the NTC, not enter the information directly into TECS [REDACTED]. Again, [REDACTED] TECS entries had to be modified to comply with NTC guidance. [REDACTED] stated that he removed approximately 40 records related to [REDACTED] with [REDACTED] approval.

7E

[REDACTED] said that [REDACTED] would not have been able to enter records into TECS without supervisor approval; however, prior to the initial records modification in 2010, no one had any idea that what [REDACTED] was doing was a problem. According to [REDACTED] the records modification in 2010 was not a disciplinary action or punitive in nature. CBP management just realized that [REDACTED] records were not in compliance with CBP policy, so the records were modified. [REDACTED] was disciplined after the 2012 incident because [REDACTED] had known by then that [REDACTED] was not allowed to enter terrorist-related lookouts in TECS. [REDACTED] guessed that those records may have been approved by a supervisor unfamiliar with the 2010 incident as a result of [REDACTED] "supervisor shopping". [REDACTED] speculated that it could have been [REDACTED]

[REDACTED] said that to his knowledge, [REDACTED] was never told [REDACTED] could not enter MOIRs into TECS. [REDACTED] was only told he could not link subject records to those MOIRs. [REDACTED] was unaware of any other

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

CBP officer specifically given this same directive, but believed it to be the understanding based on CBP policy.

██████ was not aware of any nomination packages ██████ supervisors refused to forward to the NTC.

██████ stated that he would not be surprised if ██████ career had suffered because of the incident in 2012, but he had no direct knowledge of any specifics. According to ██████ ██████ had done nothing wrong up to that point, but when ██████ continued to enter terrorist-related after being told not to, ██████ was disobeying a direct order. Obviously, that could negatively affect ██████ career.

██████ said ██████ is very good at what ██████ does, but ██████ needs to be monitored to ensure ██████ stays within CBP policy.

Attachments:

1. ██████ Federal Employee Warning Form, dated December 17, 2013.
2. ██████ Non-Disclosure Form, dated December 17, 2013.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]
(Date/Time)

[Redacted]
(Location)

[Redacted]
(Printed Name)

X [Redacted]
(Signature)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Signature)

[Redacted]
(Witness' Signature)

12/17/13 @ 0940
(Date/Time)

12/17/13 9:40
(Date/Time)

Advice of Rights (Garrity)



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Disclosure Warning for Non-Bargaining Unit Employees

“WARNING NOT TO DISCLOSE INVESTIGATIVE INFORMATION”

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation involves a sensitive matter, you are instructed not to discuss the nature of this interview with any other person(s), except private legal counsel.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

I, [REDACTED], have read and understand the above warning.
(Print Name)

[REDACTED] (signature)

Date: [REDACTED]

Employee

[REDACTED] (print name)

Date: 12/17/13

Special Agent

[REDACTED] (signature)

Special Agent
Department of Homeland Security
Office of Inspector General

[REDACTED] (print name)

Date: 12/17/13

[REDACTED] (signature)

Witness

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 9



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On December 17, 2013, [REDACTED], Customs and Border Protection (CBP), [REDACTED] was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) and SA [REDACTED], DHS OIG INV, [REDACTED] Field Office, at the [REDACTED] [REDACTED] regarding the complaint made by CBP [REDACTED] [REDACTED] that TECS records had been inappropriately altered and deleted.

Prior to the interview, [REDACTED] was advised of his Beckwith / Garrity rights via DHS OIG INV Form 27 (Federal Employee Warning Form). (Attachment 1) [REDACTED] acknowledged those rights in writing. [REDACTED] was also given a non-disclosure warning via DHS OIG INV Form 18 (Disclosure Warning), which he acknowledged in writing. (Attachment 2)

[REDACTED] provided the following information:

[REDACTED] is a [REDACTED]
[REDACTED]
[REDACTED] is [REDACTED]
[REDACTED] when [REDACTED] is working in [REDACTED] was [REDACTED]

[REDACTED] said that in 2010, he and [REDACTED] [REDACTED] work closely with each other. In 2010, when [REDACTED] was [REDACTED] worked in [REDACTED] [REDACTED] said that [REDACTED] is very passionate about what [REDACTED] does. [REDACTED] also noted that [REDACTED] reports are too long and detailed for the average officer. [REDACTED] stated that he has told [REDACTED] "[REDACTED]" as a way of telling [REDACTED] that [REDACTED] needs to write [REDACTED] reports in layman's terms. [REDACTED] said that he thinks [REDACTED] does great work; he just does not believe [REDACTED] is in the right position.

In August 2013, [REDACTED] was working as [REDACTED] when [REDACTED] entered an incident log report (IOIL) into TECS which required [REDACTED] approval. IOILs – unlike a Memorandum of Information Received (MOIR) – are supposed to be the result of a personal interview or screening of a subject. [REDACTED] was aware of policy which indicated [REDACTED] should not be entering "third party" intelligence information into TECS using an IOIL instead of an MOIR. [REDACTED] did not

Name, Title, Signature, and Date: [REDACTED] Special Agent – Washington Field Office 12/18/13	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge – Washington Field Office 12/18/13
---	---

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

approve the TECS entry, [REDACTED] the CBP policy. [REDACTED] attempt to enter intelligence information into TECS via the IOIL instead of the MOIR, and [REDACTED] attempt to have [REDACTED] (who is [REDACTED]) were viewed as attempts by [REDACTED] to circumvent [REDACTED] mandate that all of [REDACTED] MOIRs were to be routed through him for review. (Attachment 3)

[REDACTED] does not recall [REDACTED] ever giving him a nomination package to forward to the National Targeting Center (NTC). [REDACTED] stated that if [REDACTED] had given him a nomination package, he would have forwarded it on.

[REDACTED] believes that the current system for entering terrorist-related subject records works well. He stated that the policy provides for a system of "checks and balances" and keeps TECS from being "flooded with junk". [REDACTED] stated that he thinks the NTC is the best entity to review intelligence provided by CBP officers and ensure that only quality information is uploaded to the system.

Attachments:

1. [REDACTED] Federal Employee Warning Form, dated December 17, 2013.
2. [REDACTED] Non-Disclosure Form, dated December 17, 2013.
3. Email from [REDACTED] to [REDACTED] dated [REDACTED] 2013.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]

(Date/Time)

[Redacted]

(Location)

[Redacted]

(Printed Name)

[Redacted]

(Signature)

[Redacted]

[Redacted]

(Witness' Signature)

12/17/13 @ 1:10P

(Date/Time)

[Redacted]

(Witness' Printed Name)

[Redacted]

(Witness' Signature)

12/17/13 1:10pm

(Date/Time)

Advice of Rights (Garrity)



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Disclosure Warning for Non-Bargaining Unit Employees

“WARNING NOT TO DISCLOSE INVESTIGATIVE INFORMATION”

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation involves a sensitive matter, you are instructed not to discuss the nature of this interview with any other person(s), except private legal counsel.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

I, [REDACTED], have read and understand the above warning.
(Print Name)

[REDACTED] signature)
Employee

Date: [REDACTED]

[REDACTED] (print name)
Special Agent

Date: 12/17/13

[REDACTED] (signature)
Special Agent
Department of Homeland Security
Office of Inspector General

[REDACTED] (print name)

Date: 12/12/13

[REDACTED] (signature)
Witness

Deletion Page

Requester: David Shapiro

Request #: 2010-028

1 page containing duplicate information is held in the file. The page contains an email duplicated in other areas of the exhibits and already referred to CBP for direct response to the requester.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 10



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Telephonic Interview [REDACTED], DHS [REDACTED]

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On January 6, 2014, [REDACTED] Department of Homeland Security (DHS) [REDACTED], was interviewed by Special Agent (SA) [REDACTED] DHS Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO), via telephone, regarding the complaint made by Customs and Border Protection (CBP) [REDACTED], that TECS records had been inappropriately altered and deleted.

[Agent's Note: The interview of [REDACTED] was conducted because [REDACTED] the National Targeting Center (NTC) in Reston, VA [REDACTED] was assigned work on the [REDACTED] Initiative ([REDACTED] Initiative"). Prior to [REDACTED] the NTC, [REDACTED] was already linking persons in TECS to [REDACTED], and had created a Memorandum of Information Received (MOIR) on [REDACTED] in TECS. [REDACTED] was only supposed to research and document [REDACTED] finding in the Targeting Framework. [REDACTED] was instructed not to put individuals on the Watchlist, but instead document them for nomination. TECS records were created to identify the nomination while it was being reviewed.

7E

[REDACTED], he continued to do two things. First, [REDACTED] continued to enter subjects into TECS based on their affiliation with [REDACTED]. Second, [REDACTED] continued to enter subjects into TECS under the authority [REDACTED] had been granted while [REDACTED] and referenced the NTC event. Since [REDACTED] however, the "[REDACTED]" had moved in other directions, and new guidelines had been established. [REDACTED] was unaware of the new protocols and objectives, and entered numerous records into TECS which were not in compliance. During this time, [REDACTED] nominated some individuals to the Watchlist, but [REDACTED] nominations were declined because [REDACTED] - only links to the [REDACTED] organization.]

7E

7E

[REDACTED] provided the following information:

[REDACTED] is a [REDACTED] in DHS CRCL. [REDACTED] was assigned to the NTC from [REDACTED], and has been [REDACTED] since [REDACTED]

Name, Title, Signature, and Date: [REDACTED] Special Agent - Washington Field Office 1/6/14	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge - Washington Field Office 1/6/14
---	---

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 11



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On January 9, 2014, [REDACTED], Customs and Border Protection (CBP), National Targeting Center (NTC) was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) at the NTC, located at 12379 Sunrise Valley Drive, Suite C, Reston, VA, regarding the complaint made by CBP Officer [REDACTED] that TECS records had been inappropriately altered and deleted.

[REDACTED] provided the following information:

[REDACTED] is [REDACTED] has been with CBP since [REDACTED] and has been at the NTC since [REDACTED]. He met [REDACTED] for the first time while [REDACTED]. He and [REDACTED] a case [REDACTED] had, which paralleled a case at the NTC.

On November 7, 2011, [REDACTED] (Attachment 1) [REDACTED] was [REDACTED] acted as [REDACTED] [REDACTED] did not consider himself [REDACTED].

7E

[REDACTED] described [REDACTED] as an "asset to CBP". He stated that [REDACTED] was "extremely intelligent" and has a "ton of knowledge". [REDACTED] went on to say [REDACTED] does not know how to focus [REDACTED] information. He stated that [REDACTED] once [REDACTED] [REDACTED] said it was just a "matter of common sense" that you would not [REDACTED] described some of [REDACTED] links as "genius", but said there were also plenty of links that no one but [REDACTED] understood. While [REDACTED] was [REDACTED] had to regulate a lot of [REDACTED] work.

[REDACTED] could not recall whether he had any discussions about the TECS modifications with [REDACTED] but [REDACTED] was aware that it happened.

[REDACTED] said [REDACTED] sometimes created links without enough information to justify the links. [REDACTED] stated that doing so only "waters down" important cases that are forwarded to the Department of State for further adjudication.

Name, Title, Signature, and Date: [REDACTED] 1/10/14 Special Agent - Washington Field Office	Reviewing Official Name, Title, Signature, and Date: [REDACTED] 1/14 Acting Special Agent in Charge - Washington Field Office
--	---

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

██████████ said that he agrees with the nomination process currently in place. He stated DHS and CBP are doing what is necessary to ensure subjects who need to be in the system are put in the system.

Attachment:

1. Memorandum from ██████████ to Director of NTC, dated November 7, 2011.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

Deletion Page

Requester: William Marshall

Request #: 2014-143

1 Page(s) is/are being withheld in full
by DHS/OIG and the following
marked exemption(s) is/are being
claimed.

EXEMPTIONS CLAIMED:

FOIA: 5 U.S.C. § 552

b(1) b(2) b(3): _____
 b(4) b(5) b(6) b(7)(A) b(7)(C) b(7)(D)
 b(7)(E) b(7)(F)

PRIVACY ACT: 5 U.S.C. § 552a

d(5) j(1) j(2) k(1) k(2) k(3)
 k(4) k(5) k(6) k(7)

Description of Document withheld: The very nature of the withheld document could identify the witness.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 12



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Interview of [REDACTED]

Case Number: I13-CBP-ATL-00549	Case Title: Unknown
--------------------------------	---------------------

On August 22, 2013, at approximately 12:45 PM, Department of Homeland Security, Office of Inspector General (DHS OIG), [REDACTED] Field Office, Senior Special Agent (SSA), [REDACTED] and Special Agent [REDACTED] interviewed [REDACTED], in reference to an allegation regarding manipulation of information in the Treasury Enforcement Communications System (TECS) impacting CBP. SSA [REDACTED] read [REDACTED] DHS OIG INV form 27, Garrity warning, prior to the interview and [REDACTED] advised he understood the warning and agreed to talk with DHS OIG. [REDACTED] provided essentially the following information:

[REDACTED] advised he was hired by [REDACTED] [REDACTED] was promoted to [REDACTED] and is currently assigned to [REDACTED]. [REDACTED] stated he does recall a policy change within CBP as it related to terrorist information being inputted in TECS by CBP officers but does not recall the exact date of the policy change. SSA [REDACTED] provided [REDACTED] with a copy of a CBP memorandum dated June 7, 2010, titled Guidance on Terrorist Related Lookouts. [REDACTED] reviewed the document and stated he recalled this memorandum but stated there would have been an initial memorandum providing guidance on what a CBPO could create in TECS related to terrorist prior to this memorandum. [REDACTED] stated that when he was first assigned to [REDACTED] all CBPO's were instructed to put as much information on individuals and terrorists into TECS. [REDACTED] stated this policy changed in the late 2000's, and all CBPOs were given protocols to follow to have terrorist information uploaded into TECS. The policy stated the CBPO will provide the terrorist information to his supervisor who will forward the information up the CBP chain of command. [REDACTED] stated that if CBP management concurred with the information, they would forward the information to the CBP National Targeting Center (NTC) for final vetting. The NTC and [REDACTED] (E per FBI) would determine if the information provided by the CBPO would be placed in TECS and have a terrorist lookout issued that was associated with the record. [REDACTED] advised that no CBPO was allowed to put in terrorist lookouts or terrorist information in TECS without going through this protocol.

[REDACTED] was asked if he was instructed to remove TECS records that were related to terrorist lookouts or terrorist groups. [REDACTED] stated he [REDACTED] CBP [REDACTED] a project related to multiple terrorist lookout records needing to be corrected within TECS. [REDACTED] indicated he was [REDACTED] [REDACTED] advised that [REDACTED]

Name, Title, Signature, and Date:	[REDACTED] 9/9/13	[REDACTED] 9/10/13
[REDACTED]	Senior Special Agent	[REDACTED]

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

██████████ had entered hundreds of records that were outside the CBP policy guidelines as they related to TECS entries for terrorists. ██████████ stated he ██████████ a project to remove/modify the TECS entries to conform to the current policies of CBP. ██████████ stated that to the best of his recollection, there were about 1000 TECS records that needed to be modified.

██████████ advised that it took ██████████ approximately 6 months to complete the TECS modifications. ██████████ stated that ██████████ was given standard verbiage to input into the TECS record of all the records ██████████ modified. ██████████ stated some of the information ██████████ was using to place terrorist lookouts on individuals was coming from newspapers, online inquiries and public sources of knowledge. This information was not corroborated through ██████████ personal contact with the individuals.

After ██████████ completed this project ██████████ was assigned to ██████████ ██████████ advised that ██████████ was ██████████ when ██████████ was ██████████ but ██████████ decided to ██████████ ██████████ did not get selected for ██████████ due to ██████████ having less seniority than other CBPOs who bided for this position. ██████████ indicated he does not believe ██████████ was retaliated against by CBP management in not being selected for ██████████ position and believes it was solely based on seniority.

██████████ stated that ██████████ was an extremely intelligent officer and had a wealth of knowledge as it related to ██████████ ██████████ advised ██████████ was extremely detailed in all the information ██████████ would gather on these groups and believes that ██████████ was frustrated with the CBP policy to turn over this information for someone else to determine if it met the criteria to be entered into TECS.

