

NOV 10 2009



Homeland  
Security

Michael W. Macleod-Ball  
Chief Legislative and Policy Counsel  
Michael German  
Policy Counsel  
American Civil Liberties Union  
915 15<sup>th</sup> Street, NW  
Washington, DC 20005

Re: Complaint No. 09-06-DHS-0053

Dear Messrs. Macleod-Ball and German:

This letter is a follow-up to information the Office for Civil Rights and Civil Liberties received from you on March 27, 2009, concerning the potential abuse of authority by officials of the Department of Homeland Security (DHS). In our response dated June 11, 2009, we informed you that pursuant to 6 U.S.C. 345 and 42 U.S.C. 2000ee-1 this Office would review one or more of the matters you had raised. The purpose of our review was to determine if your allegations raised issues that should and can be addressed by the management of the DHS. Accordingly, this Office has been working with Immigration and Customs Enforcement (ICE), a component of DHS, in reviewing the matters you have raised.

We have concluded our investigation of this matter and have made recommendations to ICE. This Office's memorandum is privileged communication, and, as such, is protected from disclosure. Our investigation found that DHS officials acted within their authority and had a legitimate law enforcement concern when they accessed internet message boards and shared that information with law enforcement partners. We may inform you that we have made recommendations to ICE which address some concerns raised during our investigation.

We appreciate your bringing this matter to our attention. If you have any further concerns, please inform this Office by phone at 1-866-644-8360, 1-866-644-8361 (TTY), or by email at [civil.liberties@dhs.gov](mailto:civil.liberties@dhs.gov).

Sincerely,

David D. Gersten  
Acting Deputy Officer for Programs and Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security