

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

PARS EQUALITY CENTER, ET AL.,  
Plaintiffs, CA No. 17-255  
Washington, DC  
April 18, 2017  
vs. 2:00 P.M.  
DONALD J. TRUMP, ET AL.,  
Defendants.

TRANSCRIPT OF MOTIONS HEARING  
BEFORE THE HONORABLE TANYA S. CHUTKAN  
UNITED STATES DISTRICT JUDGE

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PROCEEDINGS

1  
2 COURTROOM DEPUTY: Your Honor, we have Civil Action  
3 17-255, Pars Equality Center, et al. versus Donald J. Trump,  
4 et al. I'd ask that lead counsel from both tables please  
5 approach the lecturn, identify yourselves and those at your  
6 respective tables, please, starting with the plaintiff.  
7 MR. MEHRI: Good afternoon, Your Honor. My name is  
8 Cyrus Mehri at Mehri & Skalet. Two attorneys from my office  
9 are here today, Amelia Friedman, who is in the back, and  
10 Joanna Wasik, who's at the table with me. Our Of Counsel,  
11 Retired Federal Judge U.W. Clemon had a minor medical issue,  
12 so he's on a doctor's travel ban, but hopefully he will be  
13 here on Friday, if all works out.  
14 THE COURT: Sorry to hear that. I hope he makes a  
15 speedy recovery. He's tough, so he probably will.  
16 MR. MEHRI: That's what we're hoping. I want to  
17 introduce my co-lead counsel, John Friedman, who is at the  
18 table with me. He's at Arnold & Porter Kaye Scholer, and  
19 they've devoted tremendous resources and many of their  
20 attorneys are here in the courtroom. And John Greenbaum, of  
21 the Lawyers' Committee for Civil Rights Under Law, and also  
22 some of his colleagues are here as well.  
23 THE COURT: All right. Good afternoon.  
24 MR. MEHRI: I'm sorry. Sonia Tabriz, who is at  
25 Arnold & Porter Kaye Scholer is also at the table.

1 THE COURT: Good afternoon.  
 2 MR. SCHWEI: Good afternoon, Your Honor. My name  
 3 is Daniel Schwei from the Department of Justice on behalf of  
 4 the United States. Joining me at counsel table is Brad  
 5 Rosenberg, also from the Department of Justice. John Tyler  
 6 from the Department of Justice. And Chad Readler, the Acting  
 7 Assistant Attorney General for the Department of Justice's  
 8 Civil Division, who will be entering an appearance in this  
 9 case as soon as he receives his ECF credentials.  
 10 THE COURT: All right. Good afternoon, everyone.  
 11 Let me just ask counsel who will be handling the testimony.  
 12 How long do you estimate total? Obviously, it's hard to know  
 13 how long you're going to be cross-examining for, but how long  
 14 do you estimate total for the testimony today?  
 15 MR. MEHRI: Your Honor, I would expect each of the  
 16 two witnesses that we're going to call today would be about  
 17 25 minutes on direct. What happens after that, it's hard to  
 18 tell.  
 19 THE COURT: All right. I think that's within my  
 20 framework. That's fine. Okay.  
 21 MR. MEHRI: Okay.  
 22 THE COURT: Are either side going to invoke the  
 23 rule on witnesses?  
 24 MR. MEHRI: I'm sorry, Your Honor.  
 25 THE COURT: Actually, is the Government going to

1 invoke the rule on witnesses?  
 2 MR. SCHWEI: Yes, Your Honor, we would like to.  
 3 THE COURT: Counsel, are your witnesses here in the  
 4 courtroom?  
 5 MR. MEHRI: Yes. We'll ask our second witness to  
 6 leave.  
 7 THE COURT: Yes. Thank you.  
 8 MR. MEHRI: Dr. Austin, do you mind?  
 9 THE COURT: Once the first witness has testified,  
 10 she can remain in the courtroom, or he can remain in the  
 11 courtroom -- he.  
 12 MR. MEHRI: Your Honor, I had one other  
 13 housekeeping matter.  
 14 THE COURT: Yes.  
 15 MR. MEHRI: There's a high school class on civil  
 16 liberties and civil rights at Maret High School, and they were  
 17 planning to bring a class in here, but they are not here yet.  
 18 So it's up to you whether you think they should sit in the  
 19 front row or go to Room 7.  
 20 THE COURT: It's really up to the Court Security  
 21 Officers. I happen to be well-acquainted with at least one  
 22 Maret senior, so I'm happy to have them come in, but I don't  
 23 want to disrupt the proceedings. Since it is 10 after 2:00,  
 24 we probably should have them -- unless there's a break, we  
 25 probably should have them in the overflow room. All right.

1 Thank you.  
 2 MR. MEHRI: Okay.  
 3 THE COURT: Why don't you call your first witness.  
 4 MR. MEHRI: Well, thank you, Your Honor, for  
 5 holding the hearing this afternoon. Our first witness is  
 6 Babak Yousefzadeh, who is the President of the Iranian  
 7 American Bar Association.  
 8 Thereupon,  
 9 BABAK YOUSEFZADEH,  
 10 the witness, having been first duly sworn, was examined and  
 11 testified as follows:  
 12 DIRECT EXAMINATION  
 13 BY MR. MEHRI:  
 14 Q. Good afternoon. Can you state your name and address  
 15 for the record, please.  
 16 A. Of course. Babak Yousefzadeh. My work address is 4  
 17 Embarcadero Center, 17th Floor, San Francisco, California  
 18 94111. My home address is --  
 19 THE COURT: We don't need your home.  
 20 THE WITNESS: Okay.  
 21 BY MR. MEHRI:  
 22 Q. Can you spell your last name for the record.  
 23 A. Y-O-U-S-E-F-Z-A-D-E-H.  
 24 Q. Can you briefly describe your education, starting with  
 25 college?

