



June 19, 2018

SENT VIA FIRST CLASS MAIL & EMAIL

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
ICE-FOIA@dhs.gov

Portland Sub-Office – Office of Chief Counsel (Seattle)
1220 SW 3rd Avenue, Suite 300
Portland, OR 97204

Re: Freedom of Information Act Request (Expedited Process & Fee Waiver/Limitation Requested)

To Whom It May Concern:

By this letter, which constitutes a request pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, and the relevant implementing regulations, *see* 6 C.F.R. § 5 *et seq.*, the American Civil Liberties Union of Oregon (“ACLU of Oregon”) submits this Freedom of Information Act (“FOIA”) request (“Request”) for records concerning the recent transfers of immigrant detainees to the Federal Correctional Institution, Sheridan (“FCI Sheridan”) in Oregon, confirmed by U.S. Immigration and Customs Enforcement (“ICE”) on June 7, 2018, and, more generally, information regarding any future plans to transfer additional immigrant detainees to FCI Sheridan.

I. Background

One hundred and twenty three asylum seekers are being held by ICE in detention at a federal prison in Sheridan, Oregon without meaningful access to attorneys, in violation of the law. These men are among the 1,600 immigrants awaiting civil immigration hearings who were transferred from detention centers near the southern border to federal prisons run by the Bureau of Prisons (“BOP”) in five states. We understand that all of the men in detention in FCI Sheridan are asylum seekers and many are fathers who were forcibly separated by ICE from their families, including their children, when they arrived in the United States fleeing violence and persecution in their home countries.

This unprecedented use of federal prisons to hold asylum seekers in detention comes as the Trump administration’s cruel “zero tolerance” policies continue to tear families apart and punish individuals for seeking asylum. In early May, Attorney General Jeff Sessions announced this policy shift to deter immigrants from seeking refuge in the U.S. with the threat of criminal prosecution and the separation of immigrant children from their parents.¹ The Trump administration, during a six-week period, has already torn 1,995 children from parents who have been met with criminal prosecution for crossing the border without authorization.² Some mothers and fathers report that they were separated from their children under false pretenses and without a chance to say goodbye.³

Detention centers are overflowing as a result of the Trump administration’s inhumane attack on families seeking asylum, causing ICE to move large numbers of immigrants in detention to federal prisons, including FCI Sheridan. The actions taken by ICE are as outrageous as they are unconstitutional. The 123 immigrant men held in detention at FCI Sheridan have been denied the most basic protections provided by our legal system and ICE’s own detention standards, including access to legal counsel.⁴ For example, there is currently no way for individuals in detention to make a phone call to an attorney, and attorneys wishing to visit potential clients have been turned away.⁵ Some reportedly have critical and untended medical needs.⁶ All were deprived of an advisement of their consular rights for nearly a month.⁷

Here in Oregon, as well as nationwide, the public outcry has been loud and immediate against ICE’s decision to move asylum seekers who have been torn from their families at the border to federal prisons far from immigration attorneys. Concerned community members in Sheridan led by Unidos Bridging Community in Yamhill County have organized to demand justice, along with clergy and other members of the Interfaith Movement for Immigrant Justice (IMIrJ), members of the Portland Immigrant Rights Coalition (PIRC), and many others across the state.⁸ More than 300

¹ Miriam Jordan and Ron Nixon, *Trump Administration Threatens Jail and Separating Children From Parents for Those Who Illegally Cross Southwest Border*, N.Y. Times (May 7, 2018), <https://www.nytimes.com/2018/05/07/us/politics/homeland-security-prosecute-undocumented-immigrants.html>.

² Julie Hirschfeld Davis, *Separated at the Border From Their Parents: In Six Weeks, 1,995 Children*, N.Y. Times (June 15, 2018), <https://www.nytimes.com/2018/06/15/us/politics/trump-immigration-separation-border.html>.

³ *Id.*; see also Liz Goodwin, ‘Children are being used as a tool’ in Trump’s effort to stop border crossings, *The Boston Globe* (June 10, 2018), <https://www.bostonglobe.com/news/nation/2018/06/09/borderseparations/Z95z4eFZjyfqCLG9pyHjAO/amp.html>.

⁴ Letter from Mat dos Santos, Legal Dir., ACLU of Oregon, and Stephen Manning, Exec. Dir., Innovation Law Lab, to Thomas Homan, Dir., U.S. Immigration and Customs Enforcement (June 15, 2018), https://aclu-or.org/sites/default/files/field_documents/lt_t_homan_6.15.18.pdf.