The interview was concluded at approximately 1:35PM.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]

(Date/Time)

[Redacted]

(Location)

[Redacted]

(Printed Name)

[Redacted]

(Signature)

[Redacted]

(Witness' Printed Name)

[Redacted]

(Witness' Printed Name)

[Redacted]

(Witness' Signature)

[Redacted]

(Witness' Signature)

8/22/13 12:46

(Date/Time)

8/22/13 12:46

(Date/Time)

Advice of Rights (Garrity)

Deletion Page

Requester: William Marshall

Request #: 2014-143

1 page from DHS-OIG Exhibit 12
originating with or of interest to the U.S.
Customs and Border Protection (CBP) are
referred to that agency for review and direct
response to you.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 13



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Interview of CBP [REDACTED]

Case Number: I13-CBP-ATL-00549	Case Title: Unknown
--------------------------------	---------------------

On August 22, 2013, at approximately 2:12 PM, Department of Homeland Security, Office of Inspector General (DHS OIG), [REDACTED] Field Office, Senior Special Agent (SSA), [REDACTED] and Special Agent [REDACTED] interviewed [REDACTED], Customs and Border Protection (CBP) [REDACTED] reference to an allegation regarding manipulation of information in the Treasury Enforcement Communications System (TECS) impacting CBP. SSA [REDACTED] read [REDACTED] DHS OIG INV form 27, Garrity warning, prior to the interview and [REDACTED] advised [REDACTED] understood the warning and agreed to talk with DHS OIG. [REDACTED] provided essentially the following information:

[REDACTED] advised [REDACTED] has been [REDACTED] since [REDACTED] and was [REDACTED] stated [REDACTED] does recall a policy change within CBP as it related to terrorist information being inputted in TECS by CBP officers but does not recall the exact date of the policy change. SSA [REDACTED] provided [REDACTED] with a copy of a CBP memorandum dated June 7, 2010, titled Guidance on Terrorist Related Lookouts. [REDACTED] reviewed the document and stated [REDACTED] recalled this memorandum. [REDACTED] stated that it is the current CBP policy that before a CBPO can have terrorist information inputted into the TECS database they must first get supervisor approval and have the information vetted through the proper channels. [REDACTED] was asked if [REDACTED] recalled an issue with violations of CBP policy as it related to terrorist information and TECS records in the CBP [REDACTED] Field Office. [REDACTED] advised that there were a couple of instances with [REDACTED] that [REDACTED] addressed and [REDACTED] at the direction of [REDACTED] stated the first instance [REDACTED] recalls in reference to TECS records and [REDACTED] was dealt with by [REDACTED] and had to deal with [REDACTED] entering terrorist related records in TECS without supervisor approval or going through the proper vetting procedures. [REDACTED] stated [REDACTED] did not have detailed information on this incident but knew it happen a few years ago. [REDACTED] advised that [REDACTED] recently provided [REDACTED] for improperly entering TECS records as it related to terrorist organizations. [REDACTED] stated [REDACTED] the CBP policy does not allow CBPOs to create TECS records which are directly related to terrorism.

[REDACTED] stated that [REDACTED] received an email on [REDACTED] 2013, from [REDACTED] regarding [REDACTED] again entering terrorist information in TECS. [REDACTED] advised [REDACTED] has not done any investigating of this recent information.

Name	[REDACTED]
Signature	[REDACTED]
Date	9/9/13
Position	Senior Special Agent

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

██████████ provided DHS OIG with ██████████ Personnel file and DHS OIG made copies of the documents in this file. These documents will be attached to this MOA.

This interview concluded at 2:49 PM.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]

(Date/Time)

[Redacted]

(Location)

[Redacted]

(Printed Name)

[Redacted]

(Signature)

[Redacted]

(Witness' Printed Name)

[Redacted]

(Witness' Printed Name)

[Redacted]

(Witness' Signature)

[Redacted]

(Witness' Signature)

8-22-13 @ 1414 HRS

(Date/Time)

8/22/13 214

(Date/Time)

Advice of Rights (Garrity)

Deletion Page

Requester: William Marshall

Request #: 2014-143

1 page containing duplicate information is held in the file. This page was already referred to CBP as part of Exhibit 12.

Deletion Page

Requester: William Marshall

Request #: 2014-143

8 pages from Exhibit 13 originating with or of interest to CBP are referred to that entity for review and direct response to you.

Deletion Page

Requester: William Marshall

Request #: 2014-143

3 pages from Exhibit 13 originating with or of interest to the FBI are referred to that entity for review and direct response to you.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 14



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Interview of CBP [REDACTED]

Case Number: I13-CBP-ATL-00549	Case Title: Unknown
--------------------------------	---------------------

On August 22, 2013, at approximately 3:15 PM, Department of Homeland Security, Office of Inspector General (DHS OIG), [REDACTED] Field Office, Senior Special Agent (SSA), [REDACTED] and Special Agent [REDACTED] interviewed [REDACTED], Customs and Border Protection (CBP) [REDACTED] in reference to an allegation regarding manipulation of information in the Treasury Enforcement Communications System (TECS) impacting CBP. SSA [REDACTED] read [REDACTED] DHS OIG INV form 27, Garrity warning, prior to the interview and [REDACTED] advised he understood the warning and agreed to talk with DHS OIG. [REDACTED] provided the following information:

[REDACTED] advised he has been with Customs and now CBP for [REDACTED] years. [REDACTED] stated he has been in his current position as [REDACTED] since [REDACTED] SSA [REDACTED] provided [REDACTED] a copy of a CBP memorandum dated June 7, 2010, titled Guidance on Terrorist Related Lookouts. [REDACTED] reviewed the document and stated this memorandum is an update to the initial policy that came out on March 27, 2007. [REDACTED] provided DHS OIG with a copy of the 2007 policy which states CBP personnel are not permitted to independently create terrorist related lookouts for known or suspected terrorists in any CBP screening database. A copy of this memorandum will be attached to this MOA. [REDACTED] stated that CBP policy states any CBPO who believes an individual is involved in terrorist activities can submit a nomination packet through their chain of command to be reviewed by the CBP National Targeting Center (NTC).

[REDACTED] was asked if he was aware of an individual by the name of [REDACTED] and [REDACTED] connection with the CBP [REDACTED] Field Office (CBP [REDACTED] FO). [REDACTED] stated [REDACTED] was not aware [REDACTED] personally but is aware of an incident involving [REDACTED] which the CBP [REDACTED] FO was contacted about in 2010. [REDACTED] stated the CBP [REDACTED] FO was contacted after a complaint was filed after [REDACTED] was stopped at a CBP border checkpoint and placed into secondary. An internal review of CBP terrorist records was conducted and determined that hundreds of TECS records attributed to [REDACTED] where in the TECS system but outside of the parameters of the CBP policy as it relates to terrorists records. [REDACTED] stated to the best of his knowledge, [REDACTED] had [REDACTED] TECS records on individuals, [REDACTED] TECS records on terrorist organizations, and [REDACTED] Memorandum of Information Received (MOIR) records that were outside of CBP policy. These records did not go through the vetting process and were causing individuals to be stopped at border checkpoints. [REDACTED] stated he advised CBP [REDACTED] of this information and [REDACTED] was instructed to correct all the information he inputted into TECS that was outside of CBP policy. [REDACTED] stated it took

7E per
CBP

7E per
CBP

Name, Title, Signature, and Date:	[REDACTED] 9/9/13	[REDACTED] 9/10/13
[REDACTED]	Senior Special Agent	[REDACTED]

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

██████████ one year to “untangle” all of the information he inputted into TECS concerning terrorist and terrorist organizations. ██████████ indicated ██████████ was given the opportunity to nominate any individual through the proper channels once he completed this assignment but ██████████ does not recall ██████████ nominating any individuals.

██████████ advised he was again notified in 2012 about ██████████ entering terrorist records in the TECS database without going through the proper CBP protocol. According to ██████████ had been ██████████ advised that after ██████████ entered terrorist records into TECS from ██████████ but stated the records belong to the NTC. The NTC was contacted and they advised CBP ██████████ that they did not give ██████████ permission to enter the records into TECS and that he was outside of CBP policy. ██████████ stated he did not discipline ██████████ for that infraction but CBP ██████████ may have. ██████████ is not aware of a letter of counseling given to ██████████ by CBP ██████████

██████████ stated he received an email on ██████████ 2013, from ██████████ regarding ██████████ again entering terrorist information in TECS. ██████████ advised ██████████ was trying to circumvent the system by entering terrorist information into TECS by doing it through an MOIR, Incident Log. According to ██████████ CBP policy on incident log entries is that the CBPO entering the information would have to have personal contact with the individual at a port of entry. ██████████ did not have personal contact with the individual entered into TECS. ██████████ provided a copy of the TECS record and supplemental documents ██████████ attached to this incident report and it will be attached to this report.

This interview concluded at 4:00 PM.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]

(Date/Time)

[Redacted]

(Location)

[Redacted]

(Printed Name)

[Redacted]

(Signature)

[Redacted]

(Witness' Printed Name)

[Redacted]

(Witness' Printed Name)

[Redacted]

(Witness' Signature)

[Redacted]

(Witness' Signature)

8/22/13 1520 HPS

(Date/Time)

8/22/13 320 in

(Date/Time)

Advice of Rights (Garrity)

Deletion Page

Requester: William Marshall

Request #: 2014-143

1 page containing duplicate information is held in the file. This page was already referred to CBP as part of Exhibit 12.

Deletion Page

Requester: William Marshall

Request #: 2014-143

24 pages from DHS-OIG Exhibit 14 originating with or of interest to the U.S. Customs and Border Protection (CBP) are referred to that agency for review and direct response to you.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 15



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Interview of CBP [REDACTED]

Case Number: I13-CBP-ATL-00549	Case Title: Unknown
--------------------------------	---------------------

On August 22, 2013, at approximately 4:05 PM, Department of Homeland Security, Office of Inspector General (DHS OIG), [REDACTED] Field Office, Senior Special Agent (SSA), [REDACTED] and Special Agent [REDACTED] interviewed Border Security Coordinator, Customs and Border Protection Officer (CBPO) [REDACTED] in reference to an allegation regarding manipulation of information in the Treasury Enforcement Communications System (TECS) impacting CBP. SSA [REDACTED] read [REDACTED] DHS OIG INV form 27, Garrity warning, prior to the interview and [REDACTED] advised he understood the warning and agreed to talk with DHS OIG. [REDACTED] provided essentially the following information:

SSA [REDACTED] provided [REDACTED] a copy of a CBP memorandum dated June 7, 2010, titled Guidance on Terrorist Related Lookouts. [REDACTED] reviewed the document and stated this memorandum is an update to the initial policy that came out on March 27, 2007. [REDACTED] provided DHS OIG a copy of the 2007 policy which states CBP personnel are not permitted to independently create terrorist related lookouts for known or suspected terrorists in any CBP screening database. A copy of this memorandum will be attached to this MOA. [REDACTED] stated that all CBPOs were provided with this policy and the CBPOs should know that CBP policy states any CBPO who believes an individual is involved in terrorist activities can submit a nomination packet through their chain of command to be reviewed by the CBP National Targeting Center (NTC).

[REDACTED] was asked if he was aware of an individual by the name of [REDACTED] and [REDACTED] connection with the CBP [REDACTED] Field Office (CBP [REDACTED] FO). [REDACTED] stated [REDACTED] was aware of [REDACTED] name but was not aware of an incident involving [REDACTED] which the CBP [REDACTED] FO was contacted about in 2010. [REDACTED] stated the CBP [REDACTED] FO was contacted after receiving multiple complaints after individuals were stopped at a CBP border checkpoint and placed into secondary.

[REDACTED] stated he [REDACTED] internal review of CBP [REDACTED] terrorist records. After this review was conducted they determined that hundreds of TECS records attributed to [REDACTED] [REDACTED] where in the TECS system but outside of the parameters of the CBP policy as it related to terrorists records. [REDACTED] stated it was determined after this review that [REDACTED] would devote one hundred percent of his time to modifying his TECS records to be compliant with CBP policy. [REDACTED] advised that he gave [REDACTED] specific instructions as how to modify the TECS records and provided [REDACTED] will multiple emails of his instructions concerning this modification.

Name, Title, Signature, and Date: [REDACTED] 9/4/13	[REDACTED] 8/10/13
[REDACTED] Senior Special Agent	[REDACTED] Assistant Special Agent in Charge

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

█████ stated after █████ completed this project █████ was given the opportunity to nominate any individuals or organizations that █████ felt needed to be vetted by the NTC. █████ stated he does not recall █████ submitting any nomination after this project.

█████ advised he was notified in 2012 about █████ entering TECS records in the system without going through the proper CBP protocol. █████ had █████ █████ entered terrorist records into TECS from █████ but stated the records belong to the NTC. █████ stated he contacted NTC █████ about these TECS records and was advised these records should not have been entered in TECS and should be forward to the NTC for review. █████ stated he had these records modified and forwarded the research to the NTC for review.

█████ stated he received information on █████ 2013, regarding █████ again entering terrorist information in TECS. █████ stated █████ was trying to circumvent the system by entering terrorist information into TECS by doing it through an MOIR, Incident Log. The CBP policy on incident log entries is that the CBPO entering the information would have to have personal contact with the individual at a port of entry. █████ did not have personal contact with the individuals he entered the MOIR's on in TECS. █████ provided a copy of the email he forwarded to █████ supervisor referencing this incident, which will be attached to this report.

█████ stated █████ is very knowledgeable about terrorism activities but █████ is putting information in TECS that is based on █████ opinion and guilt by association." █████ stated █████ is not following the proper CBP policies as it relates to TECS entries and could cause issues for CBP.

This interview concluded at 4:40 PM.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]
/ / (Date/Time)

[Redacted]
(Printed Name)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Signature)

8-22-13 / 1600 hrs
(Date/Time)

[Redacted]
(Location)

[Redacted]
(Signature)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Signature)

8/22/13 4:00pm
(Date/Time)

Advice of Rights (Garrity)

Deletion Page

Requester: William Marshall

Request #: 2014-143

10 pages from Exhibit 15 originating with or of interest to CBP are referred to that entity for review and direct response to you.

Deletion Page

Requester: William Marshall

Request #: 2014-143

2 Page(s) is/are being withheld in full
by DHS/OIG and the following
marked exemption(s) is/are being
claimed.

EXEMPTIONS CLAIMED:

FOIA: 5 U.S.C. § 552

b(1) b(2) b(3): _____
 b(4) b(5) b(6) b(7)(A) b(7)(C) b(7)(D)
 b(7)(E) b(7)(F)

PRIVACY ACT: 5 U.S.C. § 552a

d(5) j(1) j(2) k(1) k(2) k(3)
 k(4) k(5) k(6) k(7)

Description of Document withheld: The very nature of the withheld document could identify the witness. Additionally, release would violate the subject's privacy.

Deletion Page

Requester: David Shapiro

Request #: 2010-028

4 pages containing duplicate information are held in the file. The pages contain an email and memoranda duplicated in other areas of the exhibits and already referred to CBP for direct response to the requester.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 16



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On September 25, 2013, [REDACTED], Customs and Border Protection (CBP), National Targeting Center (NTC) was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) at the NTC, located at 12379 Sunrise Valley Drive, Suite C, Reston, VA regarding the complaint made by [REDACTED] that TECS records had been inappropriately altered and deleted.

[REDACTED] provided the following information:

[REDACTED] has been at the NTC for approximately [REDACTED] years. He is the [REDACTED] [REDACTED] [REDACTED] from [REDACTED] which he thought to be from August 2011 to December 2011. [REDACTED] stated he was [REDACTED] while [REDACTED] at the NTC, but acknowledged that it could have been someone else.

[REDACTED] said that [REDACTED] was known for "[REDACTED]". He described [REDACTED] as "passionate" and "adamant" while working on the assigned task, but said that [REDACTED] "target development was on [REDACTED] own".

[REDACTED] did not have any information about [REDACTED] activities once [REDACTED] also stated that if CBP officers have entered TECS records that are not in compliance with SOPs, it is appropriate that the owner of the records must modify them to be in compliance.

Name, Title, Signature, and Date: [REDACTED] 9/25/13 Special Agent	Reviewing Official Name, Title, Signature, and Date: [REDACTED] 9/25/13 Acting Special Agent in Charge - Washington Field Office
IMPORTANT NOTICE	
This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.	

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 17



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On December 5, 2013, [REDACTED], Customs and Border Protection (CBP), National Targeting Center (NTC) was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) at the NTC, located at 12379 Sunrise Valley Drive, Suite C, Reston, VA, regarding the complaint made by [REDACTED] that TECS records had been inappropriately altered and deleted.

[REDACTED] provided the following information:

[REDACTED] is a [REDACTED]. He serves as [REDACTED]. He met [REDACTED] for the first time while [REDACTED]. [REDACTED] acted as [REDACTED] but did not consider himself [REDACTED].

While at the NTC, [REDACTED] worked primarily on the [REDACTED] Initiative. [REDACTED] identified subjects traveling to the U.S. with ties to [REDACTED] – which is known to [REDACTED]. [REDACTED] was a [REDACTED] and [REDACTED] was very good at research. [REDACTED] research was very thorough, and [REDACTED] was very accurate. [REDACTED] displayed a high level of expertise in [REDACTED] field. [REDACTED] stated that due to [REDACTED] expertise, [REDACTED] interviews at the port were very helpful. [REDACTED] team generally worked on nominations to the Terrorist Screening Database (TSDB) and visa revocation requests.

7E

[REDACTED] said that [REDACTED] was very passionate about the work. He stated that [REDACTED] needed someone to make sure [REDACTED] stayed within the guidelines they had to operate under. [REDACTED] said that [REDACTED] “never erred on the side of the traveler”. [REDACTED] said that he felt [REDACTED] believed travelers to the U.S. should not have even tenuous connections to terrorist groups or subjects. Overall, [REDACTED] thought [REDACTED] was good at what [REDACTED] did, and recommended [REDACTED] return to the NTC in a permanent position.