1 A. Yes. I attended the University of California at Davis.  
 2 I got a Bachelor's degree in comparative literature and a  
 3 minor in German, followed by a J.D. from the University of  
 4 San Francisco School of Law, and subsequently by an LL.M. at  
 5 NYU in 2010.  
 6 Q. And can you describe where you work and what your job  
 7 duties are generally?  
 8 A. Sure. I'm a partner at Sheppard Mullin,  
 9 Richter & Hampton in the labor and employment practice group.  
 10 My practice consists of representing individual and corporate  
 11 employers in employment matters, be it litigation or advice of  
 12 counsel. In addition to my duties as a partner, I'm also in  
 13 charge of the recruiting committee for the San Francisco  
 14 office. I help lead the diversity initiative for the office,  
 15 and I'm also in charge of training associates for the practice  
 16 group nationwide.  
 17 Q. Have you received any awards recently?  
 18 A. Yes, I recently received an award from the Bay Area  
 19 Minority Bar Coalition for leadership and diversity  
 20 activities.  
 21 Q. What is IABA?  
 22 A. The Iranian American Bar Association is the only  
 23 national legal entity of legal professionals representing the  
 24 Iranian-American community. We have -- we have a national  
 25 board consisting of the officers of president and board

1 members, including representatives from each of our chapters,  
2 as well as at large board members. And then we also have a  
3 system of local chapters that all have their own board members  
4 as well as their own officers.

5 Q. How many chapters are there around the country?

6 A. At this time we have eight chapters.

7 Q. Is it a not-for-profit?

8 A. Yes. We are a non-for-profit entity and it is an all  
9 volunteer entity as well.

10 Q. How would you describe the mission of IABA?

11 A. I would say that the mission of IABA has three  
12 components. One, as a minority bar association we seek to  
13 foster and promote the legal profession for Iranian-Americans.  
14 So as part of that we seek to encourage students to go to law  
15 school in the first place by offering scholarships through out  
16 foundation. We seek the offer mentorship to the students.  
17 We seek to offer mentorship to young associates in order to  
18 help them in their practices.

19 And in addition to promoting success in private  
20 practice, we try to promote civic life as well as public  
21 service as well. And we seek to, as well, promote the  
22 judiciary among the Iranian-American community, so we often  
23 take applications and endorse, after a fairly good vetting  
24 process, endorse applicants of Iranian-American descent for  
25 the judiciary. So I would say that's sort of the first prong

1 of what I would consider our mission state.

2 The second part of it I would consider as  
3 educating the Iranian-American community, as well as the  
4 American community at large, regarding issues of legal  
5 interests that affect our community and the public at large,  
6 as well as engaging local and national representatives for  
7 that purpose.

8 And then I would say that the third prong of our  
9 mission statement involves protecting and advancing the legal  
10 rights of the Iranian-American community, including  
11 Constitutional rights, the Bill of Rights, as well as any  
12 issues of discrimination or civil rights or diversity that  
13 arise from the community.

14 Q. When did you become President of IABA?

15 A. I became President approximately two and a half years  
16 ago. So this is my third and likely final term.

17 Q. What are your duties as President of IABA?

18 A. Well, I suppose, like the president of any other large  
19 organization, I'm in charge as a primary officer, in charge of  
20 the day-to-day runnings of the national entity. I work with  
21 our board nationally to set -- well, the work and build our  
22 infrastructure nationally, and to set policies nationally.  
23 And then I coordinate those policies with local chapters, who  
24 in addition to the policies that national sets, have their own  
25 policies and have their own interests on a local level. And

1 my job then is to coordinate those efforts as well.

2 Q. And what motivated you to become the President of IABA?

3 A. Well, I'd probably say that the primary motivation has  
4 to do with the incidents of my childhood. My family had to  
5 leave Iran when we were quite young because of my parents, and  
6 primarily my father's activities. They were quite ordinary  
7 people, an accountant and a teacher, but my father was very  
8 politically active at the time in opposition to the Shah  
9 because they were fighting for democratic changes. But,  
10 subsequently, also after the revolution, fighting for  
11 democratic changes.

12 But in the turmoil in the years following the  
13 revolution, it turned out that the political circles that my  
14 father was in were under severe threat, and we ultimately  
15 ended up leaving the country through Switzerland where we  
16 applied for political asylum in Germany. And after awhile,  
17 applied for asylum here in the United States. And  
18 approximately a year and a half later we were welcomed as  
19 refugees in the United States in 1986.

20 And that experience, at least, sort of left me  
21 with a life-long lesson about the effects that a government  
22 and its laws can have on a society. So I ended up carrying  
23 that life lesson forward with me, and that's why I was active  
24 with the Iranian-American community through student  
25 organizations in college and in law school.

1 And when I became a lawyer, I felt obligated that  
2 I should give something back to the community with my law  
3 degree. And, again, given the unique nature of the Iranian  
4 American Bar Association, serving Iranians and the Iranian  
5 professional community nationwide, I got involved with IABA,  
6 first as a member, and as I gained more experiences with them  
7 and found out that it was such a worthy organization, I ended  
8 up joining the leadership at a local level in Northern  
9 California, and subsequently the national level.

