

EXHIBIT 9

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 4:19-cv-00872-HSG

SIERRA CLUB, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 4:19-cv-00892-HSG

SECOND DECLARATION OF MILLARD F. LEMASTER

I, Millard F. LeMaster, declare as follows:

1. I am the Deputy Chief, United States Border Patrol Strategic Planning and Analysis Directorate (SPAD), U.S. Customs and Border Protection (CBP), an agency of the

Department of Homeland Security. I have held this position since February 2018. Over the course of my career I have served in multiple roles within the United States Border Patrol (USBP). I entered on duty with USBP in 2000. In that time I have served as a frontline Border Patrol Agent for five years, a Supervisory Border Patrol Agent for two different USBP Stations over the course of four years, and a second line supervisor in the field (Field Operations Supervisor, Watch Commander, and Deputy Patrol Agent In Charge) for two years until promotion to USBP Headquarters. Over the course of more than five years at the headquarters level I have served as an Assistant Chief, Associate Chief, and finally as the Deputy Chief for SPAD.

2. In my current position I am personally aware of the fiscal year 2018 drug apprehensions for the USBP, including drug seizures in the USBP's Tucson Sector (Tucson Sector). In addition, in my current position I am personally aware of the fiscal year 2019 year-to-date drug seizures for the USBP's Tucson and El Centro Sectors.
3. The statements in this declaration are based on my personal knowledge and information that I have received in my official capacity.
4. On February 25, 2019, the Department of Homeland Security (DHS) submitted a Request for Assistance (RFA) to the Department of Defense pursuant to 10 U.S.C. § 284.
5. As part of the RFA, DHS set forth drug seizure numbers for fiscal year 2018 for various Border Patrol Sectors, including the Tucson Sector.
6. The RFA understated the amount of marijuana, cocaine, and heroin seized in the Tucson Sector in fiscal year 2018. Specifically, the RFA stated that the Border Patrol seized over 1,600 pounds of marijuana in the Tucson Sector in fiscal year 2018, however, the actual amount is over 134,000 pounds of marijuana. With respect to cocaine, the RFA stated

that the Border Patrol seized over 52 pounds of cocaine in the Tucson Sector in fiscal year 2018, however, the actual amount is 62 pounds of cocaine. Finally, with respect to heroin, the RFA stated that the Border Patrol seized over 48 pounds of heroin, however, the actual amount is over 91 pounds of heroin.

7. Year-to-date in fiscal year 2019, there have been 944 drug events between border crossings in the Tucson Sector, through which USBP has seized over 44,000 pounds of marijuana, over 82 pounds of cocaine, over 800 ounces of heroin, over 2,300 pounds of methamphetamine, and over two pounds of fentanyl.
8. Year-to-date in fiscal year 2019, there have been 107 drug events between border crossings in the El Centro Sector, through which USBP has seized over 117 pounds of marijuana, over 15 pounds of cocaine, over 500 ounces of heroin, over 1,200 pounds of methamphetamine, and over 30 pounds of fentanyl.

This declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge.

Executed on this 19th day of June, 2019.



Millard F. LeMaster
Deputy Chief
Strategic Planning and Analysis Directorate
United States Border Patrol