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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

21 THE REGENTS OF THE UNIVERSITY OF
22 CALIFORNIA and JANET NAPOLITANO,
23 in her official capacity as President of the
24 University of California,

Plaintiffs,

v.

25 U.S. DEPARTMENT OF HOMELAND
26 SECURITY and ELAINE DUKE, in her
27 official capacity as Acting Secretary of the
28 Department of Homeland Security,

Defendants.

CASE NO. 17-CV-05211-WHA

**EXHIBITS TO JOINT LETTER BRIEF
REGARDING DEPOSITION OF ACTING
SECRETARY OF HOMELAND SECURITY
DUKE**

STATE OF CALIFORNIA, STATE OF MAINE, STATE OF MARYLAND, and STATE OF MINNESOTA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY, ELAINE DUKE, in her official capacity as Acting Secretary of the Department of Homeland Security, and the UNITED STATES OF AMERICA,

Defendants.

CASE NO. 17-CV-05235-WHA

CITY OF SAN JOSE, a municipal corporation,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United States, in his official capacity, ELAINE C. DUKE, in her official capacity, and the UNITED STATES OF AMERICA,

Defendants.

CASE NO. 17-CV-05329-WHA

DULCE GARCIA, MIRIAM GONZALEZ AVILA, SAUL JIMENEZ SUAREZ, VIRIDIANA CHABOLLA MENDOZA, NORMA RAMIREZ, and JIRAYUT LATTHIVONGSKORN,

Plaintiffs,

v.

UNITED STATES OF AMERICA, DONALD J. TRUMP, in his official capacity as President of the United States, U.S. DEPARTMENT OF HOMELAND SECURITY, and ELAINE DUKE, in her official capacity as Acting Secretary of Homeland Security,

Defendants.

CASE NO. 17-CV-05380-WHA

1 COUNTY OF SANTA CLARA and
2 SERVICE EMPLOYEES INTERNATIONAL
3 UNION LOCAL 521,

4 Plaintiffs,

5 v.

6 DONALD J. TRUMP, in his official capacity
7 as President of the United States, JEFFERSON
8 BEAUREGARD SESSIONS, in his official
9 capacity as Attorney General of the United
10 States; ELAINE DUKE, in her official
11 capacity as Acting Secretary of the Department
12 of Homeland Security; and U.S.
13 DEPARTMENT OF HOMELAND
14 SECURITY,

15 Defendants.

CASE NO. 17-CV-05813-WHA

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EXHIBITS TO JOINT LETTER BRIEF REGARDING DEPOSITION OF ACTING SECRETARY
OF HOMELAND SECURITY DUKE

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380; 17-5813)

EXHIBIT A

1 UNEDITED ROUGH DRAFT - GENE HAMILTON

09:15:20 2 P-R-O-C-E-E-D-I-N-G-S

09:15:20 3 THE VIDEOGRAPHER: Good morning. We

09:15:23 4 are going on the record at 9:00 a.m. on Friday --

09:15:26 5 excuse me, 9:13 a.m. on Friday, October 20, 2017.

09:15:32 6 This is media unit one of the video recorded

09:15:35 7 deposition of Gene Hamilton taken by counsel for

09:15:40 8 the plaintiff in the matter of Martin Jonathan

09:15:44 9 Batalla Vidal, et al., v. Elaine C. Duke, Acting

09:15:49 10 Secretary of the Department of Homeland Security;

09:15:50 11 Jefferson Beauregard Sessions III, Attorney

09:15:58 12 General of the United States; and Donald J.

09:16:01 13 Trump, President of the United States.

09:16:04 14 This is filed in the United States

09:16:06 15 District Court for the Eastern District of

09:16:09 16 New York. This deposition is being held at the

09:16:12 17 offices of the Conference of Mayors located at

09:16:17 18 1620 I Street, Northwest, Washington, D C 20006.