10 Q. So I wanted to ask you about the time period between  
11 the time you became President of IABA and January 26, 2017,  
12 which is the day before the travel ban was announced.

13 How would you describe what the priorities were  
14 for IABA during that time period?

15 A. Sure. Well, IABA is a relatively young organization,  
16 especially as compared to our peers. We have an active  
17 membership across the country. But there's a lot of work to  
18 be done in terms of the infrastructure of our organization as  
19 well as the services that we'd like to provide, not just to  
20 the professional individual -- the legal professionals that  
21 are members, but also the community at large.

22 So I would say for the first two years we focused  
23 more on the infrastructure in terms of the basic things,  
24 getting your website up and running and figuring out what kind  
25 of services you can provide, and of course, being available

1 when issues arose from the community so that we could respond  
2 to them. So that's what we did about for the first two years  
3 of my presidency.

4 Q. During this time period, how much time did IABA spend  
5 on immigration or visa-type of issues?

6 A. I would say it was a rather infrequent incidence.  
7 Immigration issues came up maybe five, maybe 10 percent of the  
8 time, largely as a result of actions of private entities like  
9 corporations or companies. So while the issue did come up, it  
10 was, I would say, infrequent.

11 Q. So entering 2017, what were the priorities and game  
12 plan for IABA at that time period?

13 A. Well, in January of 2017 I was hoping to leave a more  
14 permanent infrastructure in place by the end of the year, by  
15 the time that I was going to -- hopefully the end of my third  
16 and final term. So we had put in a plan, effectively, to  
17 create permanent subcommittees for the national board that  
18 would each address different areas of infrastructure for IABA,  
19 including subcommittees on social media and website and  
20 fundraising and many other areas.

21 So the plan was that the subcommittees had been  
22 created and we would create yearlong plans that would be  
23 developed and implemented over the course of the year, and  
24 then forwarded on to the next board as they joined.

25 Q. Sir, I just want to clarify a couple aspects about your

1 testimony. Are you testifying today in your capacity as  
2 President of IABA?

3 A. Yes. I am testifying solely in my capacity as the  
4 President of IABA, and based solely on the experiences and  
5 efforts of the organization. Obviously, I don't speak for all  
6 Iranian-Americans and certainly don't speak for Sheppard  
7 Mullin, for the record.

8 Q. And the second point of clarification, I'm going to be  
9 asking you questions from the time period January 27th  
10 forward, and I want to be clear that my questions exclude any  
11 efforts by IABA or yourself regarding this litigation, the  
12 Pars Equality litigation. I want to make sure we have that  
13 understanding.

14 A. Understood. I'll exclude those efforts.

15 Q. And in your answers you'll exclude those efforts?

16 A. Yes, absolutely.

17 Q. So can you describe what happened on  
18 January 27th, 2017?

19 A. Yes, I was --

20 MR. SCHWEI: Objection, Your Honor. Calls for a  
21 narrative answer.

22 THE COURT: If you're limited to one day --  
23 overruled.

24 THE WITNESS: I was at an annual conference -- an  
25 annual legal conference starting that Friday, but at

1 approximately, you know, 4:00 or 5:00 p.m., I started getting  
2 a flood of e-mails regarding the first version of the travel  
3 ban that had been issued by President Trump. And the e-mails  
4 and the phone calls became so overwhelming that I had to  
5 actually leave the conference and go address the e-mails that  
6 were coming, including reading the language of the travel ban  
7 that we hadn't seen before.

8 The organization, from my perspective, immediately  
9 went into crisis mode. I was getting flooded by e-mails from  
10 board members about what the travel ban meant, what responses  
11 we were going to get from across the country. And so I was  
12 immediately trying to respond to the e-mails. I actually  
13 ended up skipping the next two days of the conference and  
14 dealing specifically with these issues.

15 BY MR. MEHRI:

16 Q. So from the time period of January 27th to March 6th,  
17 I'm going to ask you some questions. What systems did you put  
18 in place as President of the IABA?

19 MR. SCHWEI: Objection.

20 THE COURT: Regarding what?

21 MR. MEHRI: Regarding responding to the travel ban.

22 MR. SCHWEI: Objection, Your Honor. Vague as to  
23 systems, and we would also object to the phrase "travel ban"  
24 as vague and misleading.

25 THE COURT: Your objection is overruled as to the

1 vagueness. You can call it the Executive Order. Although, I  
2 would note, it's been called travel ban by some of the people  
3 who drafted it.

4 MR. MEHRI: Your Honor, I want to make sure I  
5 understand your ruling. I prefer to use the word travel ban.  
6 If you want us to use Executive Order, that's fine. That's a  
7 common use of --

8 THE COURT: Is your objection on the ground that  
9 it's pejorative or it's imprecise?

10 MR. SCHWEI: Your Honor, it characterizes the legal  
11 effect of an Executive Order, which speaks for itself in terms  
12 of what it does.

13 THE COURT: Let's just call it the Executive Order  
14 for purposes of the record.

15 MR. MEHRI: Okay. You can call it the First  
16 Executive Order or the Second Executive Order.

17 BY MR. MEHRI:

18 Q. I'm talking about the time period under the First  
19 Executive Order. What action items did you take as President  
20 of IABA?

21 A. Well, let me first start by saying, I would love to say  
22 that we immediately went into a planned response, but I would  
23 have to say that there was a great deal of chaos that Friday  
24 night and that Saturday. So the protocols that we put into  
25 place sort of developed over the course of a couple of days.