⁵ Innovation Law Lab, *Immigration Experts and Elected Officials Call for Justice for Immigrants Detained at FCI Sheridan* (June 18, 2018), <https://innovationlawlab.org/blog/2018/06/18/immigration-experts-and-elected-officials-call-for-justice-for-immigrants-detained-at-fci-sheridan/>.

⁶ Innovation Law Lab, *Lawyers Meet with 10 Individuals Detained at FCI Sheridan* (June 15, 2018), <https://innovationlawlab.org/blog/2018/06/15/lawyers-meet-with-10-individuals-detained-at-fci-sheridan/>.

⁷ *Id.*

⁸ See Innovation Law Lab, *Community Demands Justice for Immigrants at FCI Sheridan* (June 13, 2018), <https://innovationlawlab.org/blog/2018/06/13/community-demands-justice-for-immigrants-at-fci-sheridan/>; Press

Oregonians have volunteered to support the legal response led by the Innovation Law Lab and the Oregon chapter of the American Immigration Lawyers Association.⁹ Members of Oregon's congressional delegation have also taken notice, and four recently toured the detention center.¹⁰ A community vigil in Sheridan on June 18th was attended by many hundreds of people and received widespread media coverage, evidencing the public interest in and outrage about this legal and humanitarian crisis.¹¹

Along with the public, the ACLU of Oregon is deeply concerned about the ongoing violation of U.S. law and human decency at FCI Sheridan and other federal prisons holding immigrants in detention without access to legal counsel or information on the whereabouts of their families. As additional details about the way that ICE has handled this transfer come to light, our concerns continue to grow. Through this request, the ACLU of Oregon seeks to pull back the curtain behind which ICE and BOP have been operating so as to facilitate the public's indispensable role in checking the power of our government officials. It is critical that the public learn the facts in order to assess whether such conduct is consistent with the values and laws enshrined in our Constitution.

Release, Unidos Bridging Community, *Vigil in Solidarity With the 123 Immigrant Men Detained at Sheridan FCI Prison* (June 15, 2018), <https://unidosyamhillcounty.org/vigil-sheridan-fci>; Rural Organizing Project, *Vigil at Sheridan Federal Prison to Resist ICE* (June 15, 2018), <http://www.rop.org/vigil-at-sheridan-federal-prison-to-resist-ice/>; KATU Staff, Keaton Thomas, *Protest at Portland ICE facility over 'zero tolerance' border crossing policy*, KATU (June 17, 2018), <http://katu.com/news/local/protest-planned-at-portland-ice-facility-over-zero-tolerance-border-crossing-policy>.

⁹ See Innovation Law Lab, *FCI Sheridan Legal Response*, <https://innovationlawlab.org/fci-sheridan-legal-response/> (last visited June 19, 2018).

¹⁰ See Press Release, *Oregon Congressional Delegation Presses ICE on Rights of Immigrant Detainees at Federal Prison in Oregon* (June 12, 2018), <https://bonamici.house.gov/media/press-releases/oregon-congressional-delegation-presses-ice-rights-immigrant-detainees-federal>; Jeff Manning, *Immigration crackdown brings 123 migrants to Sheridan, outrage from Oregon Democrats*, *The Oregonian* (June 16, 2018), https://www.oregonlive.com/politics/index.ssf/2018/06/immigration_crackdown_brings_1.html; Zane Sparling, *Oregon lawmakers blast immigration detention in Oregon*, *Portland Tribune* (June 17, 2018), <https://portlandtribune.com/pt/9-news/398620-293301-100-migrants-in-oregon-prison-leaves-lawmakers-enraged->

¹¹ See, e.g., Samantha Swindler, *Hundreds protest ICE outside Sheridan prison*, *The Oregonian* (June 18, 2018), https://www.oregonlive.com/expo/news/erry-2018/06/179ef6d6902042/hundreds_protest_ice_outside_s.html; Kandra Kent, *Vigil draws protesters to Sheridan prison holding ICE detainees*, *KPTV* (June 18, 2018), <http://www.kptv.com/story/38453559/vigil-draws-protesters-to-sheridan-prison-holding-ice-detainees>; Reed Andrews, *Hundreds show up for vigil outside federal prison to rally against ICE policies*, *KATU* (June 18, 2018), <http://katu.com/news/local/vigil-scheduled-outside-sheridan-prison-for-123-undocumented-immigrants-detained-by-ice>; *Sheridan vigil demands end to separating kids, parents*, *KOIN* (June 18, 2018), http://www.koin.com/news/sheridan-vigil-demands-end-to-separating-kids-parents_20180619011513/1247710258; *Hundreds attend vigil at federal prison in Sheridan*, *KGW* (June 18, 2018), <https://www.kgw.com/article/news/local/hundreds-attend-vigil-at-federal-prison-in-sheridan/283-565470502>; Connor Radnovich, *Vigil held for 123 asylum seekers at Oregon federal prison in Sheridan*, *Salem Statesman Journal* (June 18, 2018), <https://www.statesmanjournal.com/story/news/2018/06/18/trump-immigration-policy-oregon-vigil-federal-prison/712119002/>.