09:16:22 19 My name is Dan Raki from the firm of

09:16:25 20 Veritext Legal Solutions and I am the

09:16:28 21 videographer. The court reporter this morning is

09:16:31 22 Donna Lewis from the firm Olender Court

1 UNEDITED ROUGH DRAFT - GENE HAMILTON

10:52:31 2 A There is no final decision until there
10:52:34 3 is ink on paper.

10:52:40 4 Q The morning of September 5 were you
10:52:41 5 waiting for a yes on no whether or not DACA was
10:52:45 6 going to be terminated?

10:52:46 7 A It is always up to the secretary to
10:52:49 8 decide what she wants to do with anything that
10:52:51 9 the department does until the moment that she
10:52:55 10 signs off on any policy or practice of the
10:52:59 11 department. I think there was a general
10:53:03 12 understanding of what may happen, but the final
10:53:08 13 decision was made the moment that she put ink to
10:53:11 14 paper.

10:53:11 15 Q Are you aware that a press advisory
10:53:14 16 went out on September the 4 to media calling them
10:53:18 17 to the attorney general's press conference?

10:53:22 18 A I am.

10:53:23 19 Q Is it your belief at the time the press
10:53:26 20 advisory went a final decision on whether or not
10:53:29 21 DACA was going to be terminated was not made?

10:53:31 22 A It is my position that until the

UNEDITED ROUGH DRAFT - GENE HAMILTON

10:55:17 2 answer.

10:55:20 3 BY MS. TUMLIN:

10:55:20 4 Q Was President Trump a key decision
10:55:24 5 maker in the determination to terminate the DACA
10:55:28 6 program?

10:55:29 7 MR. GARDNER: Objection. Vague.

10:55:32 8 BY MS. TUMLIN:

10:55:32 9 Q That means you can answer.

10:55:33 10 A It's vague. I don't know what you
10:55:34 11 mean.

10:55:40 12 Q In your mind who were the key decision
10:55:47 13 makers in determining whether the DACA program
10:55:50 14 should be terminated?

10:55:54 15 MR. GARDNER: I think that is not
10:55:56 16 objectionable. You can identify individuals or
10:56:03 17 individual, as the case may be.

10:56:05 18 THE WITNESS: The acting secretary and
10:56:12 19 the acting secretary was the individual who made
10:56:16 20 the decision. Certainly as evidenced by the
10:56:22 21 September 4 letter from the attorney general
10:56:24 22 there is expressed an legal opinion about the

1 UNEDITED ROUGH DRAFT - GENE HAMILTON

10:56:28 2 legality of DACA and she did with it what she saw
10:56:33 3 fit.

10:56:34 4 BY MS. TUMLIN:

10:56:39 5 Q Is it your opinion that the decision to
10:56:42 6 terminate DACA was made exclusively by
10:56:48 7 acting Secretary Duke?

10:56:50 8 A Ultimately it was exclusively her
10:56:53 9 decision.

10:56:55 10 Q Did anybody else get a vote?

10:56:57 11 MR. GARDNER: Objection. Vague.

10:57:02 12 THE WITNESS: Are you surmising that
10:57:04 13 there was some kind of a Congress in which
10:57:07 14 everyone took a vote to --

10:57:09 15 BY MS. TUMLIN:

10:57:12 16 Q I'm asking whether or not
10:57:14 17 Acting Secretary Duke to your knowledge took
10:57:17 18 account of anyone else's opinions or their final
10:57:21 19 decision on whether the DACA program should be
10:57:24 20 terminated?

10:57:25 21 MR. GARDNER: You can answer that
10:57:26 22 question with a yes or no. The content of what

1 UNEDITED ROUGH DRAFT - GENE HAMILTON

01:53:14 2 Q Yeah?

01:53:15 3 A Nothing in writing.

01:53:17 4 Q Okay. So there is -- is there any
01:53:20 5 policy on how to deal with threats to sue by
01:53:23 6 state or local officials?

01:53:33 7 A No and that sounds like the craziest
01:53:36 8 policy somebody could have in a department you
01:53:39 9 could never do anything if you were always
01:53:42 10 worried about being sued.