1 But one of the first things that we did the Saturday after was  
2 to try and put together a questionnaire or a document that  
3 could be distributed as widely as possible, so as to gather  
4 information by individuals that were going to be affected.

5 The Executive Order was placed -- was issued  
6 really without any coordination and without any notice. We  
7 knew that there were people en route to the United States when  
8 it was issued. And, quite frankly, we didn't know who all of  
9 those people were. So one of the first concerns that we had  
10 was to just gather information about who was going to be  
11 affected and who was going to be detained at airports, and try  
12 to offer some level of assistance to those individuals.

13 At the same time, there were teams from many of  
14 our chapters, including our very active chapter here in D.C.,  
15 that were going out to the airports. Again, for one, to  
16 collect information on individuals that were there; and, two,  
17 to see if they could offer some form of assistance. So over  
18 the next couple of days, the protocols that were placed in  
19 place were in essence to try and use some documentation to  
20 collect information, and that documentation then had to be  
21 shared with affiliate minority bars and other organizations in  
22 order to spread its reach, and collect that kind of  
23 information. And then to create teams that, one, were going  
24 out to airports trying to collect information and to assist  
25 people at the airports, and at the same time, teams that were

1 going to be able to take inquiries, respond to individuals  
2 that needed assistance, and then be able to refer individuals  
3 if that assistance got beyond a certain basic level so that  
4 there would be immigration attorneys helping them.

5 Then all that information was supposed to filter  
6 back up to the national board, in this particular case,  
7 myself, so that we can try to make sure that we're  
8 coordinating a consistent national response.

9 Q. Was there anybody else you know in the country who was  
10 in a similar position to gather information?

11 A. To my knowledge, no. I don't know if there were or  
12 not, but I'm not aware of any. In part, that's because the  
13 travel ban particularly affected -- disproportionately  
14 affected Iranian-Americans. Based on our experience, we could  
15 see that the individuals at airports were overwhelmingly  
16 Iranian or Iranian-Americans.

17 So the Iranian-American organizations were sort  
18 of on the front line, and given that this was a legal issue,  
19 the Iranian-American Bar Association, in particular, was on  
20 the front line. And I was in the fortunate position of being  
21 able to get the information from all of our chapters filtered  
22 up, and so I was in a unique position of seeing an overview of  
23 what was happening across the country.

24 Q. And how many reports, approximately, did you gather  
25 or -- I'll start from January 27th to the present,

1 approximately how many reports have kind of gathered up to you  
2 as President of IABA?

3 A. Many hundreds. We've received at least 400 from our  
4 D.C. chapter. We've received a hundred or more from our  
5 Northern California chapter, forwards of 40 from our LA  
6 chapter. And these are the more formal ones. We've received  
7 reports through phone calls, through town halls, that were not  
8 documented. And we've also received reports that involved  
9 numerous people. For example, we received one e-mail that  
10 involved 110 people that were stuck in Iran and they couldn't  
11 use their visas to come.

12 So I don't have a precise number for you. I  
13 would say probably, if I had to estimate, over 1,000 in terms  
14 of all the reports, formal reports, there were fewer.

15 MR. SCHWEI: I ask to use the microphone.

16 THE COURT: You may approach. We have an overflow  
17 room and for the court reporter, please approach the podium.

18 MR. SCHWEI: With respect to the witness's answer,  
19 Your Honor, we object to the underlying content of the reports  
20 being admitted because that would be hearsay evidence.

21 THE COURT: Well, we're taking testimony here on a  
22 preliminary injunction. I don't think it's being -- I'm  
23 not -- I don't think the testimony is being offered for the  
24 truth of the matter asserted. We're going to issues of  
25 standing and injury, so I'm not taking the testimony in that

1 way, but I will sustain your objection and caution you to  
2 just -- What did you do? What did you see?

3 MR. SCHWEI: Thank you, Your Honor.

4 THE COURT: Questions.

5 MR. MEHRI: Your Honor, we were operating very much  
6 in the spirit that you articulated.

7 THE COURT: All right.

8 BY MR. MEHRI:

9 Q. Can you give us just three examples of what you learned  
10 from these reports during this time period? And, again, I'm  
11 talking about the January 27th to March 6th time period.

12 A. There were a lot of reports flowing in that I really  
13 could not believe. I'll just give you a few examples. There  
14 was a relative of one of our --

15 THE COURT: Again, let me just interject. I'm not  
16 taking this information for the truth of the matter asserted.  
17 I'm taking it as he's a representative of the organization and  
18 for the effect that the information has had on him.

19 MR. SCHWEI: Thank you, Your Honor.

20 THE WITNESS: The relatives of our D.C. chapter  
21 president -- for example, she was a 70-year-old woman who was  
22 arriving for the first time on a Green Card. She was detained  
23 in Dallas airport for essentially over a day, and she was not  
24 permitted into the country. And as we later found out, she  
25 was held by Customs and Border Patrol, even for 12 or 14 hours

1 after a New York court issued her release.

2 There was a five-year-old U.S. citizen, another  
3 relative of one of our D.C. chapter board members, who was  
4 flying into Dulles, and in fact, Senator Van Hollen had called  
5 in advance to advise CBP that this child was a U.S. citizen  
6 and was coming into the country, and that he was to be let  
7 through. He was also detained at the time airport for six  
8 hours, even though they knew that his mother was 200 yards  
9 away waiting for him.