When asked if he was aware that [REDACTED] had to modify and/or delete TECS records, [REDACTED] stated that he had heard the “basics” of the incident. [REDACTED] response was “Some supervisor had to read it and approve it.” [REDACTED] did not think it was appropriate to have [REDACTED] modify and/or

Name, Title, Signature, and Date: [REDACTED] Special Agent – Washington Field Office 12/6/13	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge – Washington Field Office 12/6/13
---	---

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

delete TECS records if they were accurate. [REDACTED] also saw nothing wrong with [REDACTED] linking records to the NTC [REDACTED] Initiative; however, [REDACTED] was later required to remove [REDACTED] references from [REDACTED] TECS entries. [Agent's Note: DHS Office for Civil Rights and Civil Liberties determined that individuals could only be "watchlisted" based on an association with a known or suspected terrorist already "watchlisted" in the TSDB – not based on their affiliation with [REDACTED] (or any [REDACTED] organization).]

7E

[REDACTED] stated that [REDACTED] worked within the rules created in the Automated Targeting System (ATS). Essentially, the Office of Intelligence and Investigative Liaison (IOIL) creates rules in the ATS to identify certain individuals entering the country. These rules can include any number of variables such as [REDACTED]

7E

When [REDACTED] created Memorandums of Information Received (MOIRs) linked to the [REDACTED] Initiative, [REDACTED] used the phrase [REDACTED]."
[REDACTED] (Attachment 1) [REDACTED] said that he found this to be appropriate. [Agent's Note: On February 5, 2013, [REDACTED] received an office counseling notice for improperly entering [REDACTED] TECS records related to the [REDACTED] Initiative.]

7E

[REDACTED] said that in August 2013, [REDACTED] provided him information on U.S. citizen [REDACTED], who was arrested [REDACTED] recognized that [REDACTED] was [REDACTED] [REDACTED] forwarded the information directly to [REDACTED] at the NTC for vetting. It was determined that [REDACTED] was arrested after a search of his residence uncovered bomb making material to be used in a terrorist attack on [REDACTED]. [REDACTED] stated this is an example of the thorough work [REDACTED] does. (Attachment 2)

Attachment:

1. Email string between [REDACTED] and [REDACTED] dated September 24, 2012.
2. Documents referencing [REDACTED] provided by [REDACTED] on November 13, 2013.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

Deletion Page

Requester: William Marshall

Request #: 2014-143

15 Page(s) is/are being withheld in full
by DHS/OIG and the following
marked exemption(s) is/are being
claimed.

EXEMPTIONS CLAIMED:

FOIA: 5 U.S.C. § 552

b(1) b(2) b(3): _____
 b(4) b(5) b(6) b(7)(A) b(7)(C) b(7)(D)
 b(7)(E) b(7)(F)

PRIVACY ACT: 5 U.S.C. § 552a

d(5) j(1) j(2) k(1) k(2) k(3)
 k(4) k(5) k(6) k(7)

Description of Document withheld: The very nature of the withheld document could identify the witness and subject.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 18



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: [REDACTED], Customs and Border Protection

Case Number: I13-CBP-WFO-00549	Case Title: TECS Terrorist Records
--------------------------------	------------------------------------

On December 17, 2013, [REDACTED], Customs and Border Protection (CBP), [REDACTED] was interviewed by Special Agent (SA) [REDACTED], Department of Homeland Security (DHS), Office of Inspector General (OIG), Office of Investigation (INV), Washington Field Office (WFO) and SA [REDACTED], DHS OIG INV, [REDACTED] Field Office, at the [REDACTED] [REDACTED] regarding the complaint made by [REDACTED] [REDACTED] that TECS records had been inappropriately altered and deleted.

Prior to the interview, [REDACTED] was advised of his Beckwith / Garrity rights via DHS OIG INV Form 27 (Federal Employee Warning Form). (Attachment 1) [REDACTED] acknowledged those rights in writing. [REDACTED] was also given a non-disclosure warning via DHS OIG INV Form 18 (Disclosure Warning), which he acknowledged in writing. (Attachment 2)

[REDACTED] provided the following information:

[REDACTED] is the [REDACTED] for the [REDACTED], and is a [REDACTED]. As [REDACTED] is [REDACTED]

[REDACTED] stated that he had no direct role in either the 2010 or 2012 modification of [REDACTED] TECS entries. [REDACTED] said the field office wanted the records changed. [REDACTED] stated that he never the records and was not familiar with their contents.

[REDACTED] stated that he [REDACTED] all of [REDACTED] TECS entries had to be routed through him for approval. [REDACTED] said [REDACTED]". [REDACTED] stated that to date, he has not received any records from [REDACTED] [Agent's Note: In 2010, DHS OIG initiated an investigation on [REDACTED] (I1001143) after the OIG received an allegation from Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) that [REDACTED] inappropriately accessed TECS and entered derogatory information on [REDACTED] [REDACTED].] (Attachment 3)

[REDACTED] stated that he [REDACTED] meetings with [REDACTED] and described each as a "broken record" of the previous meeting. [REDACTED] said that he [REDACTED] there is a process for creating an entry based on official information, and open-source material found on the Internet is not

Name, Title, Signature, and Date: [REDACTED] Special Agent - Washington Field Office	12/18/13	Reviewing Official Name, Title, Signature, and Date: [REDACTED] Acting Special Agent in Charge - Washington Field Office
--	----------	--

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

“official information”. [REDACTED] stated that he warned the National Targeting Center (NTC) that [REDACTED] reports were derived from unverified open-source material, and needed to be vetted. [REDACTED] said that [REDACTED] reports are not properly annotated so that an intelligence analyst could independently verify the sources of [REDACTED] information. [REDACTED] also noted that [REDACTED] reports are too complex, and need to be written in layman’s terms.

[REDACTED] stated that [REDACTED] is still allowed to create Memorandums of Information Received (MOIRs) as long as they are routed through [REDACTED]. [REDACTED] recounted an incident involving [REDACTED] [REDACTED] entered him as a subject record in TECS, which caused [REDACTED] substantial inconvenience when he attempted to return to the US from official duties in [REDACTED].

[REDACTED] mentioned another incident involving [REDACTED]. [REDACTED] met with [REDACTED] in an effort to build relationships between [REDACTED]. [REDACTED] apparently determined this meeting linked [REDACTED] with “Islamic extremists” [REDACTED] and authored a memorandum to [REDACTED], asserting [REDACTED] beliefs. [REDACTED] used this incident (along with the incident involving [REDACTED]) to illustrate that [REDACTED] uses improper connections to label individuals as terrorist suspects. (Attachment 4)

[REDACTED] reiterated that lookouts must be submitted to the NTC via the nomination process, per CBP policy. According to [REDACTED] the lookout policy is the same for all CBP officers. [REDACTED] believes the policy is a good one because it prevents officers from wrongfully labeling people without validation. [REDACTED] stated that he feels all officer nominations should be forwarded to NTC, and he was unaware of any of [REDACTED] submitted nominations which had not been forwarded to the NTC.

Attachments:

1. [REDACTED] Federal Employee Warning Form, dated December 17, 2013.
2. [REDACTED] Non-Disclosure Form, dated December 17, 2013.
3. DHS OIG Report of Investigation I10-CBP-[REDACTED]-01143, dated October 22, 2010.
4. Email from [REDACTED] entitled “[REDACTED].” dated [REDACTED] 2006

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]
(Date/Time)

[Redacted]
(Location)

[Redacted]
(Printed Name)

[Redacted]
X
(Signature)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Signature)

[Redacted]
(Witness' Signature)

12/17/13 @ 11:00A
(Date/Time)

12/17/13 11:00AM
(Date/Time)

Advice of Rights (Garrity)



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Disclosure Warning for Non-Bargaining Unit Employees

“WARNING NOT TO DISCLOSE INVESTIGATIVE INFORMATION”

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation involves a sensitive matter, you are instructed not to discuss the nature of this interview with any other person(s), except private legal counsel.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

I, [REDACTED], have read and understand the above warning.
(Print Name)

[REDACTED] (signature) Date: [REDACTED]
Employee

[REDACTED] (print name) Date: 12/17/13
Special Agent

[REDACTED] (signature)
Special Agent
Department of Homeland Security
Office of Inspector General

[REDACTED] (print name) Date: 12/17/13

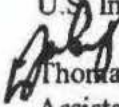
[REDACTED] (signature)
Witness

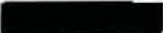





**Homeland
Security**

OCT 29 2010

MEMORANDUM FOR: Timothy Moynihan, Director
Office of Professional Responsibility
U.S. Immigration and Customs Enforcement

FROM:  Thomas M. Frost
Assistant Inspector General for Investigations

SUBJECT: 

Customs and Border Protection


CASE NUMBER: I10-CBP--01143

Attached is our Report of Investigation (ROI) on the above subject.

The ROI is furnished to you to evaluate and make an administrative decision regarding the above listed subject. Should you take any administrative action in response to our ROI, please inform this office so we can update our records. Please destroy the ROI upon disposition of this matter.

Should you have any questions regarding the contents of the ROI or need additional information, you may contact me at (202) 254-4100, or a member of your staff may call Deputy Assistant Inspector General for Investigations, Wayne H. Salzgaber at (202) 254-4300.

Attachment

RECEIVED

JUN - 4 2012

**DEPARTMENT OF HOMELAND SECURITY
OFFICE OF INSPECTOR GENERAL**

REPORT OF INVESTIGATION

I10-CBF [REDACTED] -01143



~~THIS REPORT CONTAINS SENSITIVE LAW ENFORCEMENT MATERIAL. IT MAY NOT BE
LOANED OUTSIDE YOUR AGENCY AND, EXCEPT IN CONNECTION WITH OFFICIAL~~



Homeland Security

REPORT OF INVESTIGATION

Case Number:	I10-CBP-██████████-01143
Case Title:	██████████ Customs and Border Protection ██████████
Report Status:	Final
Alleged Violation(s):	Title 5 CFR 2635: Violation of Standards of Conduct

INVESTIGATIVE SUMMARY

The Department of Homeland Security, Office of Inspector General (OIG), initiated an investigation on ██████████, Customs and Border Protection (CBP), ██████████. The OIG received an allegation from Immigration and Customs Enforcement, Office of Professional Responsibility (ICE OPR), Washington DC, that ██████████ inappropriately accessed The Enforcement Computer System (TECS), and entered derogatory information on ██████████ (Exhibit 1)

██████████ provided a statement to ICE OPR in which ██████████ said that in approximately ██████████, ██████████ spoke to an unidentified CBP analyst in ██████████ regarding a TECS entry on an ██████████ Confidential Source (CS). ██████████ said the analyst told ██████████ was going to recommend the CS for "No Fly" status due to the CS's connection to Islamic organizations. ██████████ said ██████████ told the analyst that the CS was not involved with these organizations, but the analyst was adamant that the information should be entered into TECS.

██████████ said that in June 2010 while traveling back to ██████████, from ██████████ was stopped by CBP and had to undergo a secondary inspection. ██████████ said that ██████████ later spoke to someone at ICE who ran ██████████ name on TECS. That inquiry revealed an entry associating ██████████ with a radical organization named ██████████. ██████████ said that the information was entered in TECS in ██████████, which was close to the time that ██████████ had the

7E

Reporting Agent		Distribution:	
Name: ██████████	Signature: ██████████	██████████ Field Office	Original
Title: Special Agent	Date: 10-22-10	Headquarters	cc
Approving Official		Component(s)	cc
Name: Tom Barbee	Signature: Tom Barbee	Other	cc
Title: Special Agent in Charge	Date: 10-22-10		

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

REPORT OF INVESTIGATION

contact with the CBP analyst. [REDACTED] stated that [REDACTED] once attended [REDACTED] in an official capacity under direction of [REDACTED]. (Exhibit 2)

A review of TECS on [REDACTED] revealed three TECS Records ([REDACTED] and [REDACTED] that linked [REDACTED] with [REDACTED] and a recommendation for progressive secondary inspection. The TECS records were created by [REDACTED], CBP, [REDACTED] (Exhibit 3)

7E

The OIG interviewed [REDACTED] who reviewed the entire series of files and spreadsheets related to the TECS records pertaining to [REDACTED] said that [REDACTED] was previously [REDACTED] the Middle East and that for several years [REDACTED] has been conducting analysis on [REDACTED] stated [REDACTED] was considered an expert regarding [REDACTED] was considered to be an organization that supported [REDACTED] From [REDACTED] was on a detail that focused on modifying approximately 825 TECS records, so that they all contained uniformed standard language in the comments section. [REDACTED] said that the initial TECS entry on [REDACTED] was entered in [REDACTED] entered [REDACTED] association with [REDACTED] because information was obtained and analyzed revealing that [REDACTED] [REDACTED] did not know that [REDACTED] was [REDACTED] or the purpose of [REDACTED] attendance at [REDACTED].

7E

[REDACTED] said there was no retaliatory motive or action involved in the creation of the record. [REDACTED] further stated that [REDACTED] has never spoken to or met with [REDACTED] further stated that over 35 records were updated on the same day as [REDACTED] in [REDACTED] opined that the TECS records regarding [REDACTED] association with [REDACTED] should not be deleted. (Exhibit 4)

This investigation was unable to substantiate that [REDACTED] inappropriately accessed TECS or that [REDACTED] inappropriately created TECS records pertaining to [REDACTED]

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

Deletion Page

Requester: William Marshall

Request #: 2014-143

3 pages from Exhibit 18 originating with or of interest to CBP are referred to that agency for review and direct response to you.

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 19



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Interview of [REDACTED]

Case Number: I13-CBP-WFO-00549	Case Title: Unknown
--------------------------------	---------------------

On January 27, 2014, at approximately 9:00 a.m., Department of Homeland Security, (DHS) Office of Inspector General (OIG), [REDACTED] Field Office, Senior Special Agent (SSA), [REDACTED] and Special Agent [REDACTED] interviewed [REDACTED] in reference to an allegation regarding manipulation of information in TECS impacting CBP and his [REDACTED]. SSA [REDACTED] read [REDACTED] DHS OIG INV Form 27, Garrity Warning, prior to the interview and [REDACTED] advised he understood the warning, signed the form and agreed to talk with DHS OIG. [REDACTED] provided the following information in substance:

[REDACTED] stated he was assigned to [REDACTED] in late 2009 to early 2010 when [REDACTED] was instructed to correct some of [REDACTED] TECS entries to conform with CBP policy as it relates to terrorist lookouts. [REDACTED] for approximately [REDACTED]. [REDACTED] advised his supervisor during this time period was [REDACTED]

[REDACTED] stated after [REDACTED] completed the TECS corrections, [REDACTED] complied, approximately 10 to 20, terrorist nomination packets for review. [REDACTED] reviewed the packets and forwarded the information up his chain of command in [REDACTED] stated he never refused to forward any of [REDACTED] nomination packets through his chain of command. [REDACTED] stated he did refuse to send the packets directly to the National Targeting Center (NTC) because that was not CBP's policy. [REDACTED] presented the terrorist nomination packets to a CBP [REDACTED] committee. This committee consisted of [REDACTED], and [REDACTED] stated there was no policy official or unofficial as to which of [REDACTED] nominations would be forwarded.

[REDACTED] needed to provide a manageable number of nominations to the committee for review. [REDACTED] advised he was not directed or instructed to not forward [REDACTED] nominations to the NTC. [REDACTED] stated it was not his decision to determine which nominations packets would be forward to the NTC. [REDACTED] advised the decision to forward the packets was made by upper management in CBP [REDACTED] submit [REDACTED] best nomination packets in a manageable amount and see if CBP [REDACTED] management had any corrections, changes or questions concerning [REDACTED] nomination packets. [REDACTED] stated that if they had certain details that needed to be added or changed, [REDACTED] could do that before the next batch of packets was forwarded to management. [REDACTED] advised he [REDACTED] part of the process after the first batch of

Name, Title, Signature, and Date	SSA	[REDACTED]
[REDACTED]	2/3/14	[REDACTED] 2/2/14
Senior Special Agent		Assistant Special Agent in Charge

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

MEMORANDUM OF ACTIVITY

nominations were presented and does not have any idea how many more nomination packets were presented by [REDACTED] to management after the first batch. [REDACTED] stated after the first presentation he was not instructed by management to stop or "shut down" [REDACTED] nomination process. [REDACTED] was [REDACTED] after the first presentation and again was unsure if or how many more nomination packets were submitted by [REDACTED] for review.

The interview was concluded at approximately 9:30 a.m.