II. Requested Records

For the purpose of this Request, “records” are collectively defined to include, but are not limited to: text communications between phones or other electronic devices (including, but not limited to, communications sent via SMS or other text, Blackberry Messenger, iMessage, WhatsApp, Signal, Facebook Messenger, Gchat, Twitter direct message, Slack, or any other messaging platform; e-mails; images, video and audio recorded on cell phones; voicemail messages; social media posts; instructions; directives; guidance documents; formal and informal presentations; training documents; bulletins; alerts; updates; advisories; reports; legal and policy memoranda; contracts or agreements; minutes or notes of meetings and phone calls; and memoranda of understanding. The ACLU of Oregon seeks release of the following:

- 1) Records created or received at ICE’s Washington D.C. headquarters, the Seattle Field Office, or any ICE offices or sub-offices in Oregon on or after November 1, 2017 regarding the transfer of immigrant detainees to FCI Sheridan.
- 2) All communications—from November 1, 2017, through the date of fulfilling this request—sent or received by any ICE employee(s) with information from, about, or related to the transfer of immigrant detainees to FCI Sheridan.
- 3) Records concerning any contract or intergovernmental services agreement between ICE and BOP.
- 4) Records concerning standards, policies, or guidelines related to immigrant civil detention in BOP facilities, including FCI Sheridan. If ICE has created standards, policies, or guidelines specific to FCI Sheridan, please provide facility specific standards, policies, or guidelines in addition to the general standards, policies, and guidelines for all federal prison facilities.
- 5) Records concerning standards, policies, or guidelines relating to the immigrant detainees’ ability to access immigration or other counsel at FCI Sheridan.
- 6) Records concerning standards, policies, or guidelines relating to the immigrant detainees’ ability to access telephones or other communication systems for purposes of locating and communicating with family members at FCI Sheridan.

To reiterate: the ACLU of Oregon seeks records concerning the recent transfer of over one hundred immigrant detainees to the Federal Correctional Institution, Sheridan in Oregon in addition to any future plans to move additional immigrant detainees to FCI Sheridan. ICE has an obligation to search all field offices and sub-offices that are reasonably expected to produce any relevant information. *See, e.g., Oglesby v. U.S. Dep’t of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990); *Marks v. U.S. Dep’t of Justice*, 578 F.2d 261, 263 (9th Cir. 1978) (agency not required to search all of its field offices because request did not ask for a search beyond the agency’s central files); *see also Am. Immigration Council v. U.S. Dep’t of Homeland Sec.*, 950 F. Supp. 2d 221, 230 (D.D.C. 2013).

We request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of our Request be conducted. Given the swift media attention requiring quick response regarding the sudden transfer of immigrant detainees to federal prisons, the Request includes searches of personal email accounts and work phones of all employees and former employees who may have sent or received emails or text messages regarding the subject matter of this Request. It also includes institutional, shared, group, duty, task force, and all other joint and/or multi-user email accounts and work phones which may have been utilized by each such employee or former employee. Additionally, for each relevant email account identified, all storage areas must be searched, including the inbox “folder” (and all subfolders therein), sent folder, deleted folder, and all relevant archive files.

If any records responsive or potentially responsive to the Request have been destroyed, our Request includes, but is not limited to, any and all records relating or referring to the destruction of those records. This includes, but is not limited to, any and all records relating or referring to the events leading to the destruction of those records.

As required by relevant case law, the agency should follow any leads it discovers during the conduct of its searches and should perform additional searches when said leads indicate that records may be located in another system. Failure to follow clear leads is a violation of FOIA.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU of Oregon requests that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the ACLU of Oregon requests that the records be provided electronically in a text-searchable, static image format (PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

III. Application for Expedited Processing

The ACLU of Oregon requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).¹² There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgent[ly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

A. The ACLU of Oregon is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.

The ACLU of Oregon is “primarily engaged in disseminating information” within the meaning of the statute. 5 U.S.C. § 552(a)(6)(E)(v)(II).¹³ Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of the ACLU of Oregon’s work and are among its primary activities. *See ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 29 n.5

¹² *See also* 6 C.F.R. § 5.5(e)(1).