01:53:46 11 Q Are you familiar with the executive
01:53:50 12 order issued by President Trump with respect to
01:53:55 13 sanctuary jurisdiction?

01:53:57 14 A I believe that is in executive 13768 I
01:54:00 15 am familiar.

01:54:02 16 Q And are you far lay that see mu nice
01:54:06 17 amount has sued the federal government?

01:54:10 18 A In general I am yes.

01:54:11 19 Q Are you aware that some of these
01:54:13 20 lawsuit have successfully blocked part of the
01:54:16 21 executive order?

01:54:17 22 A On a temporary basis.

EXHIBIT B

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY OF)	Case No.
CALIFORNIA and JANET NAPOLITANO,)	17-CV-05211-WHA
in her official capacity as)	
President of the University of)	
California,)	
)	
Plaintiffs,)	
)	
v.)	
)	
U.S. DEPARTMENT OF HOMELAND)	
SECURITY and ELAINE DUKE, in her)	
official capacity as Acting)	
Secretary of the Department of)	
Homeland Security,)	
)	
Defendants.)	
-----)	

- - -
Friday, October 13, 2017
- - -

Videotaped deposition of JAMES D. NEALON,
taken at the offices of Covington & Burling,
850 Tenth Street NW, One City Center,
Washington, D.C., beginning at 7:32 a.m., before
Nancy J. Martin, a Registered Merit Reporter,
Certified Shorthand Reporter.

1 THE WITNESS: Okay. I've read the document.

2 BY MS. CHUANG:

3 Q. You are listed as a recipient of this memo;
4 is that correct?

5 A. Correct.

6 Q. I'm going refer to this as "the Duke memo"
7 for the purposes of this deposition. Okay?

8 A. Okay.

9 Q. Why did you receive a copy of the Duke memo?

10 A. Because I'm the acting head of the office of
11 policy.

12 Q. And why as acting head of the office of
13 policy would you receive a memo like this?

14 A. Because this was an important policy decision
15 made by the Acting Secretary. It was important that I
16 be aware of it.

17 Q. And you were a part of this important policy
18 decision?

19 A. So I played a role in -- as I've stated
20 previously, in trying to ensure that the Acting
21 Secretary understood DACA and the decisions and
22 consequences of rescinding or not.

23 Q. And how did you do that if you didn't do any
24 research or independent inquiries into DACA? What was
25 the basis for your helping Acting Secretary

1 understand?

2 MR. GARDNER: Objection. Compound.
3 Objection. Vague. And objection in the sense it
4 called for deliberative process, which I would
5 instruct the witness not to answer questions on. So
6 maybe if you can rephrase the question, he can take it
7 that way.

8 BY MS. CHUANG:

9 Q. What was your role in helping Acting
10 Secretary understand DACA and the decision and
11 consequences of rescinding or not?

12 A. Yeah. Helping her to understand exactly what
13 DACA is, helping her understand why it was -- why and
14 how it was under challenge. Helping her understand
15 what her options were, and helping her understand the
16 consequences of those actions. But again, I was one
17 of many voices.

18 Q. How did you help Acting Secretary Duke
19 understand what DACA is?

20 MR. GARDNER: Objection. Calls for the
21 revelation of information subject to deliberative
22 process privilege.

23 Instruct the witness not to answer.

24 BY MS. CHUANG:

25 Q. Did you draw on your experience and knowledge

1 to help Secretary Duke understand what DACA is?

2 A. Not really because I was not an expert on
3 DACA. I was new to the department. So I knew and
4 know what DACA is, but I wasn't an expert on it. My
5 office didn't administer it. My office are not the
6 lawyers. But all that -- so I had my own learning
7 curve about DACA, which is why I read about it, but I
8 was part of that deliberative process.

9 Q. So your learning curve, as you previously
10 stated, involved you reviewing newspaper articles and
11 historical documents from 2012; is that correct?

12 A. Yes.

13 Q. Is there anything else that you did as part
14 of your learning about DACA?

15 A. So I listened closely to the lawyers and to
16 the experts from USCIS, who administer the program. I
17 learned a lot from them.