10 There was another incident in Los Angeles.

11 THE COURT: Let me interrupt you. These incidents  
12 are prior to the Second Executive Order and after the first?

13 MR. MEHRI: Yes. Right.

14 THE COURT: So since we're really dealing with the  
15 Second Executive Order, I'm going to ask that you direct your  
16 questions primarily in that.

17 MR. MEHRI: Yeah, we're just about to move into  
18 that. I have one question in this time period because it  
19 carries over to the second time period.

20 THE COURT: All right.

21 BY MR. MEHRI:

22 Q. Sir, do you mind giving us -- you're receiving hundreds  
23 of reports as President of IABA. Were there any systemic  
24 issues that occurred in this time period?

25 MR. SCHWEI: Objection, Your Honor. Vague as to

1 what systemic issues are and to whom.

2 THE COURT: Do you want to rephrase, Mr. Mehri.

3 BY MR. MEHRI:

4 Q. With all these reports coming in to you as President of  
5 IABA, were there any recurring themes, you might say, in the  
6 information that you're receiving?

7 A. Yes, there was. And just so I'm able to shed a little  
8 bit of light, these recurring thoughts that were coming in  
9 ended up sort of becoming context for what the  
10 Iranian-American community perceived as part of -- sort of as  
11 context for the Second Executive Order. So what was largely  
12 perceived is that the order was issued with a complete lack of  
13 clarity as to its scope, and in fact, Customs and Border  
14 Patrol agents often told members that they themselves were  
15 unclear about the effect of the order and its scope.

16 The administration itself seemed to consistently  
17 change its position regarding scope and how it applied. For  
18 example, in four days it went from the fact that it did apply  
19 to permanent residents, to the fact that they didn't know if  
20 it did, and then to the fact that it did not apply to  
21 permanent residents. And there was a sense, I think from  
22 people, that carried through to the second order that the  
23 President was sort of sending a message that Iranians were not  
24 welcome. And that even after we were going to the courts  
25 receiving relief from the courts -- for example, the Eastern

1 District of Virginia issued an order saying that people that  
2 were permanent residents being held at Dulles were entitled to  
3 have legal representation, and CBP basically refused to comply  
4 with the order, saying that's not the instructions we  
5 received.

6 So there was a sense that there was sort of an  
7 instant declaration that these individuals, whether Iranians  
8 or Iranian-Americans were not welcome, and that the  
9 administration was sort of going to administrate it in any way  
10 that it saw fit, change its position radically if it saw fit,  
11 and not really -- not really abide by court orders if it  
12 didn't suit its purposes. That was sort of the theme that was  
13 coming up, and that was sort of what was -- sort of continued  
14 to inform the Iranian-Americans as the second order was  
15 issued.

16 I will say also that there was one other issue  
17 that came up repeatedly that first time, and that was  
18 individuals -- we got numerous reports of individuals being  
19 coerced to voluntarily give up their permanent resident status  
20 by saying that if they didn't sign these forms that they were  
21 going to be held in jail. And so individuals were actually  
22 signing away their permanent resident status to avoid going to  
23 jail, and a lot of courts subsequently ended up overturning  
24 those I-407 forms.

25 Q. So --

1 MR. SCHWEI: Objection, Your Honor. The witness's  
2 testimony is a narrative about his subjective impression of  
3 many hundreds of reports, in his words. Not only is it  
4 hearsay, but it's lacking in foundation.

5 THE COURT: All right. Are you moving to strike?

6 MR. SCHWEI: Yes.

7 THE COURT: The testimony has been given.

8 MR. SCHWEI: Yes.

9 THE COURT: All right. I'm going to deny the  
10 motion to strike. I don't think it's necessarily narrative.  
11 The questions necessarily ask for a sort of cumulative  
12 response. I will allow it, but I caution counsel --  
13 plaintiff's counsel that it's not as helpful to the Court,  
14 this witness's sort of opinions and thoughts about what was  
15 going on. I'm really interested in what his reports were,  
16 what his surveys were revealing, that sort of information. So  
17 I will deny the motion to strike.

18 MR. MEHRI: Thank you, Your Honor.

19 BY MR. MEHRI:

20 Q. Now, let's directly address what the Court just asked.  
21 For the time period March 6th forward, in terms of the  
22 reports, the gathering information surveys, can you address  
23 that question? March 6th forward.

24 THE COURT: What's the question?

25

1 MR. MEHRI: Oh, I wanted to -- let me rephrase it  
2 then.

3 THE COURT: Yeah.

4 BY MR. MEHRI:

5 Q. Let's focus on the time period March 6th to the  
6 present.

7 A. Okay.

8 Q. And you were -- and I want you to share with the Court  
9 the information you were continuing to gather and recurring  
10 themes were coming forward during that time period.

11 THE COURT: The information he was receiving  
12 regarding what specifically?

13 MR. MEHRI: The immigration issues that happened  
14 after the travel ban two was announced.

15 THE COURT: And the recurring problems that were  
16 coming to his attention.

17 MR. MEHRI: Yeah, as President of IABA.

18 THE COURT: Okay.

19 THE WITNESS: Well, on the issuance of the Second  
20 Executive Order there was another spike and flood of inquiries  
21 to IABA. A lot of them concerned the lack of clarity  
22 surrounding, again, the second order and its scope, its  
23 application, and in particular, regarding the application and  
24 guidance surrounding the waiver provisions that were in that  
25 second order.