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

(Date/Time)

(Location)

(Printed Name)

(Signature)

(Witness' Printed Name)

(Witness' Printed Name)

(Witness' Signature)

(Witness' Signature)

1/27/2014 0900

(Date/Time)

1/27/2014 9:00AM

(Date/Time)

Advice of Rights (Garrity)

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).
Obtained via FOIA by Judicial Watch, Inc.
Any additional exemptions used are indicated in the margin near their redaction.*

Exhibit 20



Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Interview of [REDACTED]

Case Number: I13-CBP-WFO-00549	Case Title: Unknown
--------------------------------	---------------------

On January 31, 2014, at approximately 1:20 PM, Department of Homeland Security, (DHS) Office of Inspector General (OIG), [REDACTED] Field Office, Senior Special Agent (SSA), [REDACTED] and Special Agent [REDACTED] interviewed [REDACTED], in reference to an allegation regarding manipulation of information in the TECS impacting CBP and his [REDACTED]. SSA [REDACTED] had been previously contacted by [REDACTED], Attorney representing [REDACTED] advising that she would not be at the interview of [REDACTED] but DHS OIG could interview him without her presence. SSA [REDACTED] read [REDACTED] DHS OIG INV Form 27, Garrity Warning, prior to the interview and [REDACTED] advised he understood the warning, signed the form, and agreed to talk with DHS OIG. [REDACTED] provided the following information:

[REDACTED] stated he [REDACTED] in [REDACTED] 2012 to [REDACTED] 2012 during a special initiative [REDACTED] for CBP. [REDACTED] being reliable, hard working, detailed in [REDACTED] work, and very knowledgeable. [REDACTED] supervisor during this time frame was [REDACTED] stated [REDACTED] work [REDACTED] was superb and assisted the initiative with making several big cases. [REDACTED] stated he [REDACTED] stated he [REDACTED] MOIR's for persons of interest and none of the MOIR's said anything about terrorism or terrorist.

[REDACTED] stated he is aware that no CBP officer is allowed to enter information into TECS with the wording describing someone as a terrorist or part of a terrorist group. This information would be forwarded to the National Targeting Center (NTC) for review and ultimately the decision to classify someone or some group as a terrorist or terrorist group would be determined by the NTC. If [REDACTED] 7E per CBP [REDACTED]. [REDACTED] stated he was never instructed by his supervisor to not approve [REDACTED] TECS records.

[REDACTED] stated he is very aware of CBP's memorandum and policy on CBPO's not independently creating terrorism related lookouts in TECS. [REDACTED] advised that none of [REDACTED] MOIR's had information that identified any individual or group as being related to terrorism. [REDACTED] stated he would have [REDACTED]

[REDACTED] The interview was concluded at approximately 2:15PM.

Name, Title, Signature, and Date:	[REDACTED] 2/7/14	[REDACTED] 2/7/14
	Senior Special Agent	Assistant Special Agent in Charge

IMPORTANT NOTICE

This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.



OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

FEDERAL EMPLOYEE WARNING FORM

You are being asked to provide information as part of an investigation being conducted by the Office of the Inspector General into alleged misconduct and/or improper performance of official duties. This investigation is being conducted pursuant to the Inspector General Act of 1978, as amended.

This is a voluntary interview. Accordingly, you do not have to answer questions. No disciplinary action will be taken against you solely for refusing to answer questions.

Any statement you furnish may be used as evidence in any future criminal proceeding or agency disciplinary proceeding, or both.

ACKNOWLEDGMENT

I understand the warnings and assurances stated above and I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

[Redacted]
(Date/Time)

[Redacted]
(Location)

[Redacted]
(Printed Name)

[Redacted]
(Signature)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Printed Name)

[Redacted]
(Witness' Signature)

[Redacted]
(Witness' Signature)

1/31/14 1:20
(Date/Time)

1/31/14 @ 1:20pm
(Date/Time)

Advice of Rights (Garrity)



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

November 3, 2015

Mr. William Marshall
Judicial Watch
425 Third Street, SW
Suite 800
Washington, DC 20024

Subject: Judicial Watch, Inc. v. U.S. Department of Homeland Security
(Civil Action No. 1:15-00222-RBW), Final Response

Dear Mr. Marshall:

This is the Department of Homeland Security (DHS) Office of Inspector General's (OIG's) fourth interim response to Judicial Watch's Freedom of Information Act (FOIA) request for (1) a copy of a DHS-OIG report regarding a "hands off list" purportedly maintained by DHS, [U.S.] Immigration and Customs Enforcement (ICE) and/or [U.S.] Customs and Border Protection (CBP) used to allow certain individuals to enter the United States, who had been previously denied entry to the United States or been made to undergo secondary screening by CBP based on suspicion of terrorism ties;" and (2) all communications to or from former Acting/Deputy Inspector General Charles Edwards regarding that report from May 31, 2013, to May 31, 2014. This response is provided in accordance with the Joint Status Report of September 16, 2015, which was filed in the United States District Court for the District of Columbia in the above-captioned matter.

You were notified that to locate records responsive to Judicial Watch's request, we initiated searches in the OIG's Front Office and its Offices of Legislative Affairs, Investigations, Management and Counsel.

In response to item 1 of Judicial Watch's request, we located one report of investigation (ROI). We have already produced releaseable portions of that ROI, except for one compact disc referenced in Exhibit 5. We have completed our review of that compact disc and determined that it should be referred to CBP for processing and direct response to Judicial Watch. This will complete our response to item 1 of Judicial Watch's request.

With respect to item 2 of Judicial Watch's request, we have completed processing all responsive records. The records were reviewed under the

FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

- 1 page is released in full (RIF);
- 9 pages are released in part (RIP);
- 0 pages are withheld in full (WIF);
- 1,031 pages (the contents of the CD) were referred to another entity.

The exemptions cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DHS-OIG is invoking Exemption 5 and the deliberative process privilege to protect pre-decisional and deliberative information.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS-OIG is invoking Exemption 6 to protect the names of third parties and any information that could reasonably be expected to identify such individuals, including job titles, locations, actions and other information.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes...[if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS-OIG is invoking Exemption 7(C) to protect the names of third parties and any information that could reasonably be

expected to identify such individuals in these investigative records, including job titles, locations, actions and other information.

Referral

Additionally, one CD (including 1,031 pages) was referred to CBP for processing and direct response to Judicial Watch.

Appeal

Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. If you choose to file an administrative appeal it must be in writing and received within 60 days of the date of this response.¹ Please address any appeal of DHS-OIG's action to:

FOIA/PA Appeals Unit
DHS-OIG Office of Counsel
Stop 0305
245 Murray Lane, SW
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act Appeal." Your appeal letters must also clearly identify this response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9.

Sincerely,



Stephanie L. Kuehn
Supervisory FOIA/PA Disclosure Specialist

Enclosures

¹ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Kuehn, Stephanie

From: Dupuy, John
Sent: Monday, August 19, 2013 5:05 PM
To: Edwards, Charles
Subject: FW: CBP-TECS case (UPDATE)

Importance: High

Charles,
The initial interview was done.
john

From: Ward, James E
Sent: Monday, August 19, 2013 1:39 PM
To: Dupuy, John
Subject: RE: CBP-TECS case (UPDATE)
Importance: High

John,

UPDATE:

In the event that you're tied up. [REDACTED] FO was successful in contacting this individual last week, and we set up a meeting that took place (on Aug 15th) here in our office. As a result of that meeting, I met this morning with OIG agent [REDACTED] regarding the specific written in a "draft" MOA of this incident. I've also asked SA [REDACTED] to clarify several points made by the complainant, before a final draft of the MOA is completed/filed.

PS: I would like to discuss my recommendation up to this point.

Thanks,

James E. Ward
Special Agent in Charge
Department of Homeland Security
Office of Inspector General
Office of Investigations [REDACTED]
Office: [REDACTED]
Cell: [REDACTED]

~~This email message may contain controlled unclassified information. This email message, including any attachments, is for the sole use of the intended recipients and may contain law enforcement sensitive or proprietary information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, immediately contact the sender and destroy all copies of the original message.~~

From: Dupuy, John
Sent: Monday, August 19, 2013 12:54 PM
To: Ward, James E; [REDACTED]

All redactions in this document are made pursuant to FOIA exemptions (b)(6) and (b)(7)(C).

Cc: Georgacopoulos, Peter

Subject: CBP-TECS case

Gentlemen,

Can either of you inform me as to when you will make contact with the complainants attorney to set up an interview.

Thank you,

john

John E. Dupuy

Assistant Inspector General for Investigations

Office of Inspector General

U.S. Department of Homeland Security

(202) 254- [redacted] (o)

(202) [redacted] (c)

[redacted]@oig.dhs.gov

Kuehn, Stephanie

From: Paulson, Erica
Sent: Wednesday, November 06, 2013 9:58 AM
To: Edwards, Charles
Cc: Manino, Yvonne; Dupuy, John; Georgacopoulos, Peter; Balaban, Dorothy; Mann, Carlton
Subject: Fw: Letter from Chairman Issa
Attachments: 2013-11-06 DEI to Edwards DHS OIG re [REDACTED].pdf

] b6, 7C]

Please see the attached letter from Chairman Issa regarding the [REDACTED] investigation.

Erica E. Paulson
Congressional Liaison
U.S. Department of Homeland Security
Office of Inspector General

From: Pinto, Ashok [<mailto:Ashok.Pinto@mail.house.gov>]
Sent: Wednesday, November 06, 2013 09:53 AM
To: Paulson, Erica
Cc: Magnus, Rachel
Subject: Letter from Chairman Issa

Hello Erica,

Attached is a letter to Mr. Edwards from Chairman Issa. Please confirm receipt and let me know if you have any questions.

Sincerely,

Ashok

Ashok M. Pinto
U.S. House of Representatives
Committee on Oversight and Government Reform
Darrell Issa, Chairman
(202) 225-5074

DARRELL E. ISSA, CALIFORNIA
CHAIRMAN

JOHN L. MICA, FLORIDA
MICHAEL R. TURNER, OHIO
JOHN J. DUNCAN, JR., TENNESSEE
PATRICK T. McHENRY, NORTH CAROLINA
JIM JORDAN, OHIO
JASON CHAFFETZ, UTAH
TIM WALBERG, MICHIGAN
JAMES LANKFORD, OKLAHOMA
JUSTIN AMASH, MICHIGAN
PAUL A. GOSAR, ARIZONA
PATRICK MEEHAN, PENNSYLVANIA
SCOTT DESJARLAIS, TENNESSEE
TREY GOWDY, SOUTH CAROLINA
BLAKE FARENTHOLD, TEXAS
DOC HASTINGS, WASHINGTON
CYNTHIA M. LUMMIS, WYOMING
ROB WOODALL, GEORGIA
THOMAS MASSIE, KENTUCKY
DOUG COLLINS, GEORGIA
MARK MEADOWS, NORTH CAROLINA
KERRY L. BENTIVOLIO, MICHIGAN
RON DESANTIS, FLORIDA

LAWRENCE J. BRADY
STAFF DIRECTOR

ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

FACSIMILE (202) 225-3974

MINORITY (202) 225-5051

<http://oversight.house.gov>

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
STEPHEN F. LYNCH, MASSACHUSETTS
JIM COOPER, TENNESSEE
GERALD E. CONNOLLY, VIRGINIA
JACKIE SPEIER, CALIFORNIA
MATTHEW A. CARTWRIGHT, PENNSYLVANIA
MARK POCAN, WISCONSIN
L. TAMMY DUCKWORTH, ILLINOIS
ROBIN L. KELLY, ILLINOIS
DANNY K. DAVIS, ILLINOIS
PETER WELCH, VERMONT
TONY CARDENAS, CALIFORNIA
STEVEN A. HORSFORD, NEVADA
MICHELLE LUJAN GRISHAM, NEW MEXICO

November 6, 2013

Mr. Charles K. Edwards
Deputy Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW, Building 410
Washington, D.C. 20528-0305

Dear Mr. Edwards:

As part of the Committee on Oversight and Government Reform's ongoing oversight of the Department of Homeland Security, I am writing regarding your office's investigation into allegations raised by [REDACTED] a U.S. Customs and Border Protection officer. Officer [REDACTED] has raised potentially serious allegations related to CBP and the Department's handling of information relating to suspected terrorists.

b6, 7C

I urge you to complete this investigation in a thorough and expeditious manner. Additionally, I request that you direct your staff to make arrangements to brief Committee staff on the status of your investigation.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

If you have any questions about this request, please contact Ashley Callen or Ashok Pinto of the Committee staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,

Darrell Issa
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

DEC 06 2013

The Honorable Darrell Issa, Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Issa:

Thank you for your correspondence in which you encouraged our office to expeditiously complete our investigation into the allegations made by U.S. Customs and Border Protection Officer [REDACTED]

b6, 7C

We have assigned this matter a high priority and we will notify the Committee when the final report is issued. Regarding your request for a briefing of Committee staff, our Office of Legislative Affairs will be in contact.

Please call me with any questions, or your staff may contact Erica Paulson or Rachel Magnus, Congressional Liaisons, Office of Legislative Affairs, at (202) 254-4100.

Sincerely,

Charles K. Edwards
Deputy Inspector General

cc: The Honorable Elijah E. Cummings
DHS Office of Legislative Affairs
Chief Privacy Officer

Congress of the United States
Washington, DC 20515

July 31, 2013

Dr. Charles K. Edwards
Deputy Inspector General
DHS Office of Inspector General
Washington, D.C. 20528

Dear Dr. Edwards:

We appreciate you attending the briefing on Friday, July 26, 2013 that was presented to Committee staff concerning allegations by a DHS whistleblower. We request you conduct an investigation into the matters discussed, specifically the alteration and/or deletion of TECs records which deal with possible links to terrorism. Additionally, we would like you to investigate the circumstances of the alleged administrative actions against the whistleblower and whether they were appropriate.

We expect your office to investigate with particular sensitivity to the whistleblower's work situation and request ongoing updates as facts become known.

We appreciate you addressing this request in an expeditious manner. If you have any questions, please have your staff contact Dr. R. Nicholas Palarino, Deputy Chief of Staff/Policy, U.S. House of Representatives Committee on Homeland Security at 202-226-8417 and/or Dan Lips, Director of Homeland Security, Senate Homeland Security and Government Affairs Committee at 202-224-4751.

Sincerely,



Michael T. McCaul
Chairman
House Committee on Homeland Security



Tom Coburn
Ranking Member
Senate Homeland Security and Governmental
Affairs Committee

Kuehn, Stephanie

From: Paulson, Erica
Sent: Thursday, September 05, 2013 1:33 PM
To: Edwards, Charles; Dupuy, John
Cc: Magnus, Rachel; Manino, Yvonne; Balaban, Dorothy; Hackworth, Sandra
Subject: Pre-Briefing/Meeting with Jennifer before tomorrow's meeting?

Tracking:	Recipient	Read
	Edwards, Charles	
	Dupuy, John	
	Magnus, Rachel	Read: 9/5/2013 2:14 PM
	Manino, Yvonne	Read: 9/5/2013 2:19 PM
	Balaban, Dorothy	
	Hackworth, Sandra	Deleted: 11/25/2013 2:43 PM

Good afternoon,

Would you all be interested in having a pre-briefing/meeting before tomorrow's meeting with Committee on Homeland Security staff? I think [REDACTED]

[REDACTED] My guess is that [REDACTED]

[REDACTED] They probably [REDACTED]

b5,
6, 7C

[REDACTED] I have copied Sandra Hackworth (whistleblower ombudsman) because she just happened to stop by my office to discuss this very matter.

Thanks,
Erica

Erica E. Paulson
Congressional Liaison
Department of Homeland Security
Office of Inspector General

(202) 254-[REDACTED] - direct
<http://www.oig.dhs.gov/>

b6

 [@DHSOIG](https://twitter.com/DHSOIG)

From: [Edwards, Charles](#)
To: [Dupuy, John](#); [Mann, Carlton](#)
Subject: FW: Follow-up -- PROTECTED COMMUNCIATION ON BEHALF OF WHISTLEBLOWER
Date: Friday, September 06, 2013 4:46:00 PM
Attachments: [image001.png](#)
[28 CFR 50.15.pdf](#)
[28 CFR 50.16.pdf](#)

FYI

From: [REDACTED] [mailto:[REDACTED].com]
Sent: Friday, September 06, 2013 4:35 PM
To: Charles.Edwards@dhs.gov
Subject: Follow-up -- PROTECTED COMMUNCIATION ON BEHALF OF WHISTLEBLOWER

b6

Charles: Please call me when you have an opportunity to follow-up on our brief conversation while you were in Arizona recently. The concept I would like to pursue with you is the

[REDACTED]

b5, 6, 7C

[REDACTED]). I look forward to pursuing this concept with you further. [REDACTED]

[REDACTED]

[REDACTED]

b6

Direct Phone: [REDACTED]
E-mail: [REDACTED]
Webpage: [REDACTED]

For information about and to order the new IG Handbook, see [http://www.\[REDACTED\]/media/126722/ig_handbook.pdf](http://www.[REDACTED]/media/126722/ig_handbook.pdf).

ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN CONFIDENTIAL AND/OR PRIVILEGED ATTORNEY/CLIENT WORK PRODUCT COMMUNICATIONS AS WELL AS OTHER CONFIDENTIAL, PROPRIETARY OR SECRET (UNCLASS) INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE DO NOT READ THIS EMAIL OR DISSEMINATE IT TO ANYONE. PLEASE NOTIFY THE SENDER IMMEDIATELY BY REPLYING TO THIS MESSAGE OR BY CALLING +1 [REDACTED] [REDACTED] (WE ACCEPT COLLECT CALLS), AND THEN DELETE THE ORIGINAL MESSAGE AND ANY COPIES OF IT FROM YOUR COMPUTER SYSTEM. ANY USE, DISSEMINATION, DISTRIBUTION, OR REPRODUCTION OF THIS MESSAGE AND/OR ANY ATTACHMENTS BY UNINTENDED RECIPIENTS IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. THANK YOU FOR YOUR COOPERATION.

b6

Kendrick, Jennifer A.