18 Q. Was this in a meeting?

19 A. So I do recall one meeting.

20 Q. In person or --

21 A. In person.

22 Q. -- over the telephone?

23 A. In person.

24 Q. What was the one meeting about?

25 A. The one meeting --

1 THE WITNESS: This is the deliberative
2 process but --

3 MR. GARDNER: You can answer the question
4 what the meeting was about.

5 MS. CHUANG: I would ask that you please not
6 confer with counsel during questioning. Thank you.

7 MR. GARDNER: In fairness, Counsel, we are
8 just deliberating about privilege, and we want to give
9 you the information that we can properly give you. So
10 I think he's looking to us to make sure that he's not
11 implicating privilege.

12 MS. CHUANG: I understand that, and I think
13 that can be done with a simple objection regarding
14 privilege and/or an instruction not to answer.

15 MR. GARDNER: And that's what we've been
16 doing all along.

17 THE WITNESS: Sorry. Could you repeat the
18 question?

19 MS. CHUANG: Yes.

20 Q. What was that one meeting about that you
21 referenced?

22 A. So I recall one meeting with the Acting
23 Secretary and the cast of players that I mentioned
24 earlier where we did exactly that. For the benefit of
25 the Acting Secretary, we walked through the threat to

1 DACA. We walked through the program itself, how many
2 people are affected by it --

3 MR. GARDNER: I'm going to object at this
4 point and instruct the witness not to answer as
5 implicating deliberative process privilege.

6 At a high level you can explain what the
7 subject matter of the meeting was, but the details of
8 the meeting would be subject to deliberative process
9 privilege.

10 And I'll instruct the witness not to answer.

11 THE WITNESS: So the subject of that meeting
12 was to help inform the Acting Secretary's impending
13 decision about the future of DACA.

14 BY MS. CHUANG:

15 Q. When did this meeting take place?

16 A. I believe it took place in mid to late
17 August.

18 Q. And you mentioned the "cast of players" that
19 you had mentioned earlier. Can you identify them
20 specifically?

21 A. So I can identify some of them specifically.
22 So the acting secretary was certainly there. I was
23 certainly there. Representatives from the office of
24 the general counsel were there. I believe one of them
25 was Dimple Shah. And I believe the chief of staff was

1 there. I believe Gene Hamilton was there, and USCIS
2 was certainly represented. I don't remember
3 specifically if it was Mr. McCament or not.

4 Q. Was Chad Wolf there?

5 A. I believe he was there. Although I don't
6 recollect specifically whether or not he was.

7 Q. Was Joseph Maher there?

8 A. So again, representatives of the general
9 counsel were there. I do remember Dimple Shah being
10 there. I don't recall if Mr. Maher was there or not.

11 Q. Was there anyone else besides those persons
12 you listed there?

13 A. There may have been, but I don't recall.

14 Q. How long did this meeting last?

15 A. My guess is it probably lasted about an hour.

16 Q. Were any documents reviewed during this
17 meeting?

18 A. I don't recall specifically, but there may
19 have been documents which gave numbers. I know the
20 Acting Secretary was interested in how many people are
21 affected and so forth.

22 Q. What specific numbers do those documents
23 give?

24 MR. GARDNER: Objection. To the extent it
25 calls for information subject to deliberative process

1 privilege, instruct the witness not to answer.

2 BY MS. CHUANG:

3 Q. Any other documents that were reviewed?

4 A. Not that I recall.

5 Q. Was there anyone else that was not from the
6 Department of Homeland Security present at the
7 meeting?

8 A. I don't believe so.

9 Q. Did you take any notes during the meeting?

10 A. Not that I recall.

11 Q. Do you know if any other attendee took notes
12 during the meeting?

13 A. I don't know.

14 Q. Besides the document that gave numbers, you
15 stated that there were no other documents reviewed
16 during that meeting; is that correct?