1 So, for example, that second order purported not to  
2 apply directly to the travel. For example, permanent  
3 residents or individuals with visas at the date that it was  
4 issued -- but if somebody wanted to, for example, visit. If a  
5 mother wanted to visit a U.S. citizen, she would have to apply  
6 for a waiver and the waiver provisions sort of required that  
7 an individual be able to show three things.

8 Be able to show that they were not a threat to the  
9 United States. That there would be an undue hardship in the  
10 lack of a waiver. And that it would be in the U.S. national  
11 interest to grant that waiver. So there were a series of  
12 questions that were directed at IABA, and that really made it  
13 very difficult for us to counsel individuals on.

14 For example, we had no idea how to counsel a mother  
15 who wanted to attend a daughter's wedding who was a permanent  
16 resident or a U.S. citizen, how her attendance at the wedding  
17 was in the national interest of the United States. Or how a  
18 father who wanted to see a child or a grandfather who wanted  
19 to see a grandchild, how that would be in the national  
20 interest of the United States. We also didn't know who would  
21 be making those judgments. We don't know who would -- what  
22 kind of information had to be provided.

23 So we really had extreme difficulties trying to  
24 counsel individuals, and these questions were rampant at the  
25 time. There were a series of questions also about individuals

1 who had visas that were interested in leaving the country, and  
2 there was very little guidance on that as well. And so we did  
3 see, like I said, an inordinate amount of questions regarding  
4 the applicability and the guidance and the standards  
5 surrounding the new order, as well as its application.

6 BY MR. MEHRI:

7 Q. Can you give us two or three examples of what kind of  
8 ongoing harm that happened to individuals that were reported  
9 up to you as President of IABA?

10 A. Yes. So one of the primary effects of the Second  
11 Executive Order was its direct bearing on individuals who had  
12 visa applications pending. So there were individuals who had  
13 gone through the process, had submitted documentation, had  
14 gotten an interview scheduled. But then the interview was  
15 canceled as a result of the Second Executive Order and then  
16 never rescheduled.

17 So that we have examples of individuals, there  
18 was one individual from LA, who was a U.S. citizen, was  
19 pregnant, married, her husband was in Iran. His visa  
20 interview was canceled and despite numerous efforts was never  
21 rescheduled. And that individual ended up missing the birth  
22 of his own son.

23 There was the reverse of that situation in New  
24 York. There was a gentleman who had a fiance in Iran who was  
25 pregnant, their interview, again, was canceled, has not been

1 rescheduled, despite their best efforts. And there is a  
2 serious concern that it will not be in time for them to attend  
3 their -- for the fiance to join by the time of her birth.

4 And I don't want to belabor the point, but there  
5 are numerous other examples along the same lines of  
6 individuals who had visa interviews or were far enough in the  
7 visa process that were canceled, never rescheduled. In some  
8 instances they have been rescheduled, and these individuals  
9 report being stuck in what is called administrative processes  
10 for extended periods of time with no answer from authorities  
11 regarding when the process might finish or when they can  
12 expect a result.

13 And there were also a couple of reports of  
14 individuals who had interviews and were summarily dismissed at  
15 the interview, being told, for example, that you don't qualify  
16 without the interview or even looking at the documents that  
17 were requested to be brought to the interviews.

18 Q. So based on your position as President of IABA and the  
19 reporting structure that you have been testifying to, how  
20 would you describe the impact that both Executive Orders have  
21 had on the Iranian-American community?

22 MR. SCHWEI: Objection. Objection, Your Honor,  
23 it's a compound question because it relates to both of the  
24 Executive Orders. It's also calling for a narrative response,  
25 asking the witness to describe impacts generally.

1 THE COURT: Well, the witness is testifying as a  
2 president of an organization, so he's allowed to testify as to  
3 the effect a specific order has had on his organization's  
4 members. But I would ask you to limit your question to the  
5 Second Executive Order since that's what we're challenging  
6 today -- unless you can tell me why --

7 MR. MEHRI: May I speak to that. This is a  
8 continuous conduct that has happened from the day this was  
9 announced, the first time on January 27th --

10 THE COURT: Right.

11 MR. MEHRI: And then March 6th is a new one comes  
12 in, it gets enjoined on March 15th, and the impact on the  
13 Iranian-American community has been continuous.

14 THE COURT: I understand.

15 MR. MEHRI: I broke it down into certain time  
16 periods for the prior testimony, but for the overall impact on  
17 the Iranian-American community that he's uniquely able to  
18 testify to --

19 THE COURT: Well, I've heard a fair amount of  
20 testimony starting with the First Executive Order, and I'm  
21 certainly aware that it's been a continuing problem, but the  
22 order here challenging is the second one. So I'd really --  
23 I'd really appreciate if the testimony could focus on the  
24 second order, as far as this question goes. I've heard a fair  
25 amount of testimony with regard to the effects of both orders.

1 MR. MEHRI: Okay.

2 BY MR. MEHRI:

3 Q. With that instruction from the Court, can you describe  
4 the impact, particularly of the Second Executive Order, on the  
5 Iranian-American community sitting in your vantage point as  
6 President of IABA?

7 A. Well, based on interactions that we've had with  
8 numerous people that have come to us, there have been sort of  
9 the legal impacts that I've already discussed about the  
10 interview process as being disrupted. There have been other  
11 processes disrupted, for example, students. We've received  
12 concerns from faculty at schools about students not being  
13 accepted because there's sort of this confusion about their  
14 status about the possibility of attendance.