¹³ *See also* 6 C.F.R. § 5.5(e)(1)(ii).

(D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”).

With respect to the subject of this Request, the ACLU of Oregon has already been primarily engaged in this activity. We wish to gather and disseminate additional information not already in our or the public’s possession. Our national organization regularly publishes a print magazine that is disseminated to 930,000 people. The ACLU of Oregon publishes a print newsletter that is distributed to approximately 51,150 people and disseminates e-mail alerts to approximately 84,500 people. The ACLU of Oregon also publishes regular alerts, comments, and updates via social media to more than 31,000 people, including approximately 10,000 Twitter followers and over 20,000 Facebook followers.

The ACLU of Oregon also regularly issues press releases to call attention to documents obtained through FOIA and public records requests, as well as other breaking news, including information directly related to this Request.¹⁴ ACLU of Oregon attorneys and staff are interviewed frequently for news stories about documents released through ACLU of Oregon public records requests and stories directly related to this Request.

Similarly, the ACLU of Oregon publishes reports about government conduct and civil liberties issues based on its analysis of information derived from various sources, including information obtained from the government through FOIA and public records requests. This material is broadly circulated to the public and widely available to everyone at no cost. The ACLU of Oregon also regularly publishes books, “know your rights” materials, fact sheets, and educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and liberties.

The ACLU of Oregon publishes a widely-read blog where original editorial content on news related to civil rights and civil liberties is posted frequently. *See* <https://www.aclu-or.org/blog>. The ACLU of Oregon also publishes, analyzes, and disseminates information about civil rights and civil liberties through other pages on its heavily visited website. *See* <https://www.aclu-or.org>. Through its numerous website pages, the ACLU of Oregon provides the public with educational material, recent news, analyses of relevant legislative and executive actions, government documents obtained through records requests, and other multi-media features.

The ACLU of Oregon plans to analyze, publish, and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed in response to this Request to the public at no cost.

¹⁴ Pres Release, ACLU of Oregon, *Asylum Seekers Denied Access to Lawyers at Federal Prison in Oregon* (June 15, 2018), <https://aclu-or.org/en/press-releases/asylum-seekers-denied-access-lawyers-federal-prison-oregon>; *see also* Anna Sporre, *ACLU claims lawyers given limited access to ICE detainees*, *The Oregonian* (June 16, 2018), https://www.oregonlive.com/portland/index.ssf/2018/06/post_634.html

B. The records sought are urgently needed to inform the public about actual or alleged government activity.

These records are needed urgently to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).¹⁵ Specifically, as discussed in Part I, *supra*, the requested records seek to inform the public about ICE’s decision to transfer over one hundred immigrant detainees to FCI Sheridan and hold them without the basic protections afforded by our legal system and ICE’s own detention standards. In order to counteract these detrimental actions, the public has an urgent need for transparency into ICE detention practices in Oregon’s federal prison. This Request is especially urgent given that the immigrant men in detention in FCI Sheridan are facing expedited deportation and suffering separation from their families.

Given the foregoing, the ACLU of Oregon has satisfied the requirements for expedited processing of this Request.

IV. Application for Waiver or Limitation of Fees

The ACLU of Oregon requests a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).¹⁶ The ACLU of Oregon also requests a waiver of search fees on the grounds that the ACLU of Oregon qualifies as a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

A. The Request is likely to contribute to the public understanding of the operations or activities of the government and is not primarily in the commercial interest of the ACLU.

As discussed above, the significant community and legal response by Oregonians to ICE’s actions underscores the substantial public interest in the records sought through this Request. Given the ongoing and widespread media attention to this issue, the records sought will significantly contribute to public understanding of an issue of profound public importance. Especially because of the secretive nature of the ICE actions about which the ACLU of Oregon seeks information, the public knows very little about these ICE operations and detention practices. Therefore, the records sought are certain to contribute significantly to the public’s understanding of these issues.

The ACLU of Oregon is not filing this Request to further its commercial interest. As described above, any information disclosed by the ACLU of Oregon as a result of this FOIA Request will be available to the public at no cost. Thus, a fee waiver would fulfill Congress’ legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312

¹⁵ *See also* 6 C.F.R. § 5.5(e)(1)(ii).

¹⁶ *See also* 6 C.F.R. § 5.11(k).

