

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

April 7, 2017

Kevin K. McAleenan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave. NW
Washington, DC 20229

Dear Acting Commissioner McAleenan:

I am gravely alarmed by the summons that Customs and Border Protection (CBP) transmitted to Twitter on March 14, 2017, regarding the Twitter account @ALT_USCIS. Not only was the summons blatantly inconsistent with the cited investigatory authority, section 509 of the Tariff Act of 1930 (19 U.S.C. § 1509), but it appeared to be a disturbing threat to free speech and whistleblower protections. Notwithstanding the withdrawal of the summons on April 7, 2017, I request that you conduct an internal review into why and how CBP issued the summons and report on the results of that review.

CBP has certain investigatory powers related to its enforcement of U.S. trade laws, but the summons at issue does not relate to such enforcement. I am a strong proponent of aggressive enforcement of our trade laws. Section 509 of the Tariff Act is among the important investigatory powers CBP uses to execute this critical function. Under that authority, CBP can issue a summons to parties who possess records related to the importation of merchandise into the United States to ensure that appropriate duties and fees have been paid and that all U.S. trade laws have been complied with.

According to a complaint filed by Twitter, the summons at issue requested that Twitter produce “[a]ll records regarding the [T]witter account @ALT_USCIS to include, User names, account login, phone number, mailing addresses, and I.P. addresses.” The Twitter account @ALT_USCIS currently describes itself as “Immigration resistance . Team 2.0 ½ Not the views of DHS or USCIS. Old fellow drank russian soup. #altgov.” The account appears to comment on U.S. immigration policy and other current events, often critical of the current administration.

On its face, CBP’s request for information on the @ALT_USCIS Twitter account appeared completely unrelated to the authority cited for the summons. Even more concerning is the possibility that CBP requested this information to learn if the account holder(s) are employed by the Department of Homeland Security in order to take retaliatory action or otherwise squelch the exercise of First Amendment right to comment on U.S. policy, and to make those comments

anonymously. If that is the case, it raises serious concerns regarding potential violations of law that must be promptly addressed by CBP.

I know that you have long history of distinguished service in CBP and that you care about its integrity and mission. I hope that you will take swift action to investigate the circumstances that led to the issuance of the summons, including whether the decision involved executive branch officials outside of CBP. I look forward to discussing the results of that review.

Sincerely,

A handwritten signature in blue ink that reads "Ron Wyden". The signature is written in a cursive, flowing style.

Ron Wyden
Ranking Member