15 We've received reports of difficulties from  
16 medical students attempting to match with schools for the same  
17 reasons. So there's sort of an ongoing difficulty that exists  
18 for legal status, especially as it deals with individuals on  
19 temporary visas, like work visas or school or education visas,  
20 and particular individuals who have expended inordinate  
21 resources to like sell everything they have owned to come here  
22 and pay for school, and then what the consequences are if the  
23 schools don't renew based on the complications from the Second  
24 Executive Order.

25 I would also say there's a fair amount of

1 reporting coming to us about sort of a certain level of fear  
2 and anxiety from individuals affected by both the first and  
3 the second, but I'll limit myself to the Second Executive  
4 Order.

5 Like the individuals who had their relatives  
6 stuck abroad and they can't reunite parents, families,  
7 spouses, there is certainly constant reporting that there's  
8 fear and anxiety about when that reunification may take place.  
9 There's been a fair amount of reporting about confusion about  
10 when and under what circumstances they might be able to sort  
11 of continue their working relationships, their family  
12 relationships. And I must say, there's been what's almost  
13 uniformly reported up to us is a sense of a stigma that comes  
14 from having this Executive Order.

15 The Executive Order seems to function on the  
16 premise that anybody who is of Iranian national origin is  
17 inherently more dangerous or inherently a terrorist or somehow  
18 inherently potentially a criminal, and that hasn't escaped  
19 individuals -- either Iranians in Iran or Iranian-Americans in  
20 the country, who suddenly perceive themselves as somehow  
21 second class citizens or somehow inherently dangerous to the  
22 system. And I think that has severely impacted the community  
23 and the individuals impacted by that order.

24 MR. SCHWEI: Your Honor, we would move to strike  
25 the witness's response as nonresponsive and irrelevant. It's

1 describing the effects on individuals. The question was about  
2 the effect and the impact on the organization itself.

3 MR. MEHRI: Actually, that wasn't my question. The  
4 question was about the impact on the Iranian-American  
5 community. And he's uniquely positioned to testify about that  
6 because no one else in the country gathered the information  
7 that way he was able to.

8 THE COURT: I'm going to deny the motion to strike.

9 BY MR. MEHRI:

10 Q. Sir, now I want to turn to questions about the impact  
11 on IABA, with particular focus on the Second Executive Order.  
12 Can you describe the impact that the Executive Orders have had  
13 on IABA's organization in terms of their resources?

14 A. Of course. Well, as we discussed -- and I'll sort of  
15 use a little bit of background context -- as we discussed,  
16 there was a plan that was supposed to go into effect in  
17 January of this year. That plan was completely derailed on  
18 January 27th. And I would not be exaggerating to say that  
19 90 to 100 percent of our resources starting January 27th were  
20 spent on dealing with the fall-out of the First Executive  
21 Order.

22 That impact has not changed. I mean, I would say  
23 that we are now expending less, but still about 50 percent, I  
24 would say, of our resources on any given day is being spent on  
25 dealing with even the Second Executive Order. We continue



1 to -- well, first, I must say, before even the Second  
2 Executive Order went into effect, we didn't know it was going  
3 to be stayed on the 16th of March. So on the 6th of March we  
4 spent a great deal of resources, and for the next 10 days,  
5 trying to put up new systems in place that were designed to  
6 deal with the fall-out. So having response teams, again, to  
7 go to airports. Having response teams, again, to coordinate  
8 with other minority bars to field questions coming in, to be  
9 able to refer to individuals to give legal advice.

10 Even after, once the order was enjoined on  
11 March 16th, I believe, or 15th, we still field an inordinate  
12 amount of questions coming in. We have to answer questions,  
13 again, regarding the scope and impact on various kinds of  
14 individuals. We continue to hold town halls, know your rights  
15 presentations. We continue to work with other minority bar  
16 organizations in an effort to alleviate some of the fears in  
17 the community, and educate them about what the impact of this  
18 new Executive Order will be on their lives if it ever goes  
19 into effect.

20 We continue to work on documentation to  
21 distribute to further educate individuals. And so there has  
22 been a continuous draining of our resources going to just this  
23 specific issue, which is clearly preventing us from dealing  
24 with all the other issues that affect our community.

25 Q. So with the particular focus on the Second Executive

1 Order, can you describe how the Executive Orders have  
2 frustrated the mission of IABA?

3 A. Sure. Well, I mean, I think it applies to all three  
4 prongs that I described earlier. The first prong, inasmuch as  
5 it is fostering civic life and the legal profession. I mean,  
6 first of all, I would say that the orders have had a very  
7 chilling effect on Iranian-Americans having any desire to be  
8 involved in American civic life, because of the perception  
9 that they are somehow inherently dangerous criminals.

10 I would say that it has also severely impacted  
11 the fostering of the legal profession in no small part, given  
12 the administration's view of attorneys, and even the judiciary  
13 when it issues poor rulings that it doesn't like, in its own  
14 eyes.

15 The second component of educating the  
16 Iranian-American public and our own members. We're a fairly  
17 diverse group of individuals and we have lots of issues that  
18 impact our lives, and yet, literally the vast majority of our  
19 resources have been drained into educating the public on this  
20 one specific issue. Educating our own members so that they  
21 can go out and educate the Iranian-American community,  
22 educating the Iranian-American community directly at large.  
23 Again, engaging other minority bars. Engaging our local and  
24 our national representatives has been directly impacted by the  
25 second order, as well as the first.