17 A. No. I stated that I don't recall any other
18 documents being reviewed at that meeting.

19 Q. Were any documents created as a result of
20 that meeting?

21 A. Not that I'm aware of.

22 Q. So you stated that one of the issues was the
23 threat to DACA. What is your understanding of the
24 threat to DACA?

25 A. So a number states -- I believe it was nine,

1 had sued to put an end to DACA saying that it was
2 unconstitutional.

3 Q. So what was the particular threat with
4 respect to that lawsuit?

5 A. So if that lawsuit was successful, DACA would
6 come to an end.

7 Q. Do you know what that lawsuit is?

8 A. Just in general terms, no, I don't know the
9 specifics of the lawsuit.

10 Q. So you're not familiar with that lawsuit?

11 A. I'm not familiar with the specifics of that
12 lawsuit, no.

13 Q. Do you know which member states were part of
14 that lawsuit?

15 A. I believe one was Texas. I don't recall what
16 the others were.

17 Q. So what was discussed with respect to the
18 threat to DACA related to that lawsuit?

19 MR. GARDNER: Objection. Calls for
20 disclosure of information subject to deliberative
21 process privilege.

22 I instruct the witness not to answer.

23 BY MS. CHUANG:

24 Q. Were there any other threats to DACA
25 discussed?

1 MR. GARDNER: Objection. Calls for
2 disclosure of information subject to deliberative
3 process privilege.

4 I instruct the witness not to answer.

5 MS. CHUANG: My question was the existence of
6 any other threats to DACA that was discussed, not the
7 substance.

8 MR. GARDNER: Fair enough.

9 THE WITNESS: Not that I'm aware of.

10 BY MS. CHUANG:

11 Q. Do you know if there are any other threats to
12 DACA besides the litigation you just discussed?

13 A. I don't.

14 Q. You had also mentioned that one of the issues
15 discussed was the benefits to DACA; is that correct?

16 MR. GARDNER: You can answer.

17 THE WITNESS: By "benefits," do you mean
18 status conferred upon DACA recipients?

19 BY MS. CHUANG:

20 Q. I was using your language. You had stated
21 that you had discussed the threat to DACA and the
22 benefits of DACA during the meeting.

23 A. I'm not sure exactly what I was referring to.

24 Q. What is your understanding of what the
25 benefits of DACA are?

1 A. Well, the benefits of DACA are benefits to
2 the beneficiaries of it, which allow them to stay in
3 the United States, not under legal status but with
4 deferred action. That is that removal operations
5 would be deferred while they enjoyed the benefits of
6 DACA.

7 Q. Anything else?

8 A. (Nods head.)

9 Q. So is that the particular benefit of DACA
10 that was discussed during the meeting?

11 MR. GARDNER: Objection. Calls for
12 information subject to deliberative process privilege.

13 I instruct the witness not to answer.

14 BY MS. CHUANG:

15 Q. You had also mentioned one of the issues that
16 was discussed during that meeting was how many people
17 were affected by it; is that correct?

18 A. Yes.

19 Q. How many people are affected by the decision
20 relating to DACA?

21 A. I believe the number is around 700,000.

22 Q. What was discussed relating to how many
23 people were affected by it during this meeting?

24 MR. GARDNER: Objection. Calls for
25 disclosure of information subject to deliberative

1 process privilege.

2 I instruct the witness not to answer.

3 BY MS. CHUANG:

4 Q. You had also mentioned that generally, it was
5 to help provide information to Acting Secretary Duke
6 regarding the impending decision relating to DACA; is
7 that correct?

8 A. Correct.

9 Q. What other information was provided to Acting
10 Secretary Duke during this meeting?

11 MR. GARDNER: Objection. Calls for
12 information subject to deliberative process privilege.
13 It also calls for information subject to the
14 attorney-client privilege.