From: Paulson, Erica
Sent: Thursday, September 05, 2013 4:10 PM
To: Kendrick, Jennifer A.
Subject: Fw: Pre-Briefing/Meeting with Jennifer before tomorrow's meeting?

I totally forgot to cc you on this. Dottie set up the appointment. I can fill you in before the meeting.
Erica E. Paulson
Congressional Liaison
U.S. Department of Homeland Security
Office of Inspector General

From: Paulson, Erica
Sent: Thursday, September 05, 2013 01:33 PM
To: Edwards, Charles; Dupuy, John
Cc: Magnus, Rachel; Manino, Yvonne; Balaban, Dorothy; Hackworth, Sandra
Subject: Pre-Briefing/Meeting with Jennifer before tomorrow's meeting?

Good afternoon,

Would you all be interested in having a pre-briefing/meeting before tomorrow's meeting with Committee on Homeland Security staff? I think [REDACTED]


[REDACTED] My guess is that [REDACTED]

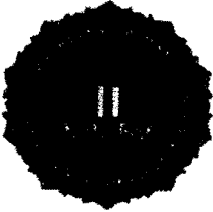
[REDACTED] They probably [REDACTED]

b5,
6, 7C

[REDACTED] I have copied Sandra Hackworth (whistleblower ombudsman) because she just happened to stop by my office to discuss this very matter.

Thanks,
Erica

Erica E. Paulson
Congressional Liaison
Department of Homeland Security
Office of Inspector General
(202) 254-[REDACTED] - direct b6
<http://www.oig.dhs.gov/>
 @DHSOIG



Federal Bureau of Investigation
Washington, D.C. 20535

November 3, 2015

MR. WILLIAM F. MARSHALL
JUDICIAL WATCH
SUITE 800
425 THIRD STREET, SW
WASHINGTON, DC 20024

FOIPA Request No.: 1336973-000
DHS Tracking No.: 2014-143
Subject: DHS OIG REPORT ON HAND'S
OFF LIST

Dear Mr. Marshall:

While processing your Freedom of Information/Privacy Acts (FOIPA) request, the Department of Homeland Security (DHS) located FBI information in their records. This material was referred to the FBI for direct response to you.

Enclosed are copies of the referred material. Deletions have been made pursuant to Title 5, United States Code, Section(s) 552/552a as noted below. See the enclosed form for an explanation of these exemptions.

Section 552		Section 552a
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
<input type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
_____	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)


4 pages were reviewed and 4 pages are being released.

Deletions were made by the United States Customs and Border Protection (USCBP). To appeal those denials, please write directly to FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177, following the procedures outlined in the DHS regulations at Title 6 C.F.R. § 5.9. You must send the appeal and a copy of this letter within 60 days of the date of this letter. The envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

**Records From
Exhibit 13**

**United States Department of Justice
Federal Bureau of Investigation
Joint Terrorism Task Force**



b6 Per CBP
b7C

**Customs and Border Protection Officer
Atlanta Hartsfield-Jackson International Airport**

**In recognition of exceptional contributions
to interagency National Security successes.**



ASAC



FBI Atlanta

b6 Per FBI
b7C

A handwritten signature in cursive script, appearing to read "Brian D. Laska".

SAC Brian D. Laska, FBI Atlanta



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

February 24, 2009

Stephen Kremer, Port Director
Customs and Border Protection
4341 International Parkway
Suite 600
Atlanta, Georgia 30354

Dear Mr. Kremer:

It is with great appreciation that I write this letter to thank your agency, specifically Officer [redacted] for his assistance in support [redacted]. As you know, [redacted] has been identified as a "best practice" by both the CBP and FBI [redacted].

b6 Per CBP
b7C

b7E Per FBI

The success of [redacted] however, relies significantly on the conscientious efforts of dedicated CBP officers. Through 2007 and 2008 Officer [redacted] consistently [redacted].

b6 Per CBP
b7C

b7E Per FBI

In this new age of [redacted] Officer [redacted] efforts, professionalism and dedication to [redacted] reflect great credit upon himself and Customs and Border Protection.

b6 Per CBP
b7C

b7E Per FBI

Sincerely,

Gregory Jones
Special Agent in Charge



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

August 10, 2010

Mr. Stephen Kremer, Port Director, CBP
Atlanta Hartsfield-Jackson Airport
4341 International Parkway, Suite 600
Atlanta, GA 30354

Dear Director Kremer:

[redacted]
[redacted] continues to provide invaluable
[redacted] not only in regard to ongoing FBI [redacted]
investigations, but also in the [redacted]
[redacted] FBI Joint Terrorism Task Force
(JTTF). As you are aware, in Fiscal Year 2010 to date, [redacted]
[redacted] has supported [redacted] FBI investigations conducted throughout the
United States, [redacted]
persons previously [redacted]
persons of interest through [redacted]

b7E Per FBI

On behalf of the FBI, I would like to express my appreciation
for the exceptional work done by your personnel [redacted]
[redacted] undoubtedly, has become a model of
a best practice [redacted] Please allow me to extend
special recognition to Chief Supervisory Officer [redacted]
Supervisory Officer [redacted] Supervisory Officer [redacted]
Officer [redacted] Officer [redacted] Officer [redacted]
[redacted] Officer [redacted] Officer [redacted] Officer [redacted]
[redacted] Officer [redacted] and CBP JTTF Liaison Field Analysis
specialist [redacted]

b7E Per FBI

b6 Per CBP
b7C

The Atlanta Division of the FBI and the JTTF are grateful to
[redacted] It is the daily
work of your personnel, combined with their great attention to detail,
that have made [redacted] an enormous success.

b7E Per FBI

Sincerely,

Brian D. Lemkin
Brian D. Lemkin
Special Agent in Charge
FBI Atlanta

U.S. Department of Justice

Civil Division
Federal Programs Branch



Mailing Address
P.O. Box 883
Washington, DC 20044

Delivery Address
20 Massachusetts Avenue NW
Washington, DC 20530

Bradley H. Cohen
Trial Attorney

Tel: (202) 305-9855
Fax: (202) 616-8202

VIA EMAIL

November 10, 2015

Jason Aldrich
Judicial Watch, Inc.
425 Third Street, S.W., Suite 800
Washington, D.C. 20024
(202) 646-5172

Re: *Judicial Watch, Inc. v. U.S. Dep't of Homeland Security*, 1:15-00222-RBW (D.D.C.)

Dear Mr. Aldrich:

I have enclosed with this letter one pdf attachment containing records responsive to the Freedom of Information Act request at issue in the above-referenced case. These records consist of documents identified by the Department of Homeland Security, Office of Inspector General ("DHS-OIG") as being potentially responsive and having originated with DHS's component, U.S. Customs and Border Protection ("CBP"). These records were referred to CBP who has marked redactions according to the applicable exemption. If you have any further questions, please contact me at Bradley.cohen@usdoj.gov or 202-305-9855.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bradley H. Cohen".

Bradley H. Cohen

Enclosures

Records From Exhibit 12

1300 Pennsylvania Avenue NW
Washington, DC 20229



U.S. Customs and
Border Protection

JUN 07 2010

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations (b) (6), (b) (7)(C)

FROM: Acting Executive Director
Admissibility and Passenger Programs

SUBJECT: Guidance on Terrorist Related Lookouts

The purpose of this memorandum is to reemphasize and expand upon Customs and Border Protection's (CBP) existing policy regarding the creation of lookouts for known or suspected terrorists in CBP's screening data bases.

On September 16, 2003, in alignment with Homeland Security Presidential Directive-6 (HSPD-6), the Terrorist Screening Center (TSC) was established to maintain the United States Government's Consolidated Terrorist Watchlist and to support all Federal, state, local, territorial, and tribal law enforcement agencies that conduct terrorist related screening. With the inception of the TSC, together with the National Counterterrorism Center (NCTC), the United States Government established a streamlined process for the creation and tracking of lookouts or watchlist records for those individuals that are known to be or suspected of involvement in terrorist related activities. In concert with HSPD-6 and the formation of the TSC, CBP personnel are not permitted to independently create terrorist related lookouts for known or suspected terrorists in any CBP screening database. Additionally the remarks section of any TECS lookout (TECS record) created by CBP personnel may not include references to terrorism or extremism. Furthermore, all efforts must comply with Directive 3340-021B, *Responding to Potential Terrorists Seeking Entry into United States.*

When CBP-OFO personnel have established articulable reasons to believe that an individual is a known or suspected to be involved in terrorist related activity, they must notify the CBP National Targeting Center-Passenger (NTC-P). This includes information that may be received from another agency: (b)(7)(E) personnel must notify CBP NTC-P. In addition to notifying the NTC-P, CBP personnel must share this information with their local CBP JTTF Liaison.

For Official Use Only

Records From Exhibit 13



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

**U.S. Customs and
Border Protection**

SEP - 5 2013

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

Customs and Border Protection Officer
U.S. Customs and Border Protection
Field Operations, (b) (6), (b) (7)
(C)

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

Dear Mr. (b) (6), (b) (7)(C)

This letter is an official counseling notice (LOC) for your role in improperly entering TECS records. Specifically, in October 2012, you were the subject of a management inquiry where you created and entered approximately 67 TECS records on individuals and organizations having a possible affiliation with (b) (7)(C), (b) (7)(E) a Muslim religious organization. The records that you created were for the express purpose of conducting a secondary examination of a passenger affiliated with the aforementioned religious organization. Although, you worked with at least one person from the NTC in this endeavor, the NTC Assistant Director of Tactical Targeting was not aware of these TECS records and objected to your references of the NTC and (b) (7)(C), (b) (7)(E) in the remarks section.

As a CBPO, you are held to a higher standard of conduct and are expected to adhere to all CBP rules, policies, and procedures, including the Standards of Conduct. This is essential in order to ensure the continued trust and confidence of the public. As a CBP automated systems user (to include TECS), you are responsible for only accessing applications that are required to perform authorized job functions. CBP officers are not allowed to create TECS records which directly relate to terrorism. Intelligence information regarding terrorism should be forwarded to the NTC for vetting and possible inclusion into the TSDB.

The LOC will remain in your local personnel file for a period of up to one year. Although this letter of counseling is not disciplinary in nature, be advised that future incidents could result in disciplinary and / or adverse action.

Please sign the receipt acknowledgement copy of this letter as evidence that you have received it. Your signature does not mean that you agree or disagree with its contents.

Sincerely,

(b) (6)

(b) (6)

Assistant Port Director

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

Customs and Border Protection Officer
Counseling Letter

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

Receipt of the original notice is hereby acknowledged. It was delivered on:

02 06 2013 at 1440 AM/PM.
Date Time

Employee Signature: _____

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

Witness Signature: _____

(b) (6)

1300 Pennsylvania Avenue NW
Washington, DC 20229



**U.S. Customs and
Border Protection**

JUN 8 2012

Officer (b) (6), (b) (7)(C)
U.S. Customs and Border Protection
(b) (6), (b) (7)(C)
Reston, Virginia 20191

Dear Officer (b) (6), (b) (7)(C)

On behalf of U.S. Customs and Border Protection (CBP), I commend your outstanding contributions while assigned to the National Targeting Center-Passenger (NTC-P). Your display of dedication and effort in the fight against terrorism has been exemplary.

Your talents and professionalism have contributed to the continued achievements of the NTC-P. You played a key role by providing support to the CBP mission and the NTC-P lead role in defending and protecting our nation's borders. A key component of NTC-P's success is the invaluable people, like you, who perform the work in our important mission. I am confident to know that CBP can rely upon you to provide expertise to combat threats against our nation.

Additionally, your expertise and experience has been invaluable while assigned to the Advanced Targeting Team (ATT). Your research on the (b) (7)(C), (b) (7)(E) has assisted in the identification of over 300 persons with possible connections to terrorism. The assistance you have provided in the development of this initiative has been key to the future success of the project. NTC-P looks forward to your continuing support and assistance in the program.

Once again, I thank you for your unfailing commitment to the success of NTC-P's mission. Your professional actions and achievements reflect favorably on you and all of CBP.

Thank you for a job well done!

Sincerely,

(b) (6)

(b) (6)

(b) (6)

National Targeting Center-Passenger

CLASSIFIED INFORMATION NONDISCLOSURE AGREEMENT

AN AGREEMENT BETWEEN

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

AND THE UNITED STATES

(Name of individual - Printed or typed)

1. Intending to be legally bound, I hereby accept the obligations contained in this Agreement in consideration of my being granted access to classified information. As used in this Agreement, classified information is marked or unmarked classified information, including oral communications, that is classified under the standards of Executive Order 12958, or under any other Executive order or statute that prohibits the unauthorized disclosure of information in the interest of national security; and unclassified information that meets the standards for classification and is in the process of a classification determination as provided in Sections 1.2, 1.3, and 1.4(e) of Executive Order 12958, or under any other Executive order or statute that requires protection for such information in the interest of national security. I understand and accept that by being granted access to classified information, special confidence and trust shall be placed in me by the United States Government.

2. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of classified information, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and that I understand these procedures.

3. I have been advised that the unauthorized disclosure, unauthorized retention, or negligent handling of classified information by me could cause damage or irreparable injury to the United States or could be used to advantage by a foreign nation. I hereby agree that I will never divulge classified information to anyone unless: (a) I have officially verified that the recipient has been properly authorized by the United States Government to receive it; or (b) I have been given prior written notice of authorization from the United States Government Department or Agency (hereinafter Department or Agency) responsible for the classification of the information or last granting me a security clearance that such disclosure is permitted. I understand that if I am uncertain about the classification status of information, I am required to confirm from an authorized official that the information is unclassified before I may disclose it, except to a person as provided in (a) or (b), above. I further understand that I am obligated to comply with laws and regulations that prohibit the unauthorized disclosure of classified information.

4. I have been advised that any breach of this Agreement may result in the termination of any security clearances I hold; removal from any position of special confidence and trust requiring such clearances; or the termination of my employment or other relationships with the Departments or Agencies that granted my security clearance or clearances. In addition, I have been advised that any unauthorized disclosure of classified information by me may constitute a violation, or violations, of United States criminal laws, including the provisions of Sections 641, 793, 794, 798, *952 and 1924, Title 18, United States Code, * the provisions of Section 783(b), Title 50, United States Code, and the provisions of the Intelligence Identities Protection Act of 1982. I recognize that nothing in this Agreement constitutes a waiver by the United States of the right to prosecute me for any statutory violation.

5. I hereby assign to the United States Government all royalties, remunerations, and emoluments that have resulted, will result or may result from any disclosure, publication, or revelation of classified information not consistent with the terms of this Agreement.

6. I understand that the United States Government may seek any remedy available to it to enforce this Agreement including, but not limited to, application for a court order prohibiting disclosure of information in breach of this Agreement.

7. I understand that all classified information to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government unless and until otherwise determined by an authorized official or final ruling of a court of law. I agree that I shall return all classified materials which have, or may come into my possession or for which I am responsible because of such access: (a) upon demand by an authorized representative of the United States Government; (b) upon the conclusion of my employment or other relationship with the Department or Agency that last granted me a security clearance or that provided me access to classified information; or (c) upon the conclusion of my employment or other relationship that requires access to classified information. If I do not return such materials upon request, I understand that this may be a violation of Section 793 and/or 1924, Title 18, United States Code, a United States criminal law.

8. Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to classified information, and at all times thereafter.

9. Each provision of this Agreement is severable. If a court should find any provision of this Agreement to be unenforceable, all other provisions of this Agreement shall remain in full force and effect.

(Continue on reverse.)

(b) (6)

From: (b) (6)

Sent: Monday, April 12, 2010 4:59 PM

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

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

Subject: Local Personnel File Entry

On 4/12/2010 Supervisor (b) (6) made the following notation about (b) (6), (b) (7)(C)

CATEGORY:

Good Job

COMMENT:

Officer (b) (6), (b) (7)(C) was assigned to me from October 2009 until April 2010. During this time I have been impressed with (b) (6), (b) (7)(C) attention to detail, unwavering commitment to a complex and challenging assignment, flexibility, and prompt response to every request. I consider Officer (b) (6), (b) (7)(C) a subject matter expert. (b) (6), (b) (7)(C) was an asset to the CTRT during (b) (6), (b) (7)(C) assignment and will be an asset to the gaining Supervisor.

A printed copy of this notation will be placed in your local personnel file. Your local personnel file is available for your review.

(b)(4)

(b)(4)

September 29, 2009

U.S. Customs & Border Protection

(b) (4), (b) (6)

(b) (4), (b) (6)

ATTN: Port Director (b) (4), (b) (6)

FAX# (b) (4), (b) (6)

Dear Port Director (b) (4), (b) (6)

We recently had an import shipment of fresh truffles arrive into the port of Atlanta under (b) (4), (b) (6). After filing a customs entry, the shipment was put on manifest hold. Since the shipment was highly perishable and destined to another city once cleared, it was imperative we obtain a clearance immediately.

