

(b)(6); (b)(7)(C)

From: (b)(6); (b)(7)(C)
Sent: Friday, February 22, 2008 3:09 PM
To: (b)(6); (b)(7)(C)
Cc:
Subject: FW: border questions – revised
Attachments: CBP Copying Docs Directive.doc; (b)(2); (b)(7)(E) Statutory Signs 101206.pdf; (b)(5) Copying Documents and Electronic Media 7-5-07 OFO Interim Guidance.pdf; (1) Border search FOIA Complaint.pdf; PILOT.PDF; (b)(2); (b)(7)(E) (b)(2); (b)(5); (b)(7)(E)

(b)(6); (b)(7)(C)

so that you have the latest.

Subject:

Here are the draft responses, relevant CBP guidance docs, pilot CONOP, primer, signage and, below, talkers.

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Deputy General Counsel
U.S. Department of Homeland Security

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Talking Points:

- Since its founding, the United States, as sovereign, has the authority and interest in protecting its territorial integrity. This includes the ability to prevent the entry of unlawful persons and things at the international border.
- I cannot comment on the specifics of the cases referenced in the article, or the recently filed lawsuit. But CBP is responsible for facilitating legitimate trade and travel while at the same time enforcing hundreds of U.S. laws pertaining to immigration, terrorism and all types of contraband -- from weapons and explosives to counterfeit materials.
- Therefore, CBP processes all persons, baggage and merchandise arriving in the United States. As it does this, of course, CBP strives to facilitate the routine processing of all travelers while determining admissibility.
- This process has always included the ability to review written materials someone may seek to bring into the country in a suitcase for such things as child pornography.
- To the extent there are those who would suggest that computers or other electronic media should be exempt from this kind of review all together, they are simply being unreasonable. We would be left with a situation where CBP could look at a stack of documents in a briefcase for violations of law but would need to let a computer -- which can hold the equivalent of a cargo container worth of documents -

- into the United States free of inspection. This would create vulnerability at the border that terrorists and other who wish to do us harm or break or laws could easily exploit.

- CBP Officers adhere to safeguards and procedures in place to protect privileged, personal and business confidential information.

- Like any other unlawful materials encountered at the border, laptop computers may be subject to detention where they contain information in violation of U.S. criminal law (e.g., information with possible ties to terrorism, narcotics smuggling, child pornography).