15 I instruct the witness not to answer.

16 BY MS. CHUANG:

17 Q. Did you direct anyone on your staff to help
18 you out -- to help you get up to speed on DACA?

19 A. I'm sure I asked people questions about DACA,
20 especially about the historic nature.

21 Q. Who did you ask?

22 A. I don't recall at this time, but we have a
23 staff of 150 people in the policy shop.

24 Q. Do you recall if you asked all 150 people in
25 the policy staff?

1 A. No, I wouldn't have done that.

2 Q. Did you ask your direct reports?

3 A. I may have. I mean some of them wouldn't
4 have anything to do with DACA.

5 Q. Do you recall what you asked your staff to do
6 with respect to helping you get up to speed on DACA?

7 A. I don't because I was fairly up to speed on
8 it over time.

9 Q. Do you recall when you asked your staff to
10 help you get up to speed on DACA?

11 A. This probably would have been in August.
12 Because I just joined the department in mid-July, I
13 was spending a lot of time getting up to speed on a
14 whole wide range of issues ranging from cyber security
15 to aviation security to everything in between. And
16 so, you know, I would have come to DACA in due time
17 after arriving at the department.

18 Q. Did you ask your staff to conduct any
19 research into DACA?

20 A. Not that I recall.

21 Q. Did you ask your staff to create any memos
22 for you relating to DACA?

23 A. Not that I recall.

24 Q. Did you ask your staff to provide any other
25 documentation relating to DACA?

1 A. Not that I recall.

2 Q. When you were appointed in July, were you
3 aware of the potential for the rescission of DACA?

4 A. I believe I had read about the lawsuit.

5 Q. Where did you read about the lawsuit?

6 A. In the open source media.

7 Q. What do you mean when you mean "open source
8 media"?

9 A. Newspapers.

10 Q. And the lawsuit that you're talking about, is
11 that the one involving the member states, including
12 Texas?

13 A. Yes.

14 Q. What specifically did you read about that?

15 A. Again, I read open source newspaper articles
16 about the lawsuit.

17 Q. Did you read anything else relating to the
18 potential for the rescission for DACA?

19 A. Not that I recall.

20 MS. CHUANG: I'd like to mark this as
21 Exhibit 4.

22 (Deposition Exhibit 4 was marked for
23 identification.)

24 BY MS. CHUANG:

25 Q. This is a newspaper article from the

1 Washington Post dated August 24, 2017, entitled "DHS
2 Reviewing Status of Obama's Deferred Action Program
3 for Illegal Immigrants."

4 Please take a moment to review.

5 (The witness reviewed Exhibit 4.)

6 THE WITNESS: Okay.

7 BY MS. CHUANG:

8 Q. What does this article state?

9 A. This article discusses a meeting which took
10 place at DHS, the meeting that I described to you
11 earlier.

12 Q. So this particular meeting described in this
13 article is the August meeting that you had previously
14 described to me; is that correct?

15 A. It appears to be, yes.

16 Q. The second paragraph states that "Acting DHS
17 Secretary Elaine Duke and Thomas Homan, the acting
18 head of immigration customs enforcement, were among
19 those who gathered Monday to deliberate over the
20 future of deferred action for childhood arrivals,
21 DACA, according to an agency official with knowledge
22 of the meeting." Is that correct?

23 A. That is what it says, yes.

24 Q. And so would you -- based on the -- this
25 article, the date of the meeting, would it be on or

1 around August 21?

2 A. It would appear to be, yes.

3 Q. Did Thomas Homan attend the meeting that you
4 had described previously in August?

5 A. So now that I see his name in print, I recall
6 that he was at the meeting, yes.

7 Q. This also mentions that's Chad Wolf and
8 Dimple Shah attended the meeting in addition to
9 yourself; is that correct?

10 A. That is what it says, yes.

11 Q. So if you'd turn to the second page of the
12 article, the fourth paragraph down states, "In the
13 wake of the legal activity, the DHS officials gathered
14 to 'review the status of DACA and determine next
15 steps' for the program." Is that what it states?

16 A. That is what it states.

17 Q. What did the review of the status of DACA
18 entail?

19 MR. GARDNER: Objection. Calls for
20 disclosure of information subject to deliberative
21 process privilege.

22 Instruct the witness not to answer.

23 BY MS. CHUANG:

24 Q. What was the discussion of the next steps?

25 MR. GARDNER: Objection. Calls for

1 information subject to the deliberative process
2 privilege.