We called the CBP office and spoke to Inspector (b) (4), (b) (6). Immediately after our call inspector (b) (4), (b) (6), (b) (7)(C) was dispatched to Delta Perishables to inspect and release this highly perishable shipment.

It is very seldom we take the time to write a letter of appreciation, however, I must give acknowledgement to both Officers (b) (4), (b) (6) and Officer (b) (4), (b) (6), (b) (7)(C) for their assistance in processing this shipment for us.

Our customer was delighted his shipment was not delayed and able to fly out on the next flight out of (b) (4), (b) (6), (b) (7)(C).

Again my special thanks to this team of inspectors for a diligent job. It is a joy to work with such dedicated officers.

(b) (4)

(b) (4)

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



SuperTools

Supervisor Tools
CBP

(b) (6) Port Director

Printed 12-04-2008

11-27-2008

On 11/27/2008 pax (b) (6), (b) (7)(C) (LPR w/Gambian passport) Good Job
applied for admission. Primary Officer (b) (6) refer pax due to
(b) (7)(E) Secondary Officer (b) (6), (b) (7)(C)
conducted bag exam. (b) (7)(E) Even
though the bag exam was negative, extra questioning and basic
research revealed possible links to terrorism and a referral to the
NTC. Officers (b) (6) and (b) (6), (b) (7)(C) should be commended for their
excellent work for taking that extra step, using good judgment,
asking that extra question and digging a little deeper, even though
there were (b) (7)(E) or violations of law or regulations. For doing
work that will put another individual on the radars of investigative
agencies who otherwise would have gone unnoticed, we would like
to say GOOD JOB.

(b) (6)

SuperTools

CBP

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



(b) (6)

From: (b) (6)
Sent: Monday, December 15, 2008 00:08
To: (b) (6), (b) (7)(C)
Cc: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Subject: Local Personnel File Entry

On 12/15/2008 Officer (b) (6) made the following notation about (b) (6), (b) (7)(C)

CATEGORY:
good job

COMMENT:
On 12/09/2008, CBPO (b) (6), (b) (7)(C) was called upon to do some additional research on an individual that is linked in Tecs to a Terrorist Cell and has been arrested by the JTTF. The information that CBPO (b) (6), (b) (7)(C) was able to locate on short notice was very useful and informative. CBPO (b) (6), (b) (7)(C) knowledge about terrorism is untouchable and a great benefit to the agency. His dedication and work ethic is greatly appreciated.

A printed copy of this notation will be placed in your local personnel file. Your local personnel file is available for your review.

Records From Exhibit 14

(b) (6)

From: (b) (6)
Sent: Tuesday, August 20, 2013 2:05 PM
To: (b) (6)
Subject: RE: IOIL procedures & regulations

Good job by the supervisor. Never-the-less – (b) (6) actions are greatly concerning and are borderline for removal of systems accesses for investigation and possibly disciplinary action if these concerns are determined to be credible. (b) (6) been directed in the past on proper protocol – and the development of an IOIL not attached to an inspection could leave the agencies systems vulnerable to serious credibility issues in a court of law. (b) (6)

From: (b) (6)
Sent: Tuesday, August 20, 2013 1:47 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: IOIL procedures & regulations

FYI

From: (b) (6)
Sent: Tuesday, August 20, 2013 1:44 PM
To: (b) (6), (b) (7)(C)
Subject: IOIL procedures & regulations

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

Your recent IOIL (b) (7)(E) has raised a few concerns regarding the source of the information and how it relates to an IOIL. To my understanding, an IOIL is generated from knowledge directly gained from a subject not “third party” such as open source information. Additionally, (b) (7)(E) aren’t to be entered on the grounds of terrorism by OFO Field personnel per guidance from the Executive Director of the NTC “*CBP personnel are not permitted to independently create terrorist related lookouts for known or suspected terrorists in any CBP screening database*”. I would encourage you to work more closely with CBP JTTF Liaison (b) (6), (b) (7)(C), (b) (7)(E) with regards to providing information related to terrorism. I think you’ll find these efforts more appropriate in the identification/interception of terrorism related intelligence. In closing, please do not permit my suggestions to curtail your interest in the subject. I realize you have a passion for the topic and your knowledge, skill, and ability is tough to find. If you have any questions, please feel free to contact me at your convenience. Thank you for the work you put into the CBP Mission.

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



CONFIDENTIALITY NOTICE: This email and any attached documents contain private, privileged, and confidential information, which is solely for the use of the addressee. If you receive this transmission in error, please immediately notify me so I can arrange for the return of attached documents. In such circumstances, you are advised that you may not disclose, copy, distribute, or take any other action in reliance on the information transmitted.

(b) (7)(E)

(b) (7)(E)

SUMMARY INFORMATION

INCIDENT REPORT NUMBER: (b) (7)(E) APPROVAL STATUS: COMPLETE
 PORT CODE: * (b) (7)(E) LOCATION: (b) (6), (b) (7)(C)
 SITE: * (b) (7)(E) CBP- (b) (6), (b) (7)(C) DATE: * 08192013 TIME: * 2041
 INCIDENT TYPE: * (b) (7)(E) PERSONAL SEARCH PERFORMED (Y/N): N

(b) (7)(E)

LASTNAME: * (b) (6), (b) (7)(C)
 FIRSTNAME: * (b) (6), (b) (7)(C) MI: _ DATE OF BIRTH: * (b) (6), (b) (7)(C)
 ADDRESS: (b) (6), (b) (7)(C)
 CITY: (b) (6), (b) (7) STATE: (b) (7) ZIP: (b) (6), (b) (7)(C) COUNTRY: US
 RACE: * W HISPANIC: * N GENDER: * M HT: 510 WT: _ HR: BK EYES: BR CITZ: * US
 CONVEYANCE TYPE: Q OTHER _____ IN/OUT: * I P/R TYPE: _ FLED TO COUNTRY: _
 - CARRIER: _ FLT/VES#: _ CRW: _ DEPART/DESTIN: _ DPT/DEST CNTRY: _
 - LICENSE-YEAR: _ STATE: _ COUNTRY: _ NUMBER: _ PASSENGERS: _
 PRIMARY OFCR ID: * (b) (7)(C), (b) (6), (b) (7)(E) CBP OFFCR-C
 SUPERVISOR ID: * (b) (6), (b) (7)(C), (b) (7)(E) SUPVY CBP OFFCR-C

(b) (7)(E)

(b) (7)(E)

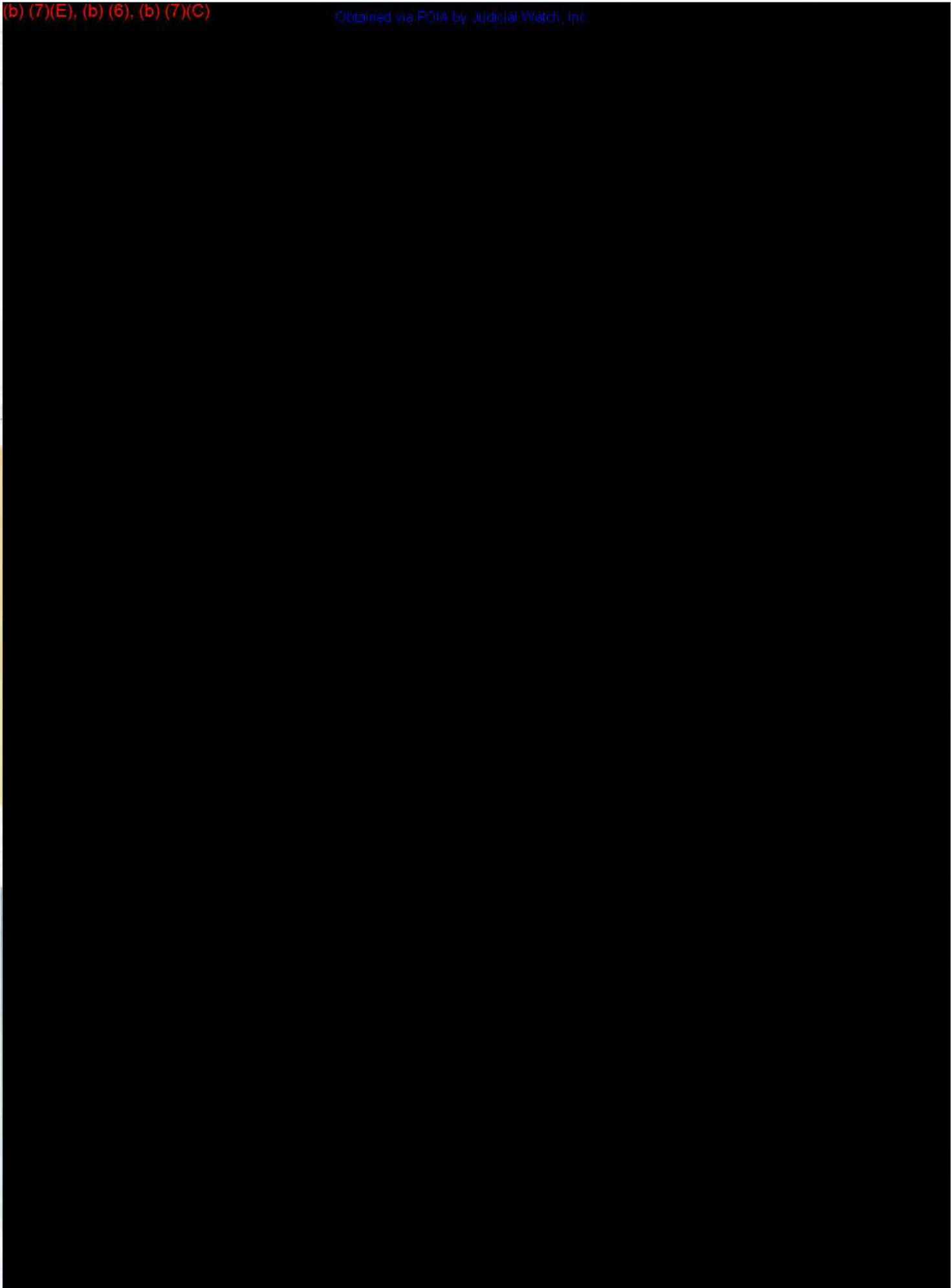
(b) (7)(E)

Departed

(b) (7)(E)

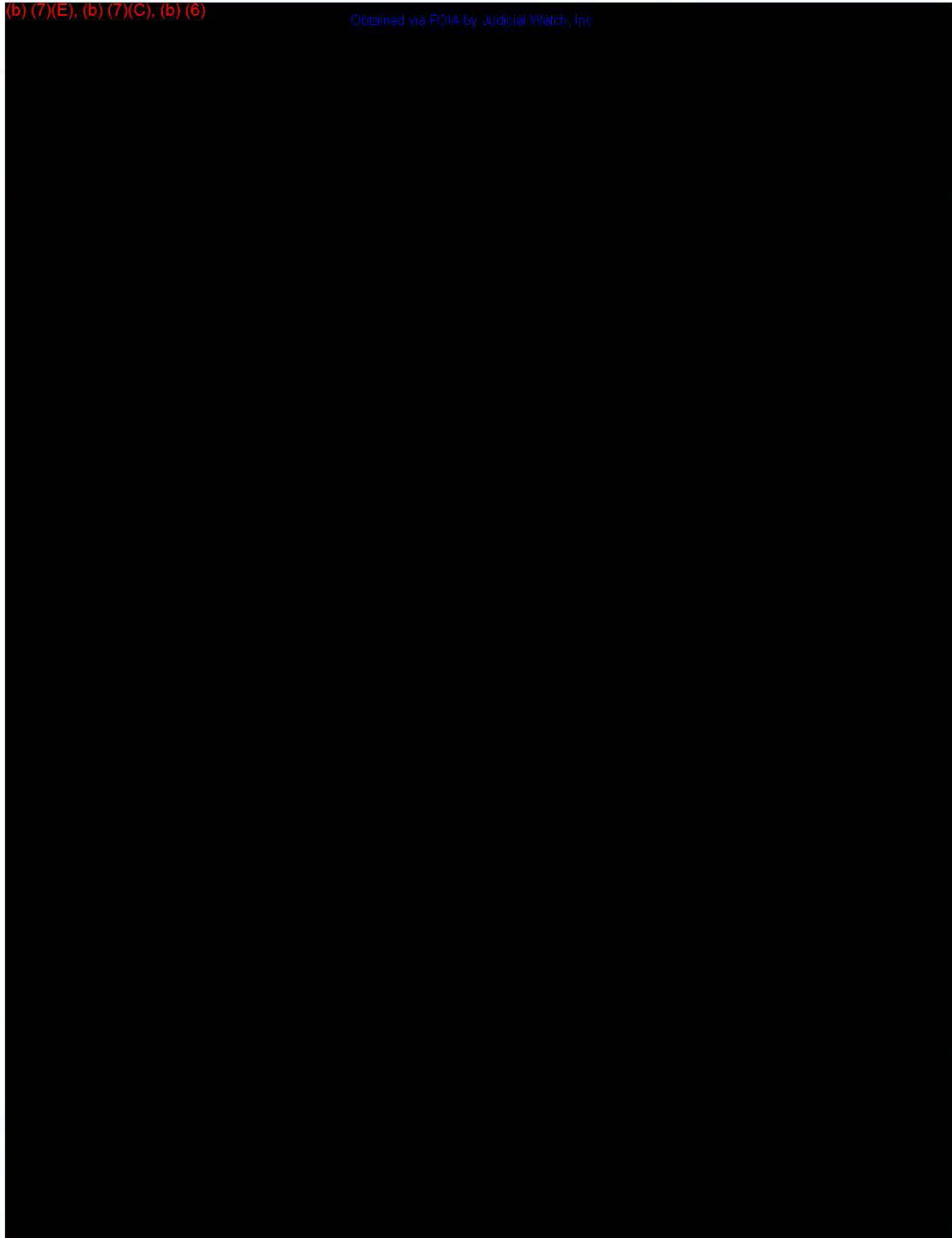
(b) (7)(E)

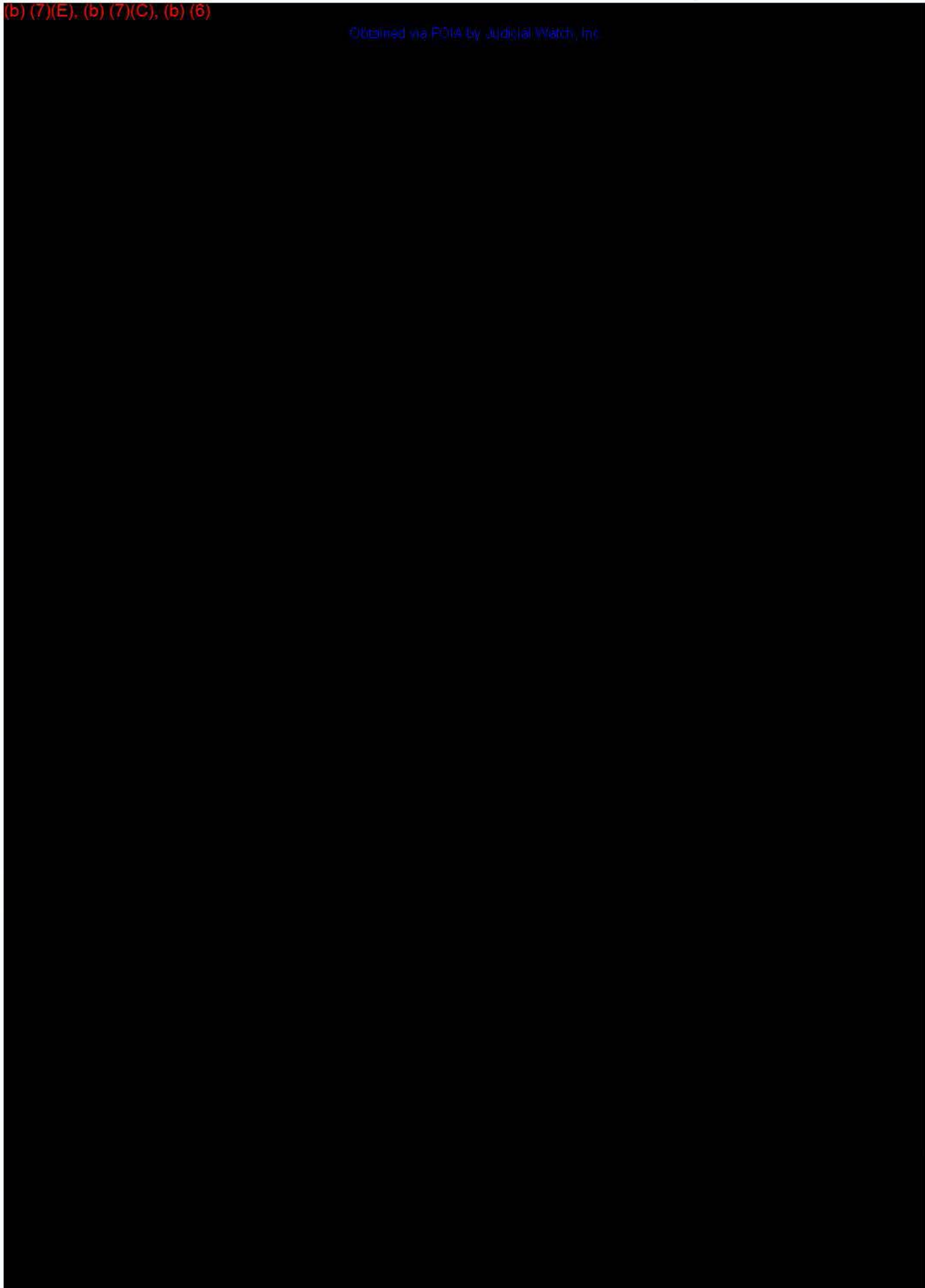
(b) (7)(E)



