

# Exhibit 1

EXHIBITS, DEFENDANTS' RESPONSE IN OPPOSITION TO  
PLAINTIFFS; MOTION FOR EXPEDITED DISCOVERY  
CASE NO. 2:18-CV-00939-MJP  
*State of Washington, et al. v. United States, et al.,*

U.S. DEPARTMENT OF JUSTICE  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**STATE OF WASHINGTON, et al.,** )  
 )  
 **Plaintiffs,** )  
 )  
 **v.** )  
 )  
 **THE UNITED STATES OF AMERICA;** )  
 **DONALD TRUMP, in his official capacity)**  
 **as President of the United States of** )  
 **America, et al.,** )  
 )  
 **Defendants.** )  
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**Case No.: 2:18-cv-00939-MJP**

**DECLARATION OF JONATHAN  
WHITE**

I, Jonathan White, for my declaration pursuant to 28 U.S.C. § 1746, hereby state and depose as follows, based on my personal knowledge and information provided to me in the course of my official duties:

1. I am a career officer in the United States Public Health Service Commissioned Corps and have served in the Department of Health & Human Services in three Administrations. I am presently assigned to the Office of the Assistant Secretary for Preparedness and Response, and previously served as the Deputy Director of the Office of Refugee Resettlement for the Unaccompanied Alien Children’s Program. I serve as the Federal Health Coordinating Official managing the HHS reunification mission for separated UAC.

2. I have been involved directly in the actions which HHS has taken to implement Executive Order (EO) 13841 (“Affording Congress an Opportunity to Address Family Separation”) and comply with the orders in *Ms. L., et al., v. U.S. Immigration and Customs Enforcement, et al.*, Case No. 18-cv-428 (S.D.Cal.).

3. President Trump issued EO 13841 on June 20, 2018, and the Court issued its orders on June 26, 2018. On June 22, 2018, the Secretary of Health and Human Services directed ASPR to deploy personnel and resources to help the Office of Refugee Resettlement (ORR) of the Administration for Children and Families (ACF) of HHS with its mission and expeditiously discharge children to appropriate sponsors.

4. HHS has been working closely with U.S. Department of Homeland Security (“DHS”)—including U.S. Customs and Border Protection (“CBP”) and U.S. Immigration and Customs Enforcement (“ICE”)—to try to determine all individuals who meet the Court’s criteria for class members. The determination of class membership involves real-time, inter-agency collection and analysis of facts and data to: verify parentage; assess immigration history; determine parental fitness; and evaluate whether reunification would present a danger to the child. Class membership is not static; it can change due to transfers of putative parents from ICE to the Bureau of Prisons (“BOP”) (or vice-versa), and newly-acquired information.

5. After the Secretary’s June 22, 2018 order, ASPR activated an Incident Management Team. As of July 3, 2018, the Incident Management Team had 33 members. The Team works full-time to provide logistical and administrative support (including the intensive data work required to determine class membership).

6. ASPR has also dispatched approximately 115 personnel to the field to engage directly with putative class members in DHS custody. Those personnel—who are organized into four field teams—are from ACF, ASPR, the US Public Health Service Commissioned Corps, and the National Disaster Medical System’s Disaster Medical Assistance Team (DMAT). The DMAT is a cadre of trained health and medical professionals and para-professionals that augments ASPR’s capabilities during public emergencies.

7. Finally, HHS has executed a contract with BCFS Health and Human Services, Inc., to provide an additional 100 reunification case managers, plus approximately 40 staff for logistical and administrative support. HHS has trained the case managers from BCFS, and is deploying them on Thursday, July 5, and Friday, July 6, 2018, to augment existing field operations. They too will engage directly with putative class members in ICE custody.

8. All such staff work directly with the Secretary's Operations Center to work to accomplish family reunification under the Court's order.

9. Staff have been working around-the-clock, including through the night and on weekends to reconcile data, verify parent-child relationships, and accomplish reunification in accordance with the Court's order.

10. Should HHS be required to respond to expedited discovery in this case, the very same staff working on family reunification in order to comply with the injunction issued by another federal court in California would be required to spend time gathering data to provide answers to the questions being presented, or to gather documents.

11. For example, I understand that the expedited discovery request requires the number of "separated children,"<sup>1</sup> placed by ORR in each of the Plaintiff states from January 1, 2018 to present, by month and facility (or for individual sponsor placements, county).

12. I also understand that the request asks for individualized data on a child-by-child basis, including current location, contact information, location of parents, plans for reunification, and circumstances and progress made for such reunification.

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<sup>1</sup> "Separated Child" or "Separated Children," is defined in the plaintiff request as "any child under the age of 18 who was traveling with an adult family member, who entered the United States along the Southwestern border in the company of such family member, and who the Department of Homeland Security (DHS) or any other Defendant separated from their family member thereafter."

13. These are not the only requests. There are also requests regarding fingerprinting to reunify separated children, payment for flights, paperwork required; in some cases, on a case-by-case basis.

14. Gathering such individualized data, such as how often each and every “separated child” has been in telephone contact with parents, would require interviewing case managers at each of ORR’s 100 plus grantee shelters to determine where in the process each separated child might be.

15. HHS currently estimates that there is an upper bound of 3,000 children for whom identification and reunification efforts might be made, and the *Ms. L.* court order requires a 30-day limit from June 26, 2018 to ensure such reunification.

16. Part of this reunification effort is ensuring that HHS and the Department of Homeland Security are able to match data sets to match parents and children, track the location of each party, ensure the parent-child relationship to guard against trafficking or smuggling, and to ensure the children are safe and secure and protected from those who might seek to victimize them, should reunification occur.

17. Our staff has been working diligently to locate each and every separated child, including those who may have been separated prior to announcement of the “zero tolerance policy.”

18. Further, creating additional data, such as data sets per month, per facility, cannot occur by just the “push of a button.” Rather, staff would be required to consult multiple data sets, all in different formats to manually pull data from each set, organize, and then reconcile appropriately. In some cases, staff would have to download documents, one-by-one from a UAC portal, which would result in multiple hours of downloading and then analyzing documents. I

would need to require staff to stop working on data to reunify parents and children, in order to start working on these expedited discovery analyses; thus potentially jeopardizing compliance with the *Ms. L.* order and delaying reunification.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
July 9, 2018.

  
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Jonathan White