(D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waiver for noncommercial requesters.” (internal quotation marks omitted)).

B. The ACLU is a representative of the news media and the records are not sought for commercial use.

The ACLU of Oregon also requests a waiver of search fees on the grounds that the ACLU of Oregon qualifies as a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The ACLU of Oregon meets the statutory and regulatory definitions of a “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(III);¹⁷ *see also Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA); *Serv. Women’s Action Network v. U.S. Dep’t of Defense*, 888 F. Supp. 2d 282 (D. Conn. 2012) (requesters, including ACLU, were representatives of the news media and thus qualified for fee waivers for FOIA requests to the Department of Defense and Department of Veterans Affairs); *ACLU of Wash. v. U.S. Dep’t of Justice*, No. C09-0642RSL, 2011 WL 887731, at *10 (W.D. Wash. Mar. 10, 2011) (finding that the ACLU of Washington is an entity that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience”); *ACLU*, 321 F. Supp. 2d at 30 n.5 (finding nonprofit public interest group to be “primarily engaged in disseminating information”). Therefore, ACLU of Oregon is a “representative of the news media” for the same reasons it is “primarily engaged in the dissemination of information.”

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the ACLU or Oregon’s to be “representatives of the news media.” *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep’t of Def.*, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); *Nat’l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).¹⁸

¹⁷ *See also* 6 C.F.R. § 5.11(b)(6).

¹⁸ Courts have found these organizations to be “representatives of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information and public education activities. *See, e.g., Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d; *Nat’l Sec. Archive*, 880 F.2d at 1387; *see also Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *Judicial Watch, Inc.*, 133 F. Supp. 2d at 53-54.

On account of these factors, fees associated with responding to FOIA requests are regularly waived for the ACLU of Oregon as a “representative of the news media.”¹⁹ As was true in those instances, the ACLU of Oregon meets the requirements for a fee waiver here.

* * *

Pursuant to applicable statutes and regulations, the ACLU of Oregon expects a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); 6 C.F.R. § 5.5(e)(4).

If the Request is denied in whole or in part, the ACLU of Oregon asks that you justify all deletions by reference to specific FOIA exemptions. The ACLU of Oregon expects the release of all segregable portions of otherwise exempt material. The ACLU of Oregon reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

**ACLU Foundation of Oregon
c/o Leland Baxter-Neal
P.O. Box 40585
Portland, OR 97240
lbaxter-neal@aclu-or.org**

¹⁹ In May 2016, the FBI granted a fee-waiver request regarding a FOIA request issued to the DOJ for documents related to Countering Violent Extremism Programs. In July 2013, the Department of Defense granted the ACLU of Colorado a fee-waiver with respect to contracts between the Department and a local newspaper. In April 2013, the National Security Division of the DOJ granted a fee-waiver request with respect to a request for documents relating to the FISA Amendments Act. Also in April 2013, the DOJ granted a fee-waiver request regarding a FOIA request for documents related to “national security letters” issued under the Electronic Communications Privacy Act. In August 2013, the FBI granted a fee-waiver request related to the same FOIA request issued to the DOJ. In June 2011, the DOJ National Security Division granted a fee waiver to the ACLU with respect to a request for documents relating to the interpretation and implementation of a section of the PATRIOT Act. In March 2009, the State Department granted a fee waiver to the ACLU with regard to a FOIA request for documents relating to the detention, interrogation, treatment, or prosecution of suspected terrorists. Likewise, in December 2008, the Department of Justice granted the ACLU a fee waiver with respect to the same request. In November 2006, the Department of Health and Human Services granted a fee waiver to the ACLU with regard to a FOIA request. In May 2005, the U.S. Department of Commerce granted a fee waiver to the ACLU with respect to its request for information regarding the radio-frequency identification chips in United States passports. In March 2005, the Department of State granted a fee waiver to the ACLU for a request regarding the use of immigration laws to exclude prominent non-citizen scholars and intellectuals from the country because of their political views, statements, or associations. In addition, the Department of Defense did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in April 2007, June 2006, February 2006, and October 2003. The DOJ did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in November 2007, December 2005, and December 2004. Finally, three separate agencies— the Federal Bureau of Investigation, the Office of Intelligence Policy and Review, and the DOJ Office of Information and Privacy—did not charge the ACLU fees associated with a FOIA request submitted by the ACLU in August 2002.

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief.

Sincerely,

A handwritten signature in black ink, appearing to read 'M-D-S' followed by a stylized flourish.

Mat dos Santos
Legal Director
ACLU of Oregon