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

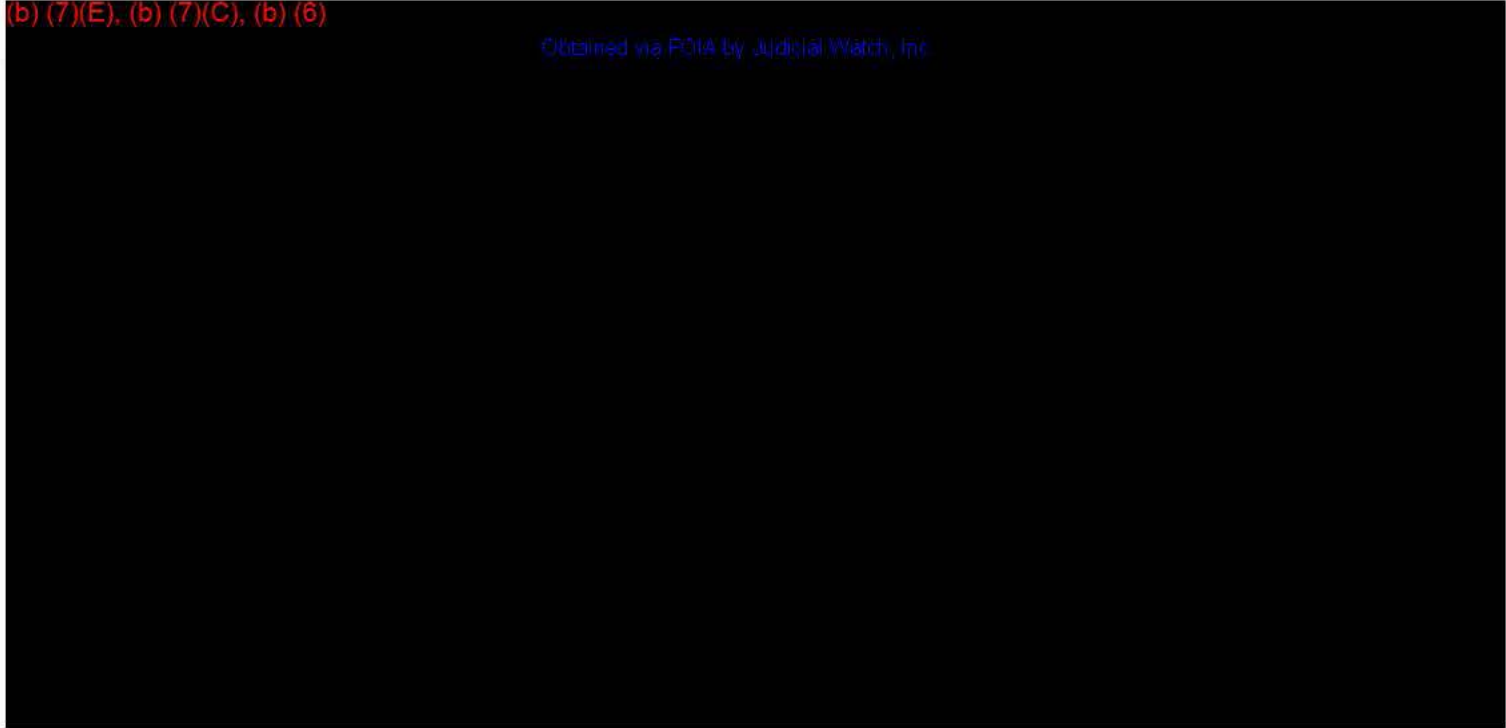






(b) (7)(E), (b) (7)(C), (b) (6)

Obtained via FOIA by Judicial Watch, Inc.



3/27/2007

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS
ACTING DIRECTOR, PRECLEARANCE

FROM: Acting Executive Director, National Targeting and Security
Office of Field Operations

SUBJECT: Guidance for Nominating Known or Suspected Terrorists to
the Terrorist Screening Database

The purpose of this memorandum is to provide field officers with additional specificity to guidance found in Section 6.10.9 of CBP Directive, *Responding to Potential Terrorists Seeking Entry to the United States* with regards to nominating individuals for inclusion into the TSDB.

On September 16, 2003, in alignment with Homeland Security Presidential Directive-6 (HSPD-6), the Terrorist Screening Center (TSC) was established to maintain the United States Government's Consolidated Terrorist Watchlist and to support all Federal, state, local, territorial, and tribal law enforcement agencies that conduct terrorist related screening. With the inception of the TSC, together with the National Counterterrorism Center (NCTC), the United States Government established a streamlined process for the creation and tracking of lookouts or watchlist records for those individuals that are known to be or suspected of involvement in terrorist related activities. In concert with HSPD-6 and the formation of the TSC, CBP personnel are not permitted to independently create terrorist related lookouts for known or suspected terrorists in any CBP screening database.

When CBP Office of Field Operations (OFO) personnel have established articulable reasons to believe that an individual is known or suspected to be involved in terrorist related activity, they may nominate the subject for inclusion within the TSC's Terrorist Screening Database (TSDB) through the CBP National Targeting Center (NTC).

- OFO personnel must complete the attached form (see attachment) and forward the nomination for approval through their chain of command prior to submission to the NTC.
- Terrorist watchlist nominations must be approved in the field by no less than a GS-13 supervisor, and will then be forwarded through the respective Field Office Border Security Coordinator for final submission to the NTC. A copy of the watchlist nomination package should be provided to the local CBP JTTF representative.

From: (b) (6), (b) (7)(C)
Sent: November 21, 2009 12:00
To: (b) (6)
Cc:
Subject: TECS Project Memo No. 11

(b) (6)
(6)

Thanks for your response to 'Memo No. 10'

I will probably finish modifying and archiving the 175 Subject Records that are currently linked to (b) (7)(E) records today (11/21/2009).

Based on the known affiliations of the *Individuals* in the remaining 250-plus Subject Records that are not currently linked to (b) (7)(E) records, I will probably nominate all of them.

As per point (1) below, should I modify the language in all 250-plus of them *first*...then go back and begin the nomination process for each record...and then archive them *after* the nomination paperwork has been submitted?

I'm asking, because modifying them first, then going back and archiving them later, may require two approvals.

Or, I could [1] nominate, then [2] modify & [3] archive each record, one at a time. That would ensure that only one approval per record would be needed.

Once we get to the 400-plus Subject Records on the *Organizations*, I'll need some help on [1] exactly what 'standard language' to use in the modified records, and/or [2] what constitutes a 'known terrorist organization.'

For example, is (b) (7)(E) considered a 'known terrorist organization'? Many of my records refer to *Organizations* such as (b) (7)(E) and etc.

Sincerely,

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

From: (b) (6)
Sent: Sat 11/21/2009 8:01 AM
To: (b) (6), (b) (7)(C)
Cc: (b) (6)
Subject: F w: (b) (7)(E) project



(b) (6)

Most of your questions raised in Memo No.10 can be answered by the fact that we have received guidance from CBP Headquarters as I referenced in the below e-mail. To clarify the last three questions of your memo:

1.) Subjects Records not linked to a (b) (7)(E) Record: If a subject is not or has never been linked to a (b) (7)(C) Record and you believe your research demonstrates a solid justification

for inclusion in the Terrorist Screening Database (TSDB) then you are instructed to complete a Terrorist Watchlist Nomination thru your chain of command which currently begins with Mr. (b) (6). The Subject Records in question will need to have the language modified in the same manner as the records mentioned in my previous e-mail (11/12/09). Once the nominations are forwarded these records should be archived.

2.) TECS Records relating to Organizations should be modified to remove any overt language referencing (b) (7)(E). These records may reference a related (b) (7)(E). These records do not need to be archived.

3.) At this time we have not received any guidance that specifically references (b) (7)(E). It is my understanding that these should remain unchanged.

Please see me or Supervisor (b) (6) if you have further questions.

Regards,

(b) (6)

From: (b) (6)
Sent: November 12, 2009 17:00
To: (b) (6), (b) (7)(C)
Cc: (b) (6)
Subject: (b) (7)(E) Project

(b) (6)

As per our conversation and in conjunction with CBP Memorandum entitled Guidance for Nominating Known or Suspected Terrorists to the Terrorist Screening Database which stipulates that "CBP Personnel are not permitted to independently create terrorist related lookouts for known or suspected terrorists in any CBP screening database please follow the following guidance:

- Where a (b) (6) record is in existence you will ARQUIRE the Subject Record that you created after cleansing the language of any terrorist related language. Remarks may state simple language such as "(b) (7)(E) (b) (7)(E)".
- Where a (b) (6) once existed on a subject but has since been downgraded: ARQUIRE and follow instructions above
- Subject records may not mention (b) (7)(E)
- Subject records may not refer to (b) (7)(E)
- After this phase of the project is complete please begin work on the nomination process for those subjects that you have researched and can articulate your position. Do not nominate any subjects that have previously been a (b) (6) and have since been downgraded. Forward your nominations to Supervisor (b) (6)

Regards,

As described in the November 12, 2009 [REDACTED] Project' memo (as per the Directive from HQ), the protocol for modifying & archiving my records that have been linked to [REDACTED] records involves 1) removing reference to any linked [REDACTED] records, 2) removing reference to any linked [REDACTED] and 3) adding a standard phrase recommending [REDACTED]
[REDACTED]

I can understand the reasons for 'Archiving' these records, but I'm not clear about why including at least a brief mention of possible linked [REDACTED] records, and/or linked [REDACTED] in the modified ('Archived') record has not been permitted, especially in light of the fact that all of my records are designated as [REDACTED] while none of my records were self-designated as [REDACTED]

To conclude, this leads to my other concerns, which include the following three (3) questions:

- 1) What is the protocol for modifying the language in the remaining 250 (60%) of my records on Individuals that are not linked to [REDACTED] records?
- 2) What is the protocol for modifying the language in the ca. 410 records on *Organizations* that are linked to my [REDACTED]
- 3) What is the protocol for the [REDACTED] that are linked to these records?

Thank you for your assistance with these concerns,

Best Regards

[REDACTED]
[REDACTED]
[REDACTED]

U.S. CUSTOMS AND BORDER PROTECTION

CBP DIRECTIVE NO. 4320-028

DATE: November 23, 2007

ORIGINATING OFFICE: OFO/APP

SUPERSEDES: HB 3300-02A ,Chapter 3,
Sept. 2000

REVIEW DATE: November 2010

SUBJECT: Treasury Enforcement Communications System (TECS) Incident Log Report (IOIL)

1. PURPOSE

This directive establishes Office of Field Operations (OFO) procedures for entering incident records into the Treasury Enforcement Communications System (TECS) Incident Log Report (IOIL), which is used to report personal searches, incidents that occur between U.S. Customs and Border Protection (CBP) Officers and the public, as well as other incidents in the Federal Inspection Services (FIS) area. It is imperative that the data input be accurate and complete, as this data will be used to review trends and proactively develop risk management procedures for each Incident Type.

2. POLICY

2.1 An incident record must be created when CBP personnel are involved in a negative personal search, a positive personal search *in which no seizure is made*, a violent incident, a terrorist or potential terrorist encounter, or an incident involving a port runner. (b) (7)(E)

[REDACTED]

2.2 If a passenger voluntarily removes concealed contraband from his or her person after a personal search has been approved by a supervisor, the search shall be recorded as a positive search. (b) (7)(E)

[REDACTED]

2.3 (b) (7)(E)

[REDACTED]

(b) (7)(E)

2.4

(b) (7)(E)

3. AUTHORITY/REFERENCES

(b) (7)(E)

(b) (7)(E)

4. RESPONSIBILITIES

4.1 The Assistant Commissioner, Office of Field Operations, is responsible for policy oversight, which includes the formulation and implementation of guidelines and procedures.

4.2 The Executive Director, Admissibility and Passenger Programs, is responsible for establishing the policy for the use of IOIL to report incidents.

4.3 The Executive Director, Planning, Program Analysis and Evaluation, is responsible for establishing the measurement system used to analyze the data contained in IOIL and provide standard reports on personal search efficiency.

4.4 Directors, Field Operations (DFOs) and Port Directors (PDs) are responsible for ensuring compliance with this directive.

4.5 Port Directors are responsible for ensuring that all required reports are entered into IOIL and for monitoring supervisory reviews of all IOIL reports.

4.6 Supervisors are responsible for reviewing all IOIL reports for accuracy, completeness, and consistency. All inaccurate, incomplete, and inconsistent reports will be returned to the originating officer for corrective action.

4.7 The U.S. Customs and Border Protection, Field Operations Training Academy, is responsible for incorporating this directive into the appropriate training programs.

5. DEFINITIONS

5.1 A *Positive* personal search, for the purposes of this directive, occurs when undeclared merchandise, contraband, items of material fact that may be used in an admissibility determination, undeclared currency, or other prohibited or restricted items are discovered during a personal search, but do not result in an S/A/S violation.

5.2 A *Negative* personal search, for the purpose of this directive, occurs when no undeclared merchandise, contraband, items of material fact that may be used in an admissibility determination, undeclared currency, or other prohibited or restricted items are discovered during a personal search.

5.3 (b) (7)(E) [Redacted]

6. PROCEDURES

6.1 (b) (7)(E) [Redacted]

6.2 (b) (7)(E) [Redacted]

6.2.1 (b) (7)(E) [Redacted]

Table Code Code Description

(b) (7)(E) [Redacted Table Content]

6.2.2 (b) (7)(E) [Redacted]

Table Code Code Description

Table Code	Code Description
(b) (7)(E)	[Redacted]

6.2.3 (b) (7)(E) [Redacted]

Table Code	Code Description
(b) (7)(E)	[Redacted]

6.3 (b) (7)(E) [Redacted]

NOTE: (b) (7)(E) [Redacted]

6.4 Mandatory Fields:

- a. All fields followed by an asterisk (*) are mandatory.
- b. (b) (7)(E) [Redacted]

c. (b) (7)(E) [Redacted]

d. (b) (7)(E) [Redacted]

6.5 (b) (7)(E) [Redacted]

6.6 (b) (7)(E) [Redacted]

6.7 (b) (7)(E) [Redacted]

6.8 (b) (7)(E) [Redacted] (b)

6.9 (b) (7)(E) [Redacted]

a. (b) (7)(E) [Redacted]

b. (b) (7)(E) [Redacted]

c. (b) (7)(E) [Redacted]

d. (b) (7)(E) [Redacted]

6.10 (b) (7)(E)

[REDACTED]

(b) (7)(E)

NOTE: (b) (7)(E)

[REDACTED]

7. **NO PRIVATE RIGHT CREATED** This document is an internal CBP policy statement and does not create or confer any rights, privileges, or benefits upon any person, party, or entity. United States v. Caceres, 440 U.S. 741 (1979).

Thomas S. Winkowski
Assistant Commissioner
Office of Field Operations

Personal Search Report Locations

Search Results	Example
Positive	(b) (7)(E)
Negative	(b) (7)(E)
Positive	(b) (7)(E)
Positive	[Redacted]
Positive	[Redacted]
Positive	[Redacted]
Positive	[Redacted]
Positive	[Redacted]
Negative	(b) (7)(E)
Negative	(b) (7)(E)
Negative	[Redacted]
Negative	[Redacted]
Negative	[Redacted]
Negative	[Redacted]

Negative

(b) (7)(E)

Attachment B

Personal Search Reporting Examples

(b) (7)(E) [Redacted]

[Redacted]

[Redacted]

Search Type – (b) (7)(E) [Redacted]
Reasons for Search – (b) (7)(E) [Redacted]

Contraband may be narcotics, undeclared merchandise or currency, material evidence leading to a subject's inadmissibility, or prohibited agriculture products.

