

MICHAEL N. FEUER
CITY ATTORNEY

February 3, 2017

The Honorable John Kelly
Secretary, Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528-0075

Kevin K. McAleenan
Acting Commissioner, U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, D. C. 20229

Mitchell Merriam
Area Port Director, Los Angeles International Airport
11099 S. La Cienega Boulevard
Los Angeles, CA 90045

Re: Verification of Compliance by U.S. Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP) with Federal Court Injunctions and Restraining Orders

Gentlemen:

Pursuant to the Los Angeles City Charter, I serve as the Chief Prosecutor of the City of Los Angeles, as well as counsel to the municipal corporation of the City of Los Angeles and its various sub-units, including but not limited to the Los Angeles International Airport (LAX). The purpose of this letter is to obtain verification of compliance by DHS and CBP with two court orders relating to foreign entry events at LAX starting January 27, 2017.

From January 27th, the date on which the President issued an Executive Order entitled "Protecting the Nation From Foreign Terrorist Entry Into the United States" (EO), various news organizations have reported that federal employees stationed at LAX were denying persons with valid visas and green cards entry into the United States. It appears from these reports that numerous persons were forcibly returned to their originating airport outside the United States and/or detained at LAX, in violation of their constitutional and other legal rights.

On the evening of January 28, 2017, the Honorable Ann M. Donnelly, United States District Judge for the Eastern District of New York in Case No. 17-cv-00480 (AMD), entitled *Darweesh v. Trump*, issued an

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order enjoining and restraining Donald J. Trump, President of United States, DHS, CBP, and their “officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them from, in any manner or by any means, removing individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States” (*Darweesh* Restraining Order).

A few hours after the order was issued, I went to LAX, prompted by news reports that visa and green card holders were continuing to be denied entry and detained at our city’s port of entry despite Judge Donnelly’s order. After multiple requests to speak with the top federal official at LAX regarding these issues, Mitchell Merriam, LAX Port Director for the CBP, finally conferred with me. I explained the purpose of my presence, and asked him a series of questions, including, among others: 1) whether federal employees were complying with the *Darweesh* Restraining Order; 2) the number of people, if any, who were being detained; and 3) if anyone was being detained, the authority under which the person or persons were being detained.

Mr. Merriam refused to provide a substantive answer to any of my questions. The most he offered was that federal officials “were reviewing” the *Darweesh* Restraining Order. In addition, despite my law enforcement role, Mr. Merriam prevented me from gaining access to the portion of the airport controlled by CBP, so I could assess for myself whether anyone was under detention.

I attempted to communicate to Mr. Merriam the urgency of the situation. To exemplify the serious legal and physical deprivations caused by the detentions, I explained to Mr. Merriam that I had been approached that night by a woman who expressed fears for her elderly father, whom she reported was being detained and whom she reported was suffering from Parkinson’s disease and in need of medication. Mr. Merriam was dismissive of this serious health concern—indeed, of our entire exchange—stating he “had an airport to run.” Instead of honoring any of my requests that night, Mr. Merriam told me that a high-ranking federal official would communicate with me the next day (Sunday).

To date, I have received no such call or communication from any authority in Washington D.C, nor from anyone at DHS or CBP.

On January 31, 2017, the Honorable Andre Birotte, Jr., United States District Court Judge for Central District of California in Case No. 17-cv-00786 (AB), entitled *Mohammed v. United States*, entered an Order Granting Emergency Motion for Temporary Restraining Order And/Or Preliminary Injunction, which enjoined Defendants, including (1) Donald J. Trump, in his official capacity as President of the United States of America; (2) John Kelly, Secretary of DHS; and, (3) the DHS, the CBP, and their “officers, agents, employees, attorneys, and all persons acting in concern or participating with them, from enforcing [the EO] by removing, detaining, or blocking the entry of Plaintiffs, or any other person from Iran, Iraq, Somalia, Sudan, Syria and Yemen with a valid immigrant visa” (*Mohammed* Restraining Order).

News reports, including a story broadcast on Southern California Public Radio just last night, continue to allege that the federal government is failing to comply with both the *Darweesh* and *Mohammed* Restraining Orders.

This letter constitutes an official request that the federal government and the federal officers and employees subject to the *Darweesh* Restraining Order and *Mohammed* Restraining Order provide, in writing, the following information to me:

1. The name of each person bound for or who landed at LAX since January 27, 2017, either traveling under a valid immigrant or non-immigrant visa, or other legal authorization to enter the U.S. if that individual is from Iraq, Syria, Iran, Sudan, Libya, Somalia, or Yemen, or traveling under a Citizenship and Immigration Services refugee application (hereinafter "Traveler").
2. The name of each Traveler detained at LAX pursuant to the EO. For purposes of this inquiry, "detained" shall be broadly interpreted and shall mean an instance in which a Traveler has been kept or held in custody, confinement, or interrogation, whether for questioning, searching or surveillance.
3. The name and immigration status of each Traveler who landed at LAX but who did not enter the United States for any reason whatsoever, including the Traveler's involuntary removal from the United States, or his or her allegedly voluntary decision to leave the United States prior to entry into the United States.
4. The date and time each Traveler either entered the United States or was removed or departed without entry into the United States.
5. The final destination for each Traveler who landed at LAX and was removed or left without entry into the United States.
6. Confirmation that no Traveler bound for LAX is being detained anywhere in the United States or is being prevented or otherwise prohibited from boarding a flight to LAX at any foreign airport pursuant to the EO.
7. If any Traveler continues to be detained pursuant to the EO, please state where the Traveler is being detained.
8. If the passport of any Traveler was confiscated and continues to be in the possession of the federal government in furtherance of the EO, the name of Traveler and the authority pursuant to which the passport was confiscated or is being retained.
9. For each Traveler detained at LAX pursuant to the EO, or who left without entry into the United States, provide any known connection to Los Angeles, including:
 - a. The residence of the Traveler;
 - b. The names and contact information for the Traveler's family members or sponsors;
 - c. The place of employment of the Traveler; and,
 - d. If the Traveler is a student, the name of the school the Traveler attends.
10. The legal basis for the detention or removal of any Traveler detained or removed pursuant to the EO.
11. Whether each Traveler who was detained, removed or left before entering the United States after landing at LAX pursuant to the EO had access to a lawyer.
12. If any Traveler pursuant to the EO, who was detained, removed or who left before entering the United States after landing at LAX signed any document or form or provided any written statement to any federal official, please provide a copy of that document or statement.

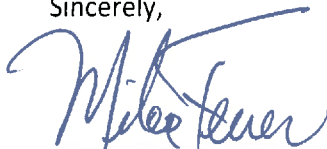
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Please provide the requested information no later than February 8, 2017 by 5:00 p.m., Pacific Standard Time. Ensuring that the federal government is abiding by the rule of law, as well as the specific, binding terms of the *Darweesh* Restraining Order and *Mohammed* Restraining Order is of urgent importance to the City of Los Angeles and its residents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Feuer". The signature is stylized and cursive.

MICHAEL N. FEUER

Los Angeles City Attorney

cc: John Roth, Inspector General, Department of Homeland Security