3 I instruct the witness not to answer.

4 BY MS. CHUANG:

5 Q. Did the attendees of this meeting determine
6 next steps in this meeting?

7 MR. GARDNER: Objection. Calls for
8 information subject to the deliberative process
9 privilege.

10 You can answer that question with a "yes" or
11 "no." Otherwise, I instruct you not to answer.

12 THE WITNESS: Could you repeat the question?

13 BY MS. CHUANG:

14 Q. Did the attendees of this meeting determine
15 next steps in this meeting?

16 A. If by "next steps" you mean a final decision
17 on DACA, that's not my recollection, no.

18 Q. What is your understanding of what the next
19 steps were?

20 MR. GARDNER: Objection. Calls for
21 information subject to deliberative process privilege.

22 I instruct the witness not to answer.

23 BY MS. CHUANG:

24 Q. What did you specifically discuss in this
25 meeting?

1 MR. GARDNER: Objection. Calls for
2 information subject to deliberative process privilege.

3 I instruct the witness not to answer.

4 It also calls for disclosure of
5 attorney-client protected information.

6 And I so instruct.

7 BY MS. CHUANG:

8 Q. What did Acting Secretary Duke discuss in
9 this meeting?

10 MR. GARDNER: Objection. Calls for
11 information subject to deliberative process privilege.

12 I instruct the witness not to answer.

13 BY MS. CHUANG:

14 Q. What did Thomas Homan discuss in this
15 meeting?

16 MR. GARDNER: Objection. Calls for
17 information subject to the deliberative process
18 privilege.

19 I instruct the witness not to answer.

20 BY MS. CHUANG:

21 Q. What did Chad Wolf discuss in this meeting?

22 MR. GARDNER: Objection. Calls for
23 information subject to deliberative process privilege.

24 I instruct the witness not to answer.

25 BY MS. CHUANG:

1 Q. What did Dimple Shah discuss in this meeting?

2 MR. GARDNER: Objection. Calls for
3 disclosure of information subject to deliberative
4 process privilege, as well as the attorney-client
5 privilege.

6 I instruct the witness not to answer.

7 BY MS. CHUANG:

8 Q. Now that you have reviewed this article, does
9 it refresh your recollection as to the specific
10 attendees at the meeting?

11 A. It did. So I hadn't recalled that Tom Homan
12 was there, and now I do.

13 Q. Beside the individuals that are noted in this
14 article, did any other persons attend this meeting?

15 A. So I believe I've already answered that
16 question, haven't I?

17 Q. No.

18 A. Okay. So again, the Acting Secretary was
19 there. I was there. Dimple Shah was there. Now I
20 recall that Tom Homan was there. There were
21 representatives of USCIS there, and there were -- I'm
22 almost certain -- I am certain Mr. Hamilton was there.

23 Q. Mr. Hamilton isn't noted in this article,
24 though; correct?

25 A. I don't see his name in the article.

1 purposes?

2 A. Yes. Generally speaking, these are internal
3 memos driving towards some decision.

4 Q. Okay. Now, with regard to the rescission of
5 DACA, relative to what your experience with is with
6 other policy formations, is there anything different
7 in this instance?

8 MR. GARDNER: Objection. Vague.

9 BY MS. KHAN:

10 Q. So is -- how does the rescission of DACA --
11 the process of the rescission of DACA compare to your
12 experience with regard to other policy formations?

13 A. I'm struggling a little bit. I don't see a
14 big difference.

15 Q. Why not?

16 A. We're faced with policy decisions all the
17 time. This was another policy decision that the
18 department was faced with.

19 Q. Have you been faced with other decisions that
20 have come top down like you mentioned?

21 A. I think what you're referring to is the fact
22 that the September 5 memo came from the Secretary down
23 because she had made a decision. I'm not sure that
24 that's very different from other decisions that get
25 made by the Secretary. I think what's different is