(b) (7)(E) [Redacted]

[Redacted]

[Redacted]

Search Type – (b) (7)(E) [Redacted]
Reasons for Search – (b) (7)(E) [Redacted]

(b) (7)(E) [Redacted]

[Redacted]

(b) (7)(E) [Redacted]

(b) (7)(E) [Redacted]

Search Type – (b) (7)(E)
Reasons for Search – (b) (7)(E)

(b) (7)(E) [Redacted]

[Redacted]

[Redacted]

Search Type – (b) (7)(E)
Reasons for Search – (b) (7)(E)

(b) (7)(E) [Redacted]

[Redacted]

[Redacted]

Search Type – (b) (7)(E)
Reason for Search (b) (7)(E)

(b) (7)(E) [Redacted]

(b) (7)(E) [Redacted]

[Redacted]

Search Type – (b) (7)(E)
Reason for Search – (b) (7)(E)

(b) (7)(E) [Redacted]

[Redacted]

[Redacted]

Search Type – (b) (7)(E)
Reasons for Search – (b) (7)(E)

(b) (7)(E) [Redacted]

[Redacted]

[Redacted]

Search Type – (b) (7)(E)
Reasons for Search – (b) (7)(E)

(b) (7)(E) [Redacted]

(b) (7)(E)

Search Type - (b) (7)(E)

Reasons for Search - (b) (7)(E)

Records From Exhibit 15

(b) (6)

From: (b) (6)
Sent: Tuesday, August 20, 2013 8:35 AM
To: (b) (6)
Cc: (b) (6)
Subject: FW: (b) (6), (b) (7)(E), (b) (7)(C)
Attachments: 3-13 Guidance for Nominating Known or Suspected Terrorist to the Terrorist Screening Database (Memo 3-27-07).doc

Officer (b) (6), (b) (7)(C) has input an IOIL and I have a few questions before it gets approved:

- The last travel I see for this subject is (b) (7)(E). Is this IOIL related to a CBP encounter? The IOIL is intended to capture the details of a CBP encounter and not open source research.
- Officer (b) (6) mentions placing a (b) (7)(E) in on this subject. If it is terrorist related, the TECS subject lookouts are not to be placed by CBP field personnel as stated by the attached memo from the (A) Executive Director of the NTC.
- If Officer (b) (6), (b) (7)(C) has information that (b) (6), (b) (7)(C) would like to share with the NTC or the FBI he can do so via his chain of command and our JTTF liaison.

Please provide more background on why this information is being loaded into TECS.

This e-mail is for management only.

Thanks, (b) (6)

From: (b) (6), (b) (7)(C)
Sent: Monday, August 19, 2013 09:27 PM
To: (b) (6)
Cc: (b) (6)
Subject: (b) (6), (b) (7)(E), (b) (7)(C)

To All,
 The 'first draft' of (b) (7)(E) for USC (b) (7)(E), (b) (7)(C) has been downloaded into text.
 Our plan ((b) (6) & I) is to
 [1] coordinate with (b) (6) in order to pass this case on to JTTF, FBI & etc.,
 [2] create a (b) (7)(E)
 [3] create (b) (7)(E) &
 [4] complete/refine the IOIL, as more information becomes available

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

From: (b) (6), (b) (7)(C), (b) (7)(E)
Sent: Thursday, October 14, 2010 12:23 PM
To: (b) (6)
Subject: Fw: Linked IOIL's & Mosque In (b) (7)(E), (b) (7)(C)

Sent to (b) (6) CBP HQ Intel

From: (b) (6), (b) (7)
To: (b) (6), (b) (7)(C)
Sent: Thu Oct 14 12:13:12 2010
Subject: Fw: Linked IOIL's & Mosque In (b) (7)(E)

FYI (b) (6)

From: (b) (6)
To: (b) (6)
Sent: Thu Oct 14 12:02:03 2010
Subject: FW: Linked IOIL's & Mosque In (b) (7)(E), (b) (7)(C)

(b) (6)

I am passing this along as it may be of interest to the JTTF.

(b) (6)
Chief Supervisory Officer
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (office)
(b) (6), (b) (7)(C) (mobile)

From: (b) (6), (b) (7)(C)
Sent: Thursday, October 14, 2010 11:44 AM
To: (b) (6)
Subject: Linked IOIL's & Mosque In (b) (7)(E), (b) (7)(C)

(b) (6)
This morning Mr. (b) (7)(C), (b) (7)(E) returned to the US on DL 7. Their (Inbound) stories are found in IOIL (b) (7)(E). Their (Outbound) stories are found in IOIL (b) (7)(E). The Mosque they are affiliated with in (b) (7)(E) (b) (7)(E), (b) (7)(C) is the same Mosque (alone w/ several others) discussed in IOIL (b) (7)(E) for subject (b) (7)(E), (b) (7)(C). Mr. (b) (7)(E) informed me during the interview for IOIL (b) (7)(E) that (b) (7)(E), (b) (7)(C) is being radicalized by Imams from Somalia, along w/ other Mosques in the area. None of the Mosques in these IOIL's are currently in TECS; this information could be useful for linking purposes in the future, and/or for ICE personnel who may want to follow up on this case in the future.

Sincerely,

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

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

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

(b) (6)

From: (b) (6)
Sent: Tuesday, August 13, 2013 5:03 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: (b) (7)(E), (b) (7)(C)
Attachments: (b) (7)(E), (b) (7)(C) (13 pages)

(b) (6)

I received the attached information from the port. Research conducted by Officer (b) (6), (b) (7)(C)

Subject has numerous NTC (b) (7)(E) and CBP encounters documented in TECS. According to last NTC (b) (7)(E) case agent was (b) (7)(C) out of the Chicago FBI office.

Additional information appears to be principally open source. Please forward as you deem appropriate.

Thanks. (b) (6)

From: (b) (6)
Sent: Tuesday, August 13, 2013 3:01 PM
To: (b) (6)
Subject: (b) (7)(E), (b) (7)(C) file

Sir,

I am forwarding some information provided to me by Officer (b) (6), (b) (7)(C) on a (b) (7)(C), (b) (7)(E) Officer (b) (6) is convinced we should be concerned with the activities of this subject. Please let me know when it would be a good time to talk to you about some points brought up to me by Officer (b) (6). I understand you were (b) (6) supervisor at some point, I am just looking for some advice. Thank you.

(b) (6)

CBP Enforcement Supervisor | (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6)

Confidentiality Notice

This email message and all documents that accompany it are intended only for the use of the individual or entity to which addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader is not the intended recipient, any disclosure, distribution or other use of this email is prohibited. If you have received this email message in error, please notify the sender immediately.

From: (b) (6), (b) (7)(C)
Sent: Sunday, July 14, 2013 3:59 PM
To: (b) (6)
Subject: (b) (7)(C), (b) (7)(E) file

As we discussed

(b) (6)

NTC TDY

(b) (7)(E)

(b) (7)(E)

From: (b) (6)
Sent: Friday, September 14, 2012 4:19 PM
To: (b) (6)
Subject: Re: (b) (7)(C), (b) (7)(E)

(b) (6)

I am out of the office for the weekend but will check on this first thing Monday and give you a call. We talked to (b) (6), (b) (7)(C) before (b) (6), (b) (7)(C) left and (b) (6), (b) (7)(C) should be routing anything (b) (6), (b) (7)(C) finds through the NTC-P ATT team for review and TECS record entry and possible TSDB nomination if deemed appropriate.

NTC-P is running this operation pretty tight and are only (b) (7)(E) (b) (7)(E)

I will check the record on Monday and get with our ATT team and see if (b) (6), (b) (7)(C) has been sending (b) (6), (b) (7)(C) research to them.

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

sent from my blackberry

From: (b) (6)
To: (b) (6)
Sent: Fri Sep 14 16:09:02 2012
Subject: (b) (7)(C), (b) (7)(E)

(b) (6)

Re: (b) (7)(E)

When you have a chance I would like to discuss (b) (6), (b) (7)(C) work on (b) (7)(E), (b) (7)(C). More specifically, a recent TECS record he entered that resulted in Global Entry revocation. As I understand the process, this type of record should be worked thru the NTC-P. You may be familiar with what we in (b) (6), (b) (7)(C) went through a few years ago to scrub some 700 records that (b) (6), (b) (7)(C) had entered and I want to be sure that we're not going down this road again.

Thanks, (b) (6)

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

Confidentiality Notice

This email message and all documents that accompany it are intended only for the use of the individual or entity to which addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader is not the intended recipient, any disclosure, distribution or other use of this email is prohibited. If you have received this email message in error, please notify the sender immediately.

(b) (6)

From: (b) (6)
Sent: Monday, September 17, 2012 2:17 PM
To: (b) (6), (b) (7)(C), (b) (7)(E)
Cc: (b) (6), (b) (7)(C), (b) (7)(E)
Subject: (b) (6)

Thank you.

(b) (6)

Assistant Director, Tactical Targeting
National Targeting Center- Passenger
Office of Field Operations

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

This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement-sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.

From: (b) (6)
Sent: Monday, September 17, 2012 2:16 PM
To: (b) (6)
Cc: (b) (6)
Subject: RE: (b) (7)(C), (b) (7)(E)

(b) (6)

Understood. The Port of (b) (6) is actively standing down these TECS records and will ensure that all research related to this project is routed to Advanced Targeting Team at the NTC-P.

Thank you for your guidance.

Regards,

(b) (6)

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

From: (b) (6)
Sent: Monday, September 17, 2012 2:13 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: (b) (7)(E), (b) (7)(C)

(b) (6)

I understand Officer [redacted] has been entering TECS records with links to [redacted] Please be advised that any records entered by Officer [redacted] should not reference the NTC. . There has been a lot of push back from [redacted] and CRCL regarding the [redacted] initiative and since [redacted] is not a designated terrorist organization. Records entered by NTC are required to go through a very specific review process so as in order to comply with [redacted] CRCL and DOS concerns. Again, please have Officer [redacted] share [redacted] potential targets with the NTC for vetting. Please call me if you have any concerns.

(b) (6)

Assistant Director, Tactical Targeting
National Targeting Center- Passenger
Office of Field Operations

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

This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement-sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.

From: (b) (6)
Sent: Mon 9/17/2012 12:54 PM
To: (b) (6)
Subject: RE: (b) (7)(C), (b) (7)(E)

(b) (6)

I just became aware that Officer [redacted] has input 25 Subject Records and 41 Organization Records since returning to [redacted] all with identical remarks:

REMARKS- DATE [redacted] NEW REMARKS (b) (7)(E) MORE REMARKS (b) (7)(E)
LINKED TO NTC-P [redacted] (b) (7)(C)
(b) (7)(E)

I would like to discuss a way forward, either deleting these records out of TECS or transferring ownership to the NTC.

Give me a call when you have a minute.

Thanks, (b) (6)

(b) (6)

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

OCT 2009

Good evening,

To date the following items have been accomplished in connection with this project:

- 1) Officer (b) (6), (b) (7)(C) schedule has been aligned with SCBPO (b) (6) so that they have the same work schedule and the same RDOs.
- 2) Officer (b) (6), (b) (7)(C) began reporting directly to the Airport PAU Office this date and devoted 100% of (b) (6), (b) (7)(C) time to this project. (b) (6), (b) (7)(C) will continue to report directly to the Airport PAU Office to work on this project until it is complete.
- 3) Today's research revealed that Officer (b) (6), (b) (7)(C) has created in total some 818 TECS records and 27 (b) (7)(E). Of these, some 181 of the TECS records are (b) (7)(E) created from when (b) (6), (b) (7)(C) was doing traditional PAU targeting. The remaining 637 TECS records are linked to (b) (7)(E). The remaining 17 (b) (7)(E) (b) (7)(E).
- 4) Today Officer (b) (6), (b) (7)(C) created a spread sheet which lists all 637 TECS records and their (b) (7)(E). Please see attached for a copy of this spread sheet. It is password protected with the current quarter's password.
- 5) As per guidance received, 6 of the (b) (7)(E) have been identified as priority items. Hence, Officer (b) (6), (b) (7)(C) work will be divided into three parts and addressed in the following order: first, the 6 "high priority" (b) (7)(E) will be reviewed; second, we will review the remaining (b) (7)(E) records; third, we will review any remaining TECS records otherwise created.
- 6) We will begin the first phase of the review tomorrow, 10/27/09, and continue work on this project until complete.

Regards.

From: (b) (6), (b) (7)(C)
Sent: November 21, 2009 12:00
To: (b) (6)
Cc:
Subject: TECS Project Memo No. 11

(b) (6)

Thanks for your response to 'Memo No. 10'

I will probably finish modifying and archiving the 175 Subject Records that are currently linked to (b) (7)(E) records today (11/21/2009).

Based on the known affiliations of the *Individuals* in the remaining 250-plus Subject Records that are not currently linked to (b) (7)(E) records, I will probably nominate all of them.

As per point (1) below, should I modify the language in all 250-plus of them *first*...then go back and begin the nomination process for each record...and then archive them *after* the nomination paperwork has been submitted?

I'm asking, because modifying them first, then going back and archiving them later, may require two approvals.

Or, I could [1] nominate, then [2] modify & [3] archive each record, one at a time. That would ensure that only one approval per record would be needed.

Once we get to the 400-plus Subject Records on the *Organizations*, I'll need some help on [1] exactly what 'standard language' to use in the modified records, and/or [2] what constitutes a 'known terrorist organization.'

For example, is (b) (7)(E) considered a 'known terrorist organization'? Many of my records refer to *Organizations* such as (b) (7)(E) and etc.

Sincerely,

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

< **From:** (b) (6)
Sent: Sat 11/21/2009 8:01 AM
To: (b) (6)
Cc:
Subject: FW: (b) (7)(E) Project

(b) (6)

Most of your questions raised in Memo No.10 can be answered by the fact that we have received guidance from CBP Headquarters as I referenced in the below e-mail. To clarify the last three questions of your memo:

1.) Subjects Records not linked to a (b) (7)(E) Record: If a subject is not or has never been linked to a (b) (7)(E) Record and you believe your research demonstrates a solid justification

for inclusion in the Terrorist Screening Database (TSDB) then you are instructed to complete a Terrorist Watchlist Nomination thru your chain of command which currently begins with Mr. (b) (6). The Subject Records in question will need to have the language modified in the same manner as the records mentioned in my previous e-mail (11/12/09). Once the nominations are forwarded these records should be archived.

2.) TECS Records relating to Organizations should be modified to remove any overt language referencing (b) (7)(E). These records may reference a related (b) (7)(E). These records do not need to be archived.

3.) At this time we have not received any guidance that specifically references (b) (7)(E). It is my understanding that these should remain unchanged.

Please see me or Supervisor (b) (6) if you have further questions.

Regards,

(b) (6)

From: (b) (6)
Sent: November 12, 2009 17:00
To: (b) (6)
Cc: (b) (6)
Subject: (b) (7)(E) Project

(b) (6)

As per our conversation and in conjunction with CBP Memorandum entitled Guidance for Nominating Known or Suspected Terrorists to the Terrorist Screening Database which stipulates that "CBP Personnel are not permitted to independently create terrorist related lookouts for known or suspected terrorists in any CBP screening database please follow the following guidance:

- Where a (b) (7)(E) record is in existence you will ARQUIVE the Subject Record that you created after cleansing the language of any terrorist related language. Remarks may state simple language such as (b) (7)(E).
- Where a (b) (7)(E) once existed on a subject but has since been downgraded: ARQUIVE and follow instructions above
- Subject records may not mention (b) (7)(E)
- Subject records may not refer to (b) (7)(E)
- After this phase of the project is complete please begin work on the nomination process for those subjects that you have researched and can articulate your position. Do not nominate any subjects that have previously been a (b) (7)(E) and have since been downgraded. Forward your nominations to Supervisor (b) (6)

Regards,

Records From Exhibit 18

From: (b) (6), (b) (7)(C)
To: [Redacted]
Date: Saturday, August 19, 2006 09:40AM
Subject: (b) (7)(C), (b) (7)(C), (b) (7)(E) & Etc.

August 19, 2006

To All –

For some time now, I've been talking about (b) (7)(C), (b) (7)(E) (b) (7)(E), (b) (7)(C) (b) (7)(E), (b) (7)(C) and elsewhere in the world.

Also, (b) (7)(C), (b) (7)(E) recently formed an alliance with the (b) (7)(C), (b) (7)(E) – with the intention to begin (b) (7)(E) (b) (7)(E) (b) (7)(E), (b) (7)(C)

If you go to (b) (7)(E), (b) (7)(C) you'll see that (b) (7)(E), (b) (7)(C) routinely defends Islam and Muslims at the expense our efforts in the War on Terror, and that their recent press releases (i.e., (b) (7)(E) (b) (7)(E)) have been very one-sided.

Attached is the text of a recent article on (b) (7)(E), (b) (7)(C) which – (b) (7)(E) The title of the article is (b) (7)(E)

The more we know about (b) (7)(E), (b) (7)(C) and its history, (b) (7)(E) Also attached are four related articles highlighting (b) (7)(C) direct involvement in very recent political events. The articles are entitled [1] (b) (7)(C), (b) (7)(E) [2] (b) (7)(E) [3] (b) (7)(E) (b) (7)(E) and [4] (b) (7)(E)

I could provide much more evidence about (b) (7)(E), (b) (7)(C) recent activities. However, I'll close for now, with an observation –

With the recent pledge from (b) (7)(E), (b) (7)(C) we can expect an increase in high-profile obstructionist activities (i.e., (b) (7)(E), (b) (7)(C))

These activities will all have a direct bearing on our efforts here at CBP.

Sincere thanks for your time & attention,

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

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

Obtained via FOIA by Judicial Watch, Inc.

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

Obtained via FOIA by Judicial Watch, Inc.

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

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