

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DETENTION WATCH NETWORK
and CENTER FOR CONSTITUTIONAL
RIGHTS,

Plaintiffs,

v.

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT AGENCY,
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Defendants.
-----X

ECF CASE
14-cv-583

DECLARATION OF
GHITA SCHWARZ

I, GHITA SCHWARZ, declare pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am a licensed attorney at the Center for Constitutional Rights, one of the co-Plaintiffs in the above-captioned matter.

2. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction, dated February 11, 2014.

FOIA Request and Agency Responses

3. Attached as Exhibit A is a true and correct copy of Plaintiffs' November 25, 2013 Freedom of Information Act ("FOIA") Request addressed to the U.S. Immigration and Enforcement Agency and the U.S. Department of Homeland Security.

4. Attached as Exhibit B is a true and correct copy of November 27, 2013 Letters 1 and 2 from Catrina M. Pavlik Keenan, ICE Response to FOIA Request (“ICE Letter 1” and “ICE Letter 2”). ICE Letter 2 advised the Plaintiffs that ICE would be administratively closing Plaintiffs’ Request. On December 10, 2013, CCR staff member Ian Head communicated by telephone and e-mail with the ICE FOIA office to request clarification and to advocate against administrative closure, but heard no response. On December 13, 2013, CCR Attorney Sunita Patel called the ICE FOIA office and was told that a supervisor would call back to facilitate the request. Ms. Patel never received a response.

5. Attached as Exhibit C is a true and correct copy of December 19, 2013 Letter from Plaintiffs Responding to ICE Letters 1 and 2 (“Plaintiffs’ Response Letter.”)

6. Attached as Exhibit D is a true and correct copy of the December 27, 2013 Letter from Abby Meltzer, Government Information Law Division, ICE Office of Principal Legal Advisor Response to Plaintiffs’ Response Letter.

7. Attached as Exhibit E is a true and correct copy of the letter dated January 24, 2014 and postmarked January 27, 2014 from Debbie Seguin, Government Information Law Division, ICE Office of Principal Legal Advisor, responding to Plaintiffs’ December 19, 2013 Letter.

Declarations

8. Attached as Exhibit F is a true and correct copy of the February 10, 2014 Declaration of Silky Shah, Interim Executive Director of Detention Watch Network.

9. Attached as Exhibit G is a true and correct copy of the February 10, 2014 Declaration of Bob Libal, Executive Director of Grassroots Leadership.

News Articles, Letters and other Media

10. Attached as Exhibit H is a true and correct copy of Ed O'Keefe, *The winners and losers of the new spending bill*, Washington Post (January 14, 2014)

11. Attached as Exhibit I is a true and correct copy of William Selway and Margaret Newkirk, *Congress Mandates Jail Beds for 34,000 Immigrants as Private Prisons Profit*, Bloomberg (Sept. 24, 2013).

12. Attached as Exhibit J is a true and correct copy of September 25, 2013 Letter Opposing the Detention Bed Quota from 65 Members of Congress to President Barack Obama.

13. Attached as Exhibit K is a true and correct copy of Alicia Caldwell, *Undocumented Immigrant Releases Acknowledged by John Morton of Homeland Security Department*, Associated Press (March 14, 2013).

14. Attached as Exhibit L is a true and correct copy of an excerpt of the hearing transcript from a House Judiciary Committee Hearing on March 19, 2013, containing relevant statements by Congressional Representative Spencer Bachus (R-AL).

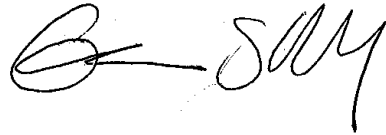
15. Attached as Exhibit M is a true and correct copy of Robert M. Morgenthau, *Immigrants Jailed Just to Hit a Number: A Cruel Homeland Security Quota*, N.Y. Daily News (Jan. 19, 2014).

16. Attached as Exhibit N is a true and correct copy of the Editorial, *Detention Must Be Paid*, N.Y. Times (Jan. 20, 2014).

17. Attached as Exhibit O is a true and correct copy of two January 24, 2014 Letters from Advocates Regarding the Detention Bed Quota to President Barack Obama and Congress.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 11, 2014

A handwritten signature in black ink, appearing to read "G-Schwarz". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke extending to the right.

Ghita Schwarz