1 And then I would say, finally, the third one is  
2 probably the most obvious, that is, protecting and advancing  
3 the legal rights of the Iranian-American community. Those  
4 rights have been directly impinged by the second order. Even  
5 under the second order a U.S. citizen does not have -- an  
6 American U.S. -- an Iranian-American U.S. citizen does not  
7 have the same rights of having relatives visit them for the  
8 births of their children, for weddings, for other significant  
9 life events like graduations. Whereas, you know, an African  
10 American would enjoy those rights.

11 An Iranian-American U.S. citizen or permanent  
12 resident's rights have been directly impinged by the second  
13 order. And it has taken, again, as I've already discussed at  
14 length, a great deal of resources in order to try to combat  
15 that.

16 Q. What is IABA asking the Court to do in this case?

17 A. Well, there seems to be a lot of fear and anxiety and  
18 confusion about the effects of the status of the law and  
19 effects of the Second Executive Order, and a certain lack of  
20 confidence in the Government, quite frankly, about what the  
21 status of Iranian-Americans and their Iranian relatives are.

22 So I think what would be immensely helpful is the  
23 administration, or the Government in general, submitting to  
24 this Court for its approval, guidelines, explaining the status  
25 of the law, the clarifications on where things stand. And for

1 the Court to approve to be sent to, not only government  
2 officials and consulates and embassies, but also to private  
3 entities like airlines and the public at large. So, one, it  
4 rebuilds the confidence that's been lost; and, secondly, it  
5 provides some clarity for an entity like the Iranian-American  
6 Bar Association so that we can actually give advice to people  
7 that come to us, rather than consistently telling them we'll  
8 have to see how things work out.

9 MR. MEHRI: Thank you, sir. No further questions.

10 THE COURT: Cross-examination. Mr. Schwei, will  
11 you be doing that?

12 MR. SCHWEI: Yes.

13 CROSS-EXAMINATION

14 BY MR. SCHWEI:

15 Q. Good afternoon.

16 A. Good afternoon, sir.

17 Q. Daniel Schwei from the Department of Justice.

18 THE COURT: Schwei -- I'm sorry.

19 MR. SCHWEI: That's all right, Your Honor, it's a  
20 common mistake.

21 BY MR. SCHWEI:

22 Q. Just now you were testifying to the continuous harms  
23 that you believe you've suffered from the Second Executive  
24 Order, is that correct?

25 A. That's correct.

1 MR. MEHRI: Objection. Can you clarify what you  
2 mean by you suffered?

3 MR. SCHWEI: I apologize, I meant --

4 THE COURT: Just a minute. If there's an  
5 objection, I have to rule on it. So just a minute.

6 The question was: Just now you were testifying to  
7 the continuous harm that you believed you've suffered from  
8 these Executive Orders -- this is a rough -- can you tell us  
9 what you mean by what you suffered? Is that your -- you  
10 object to that --

11 MR. MEHRI: I object to the way it's phrased. I'm  
12 objecting to the ambiguity that's in the question with the  
13 word "you".

14 THE COURT: Overruled. You can answer the  
15 question.

16 THE WITNESS: Maybe I'll just address it. By  
17 "you", I assume you mean IABA, not me personally?

18 BY MR. SCHWEI:

19 Q. That's correct. I will use "you" -- I will try to  
20 avoid using "you," but if I fail, I mean, you as in the  
21 President of IABA speaking on behalf of the organization.

22 A. Yes, sir.

23 Q. So you testified, correct, that IABA suffered  
24 continuous harms from the Second Executive Order, is that  
25 correct?

1 A. Yes.

2 Q. And by the word "continuous," does that continue to the  
3 present day?

4 A. Yes, sir. We continue to expend inordinate amounts of  
5 resources on dealing with the fall-outs of the Second  
6 Executive Order, and we believe that it continues to affect  
7 our mission statement.

8 Q. So are you aware that Sections 2 and 6 of the Executive  
9 Order were enjoined nationwide on March 15th, 2017?

10 A. I am aware of that, yes, sir.

11 Q. And your testimony is that, notwithstanding this  
12 nationwide injunction, IABA continues to suffer harms from the  
13 Second Executive Order, correct?

14 A. Yes. Absolutely.

15 Q. Isn't it true that your declaration says that, quote,  
16 the true scope and impact of the March 6th Executive Order are  
17 uncertain, end quote?

18 A. I don't have it in front of me. I'm assuming you're  
19 reading from something. If it's my declaration, then yes.  
20 I don't know, I don't have it in front of me.

21 Q. Would a document refresh your memory?

22 A. It would. Thank you.

23 THE COURT: Has it been marked?

24 MR. SCHWEI: Yes.

25 THE COURT: All right.

1 MR. SCHWEI: May I approach the witness, Your  
2 Honor?

3 THE COURT: Yes, you may.

4 THE WITNESS: Thank you.

5 BY MR. SCHWEI:

6 Q. I've handed you -- or the courtroom clerk has handed  
7 you what is marked as Government's Exhibit A. If I can turn  
8 your attention to Paragraph 33 on Page 12. Isn't it true that  
9 your declaration says that the --

10 THE COURT: Wait. Are you refreshing his  
11 recollection or are you impeaching him, because your question  
12 to him was: Would it refresh his recollection if he were to  
13 look at a copy of his affidavit. Having asked that  
14 foundational question, you need to make sure his recollection  
15 has been refreshed, take the document away, and ask him if he  
16 remembers what he said. What you're doing now is impeachment,  
17 not a refreshment.

18 MR. SCHWEI: Thank you, Your Honor.

19 BY MR. SCHWEI:

20 Q. Does that document refresh your recollection?

21 A. Yes, it does.

22 MR. SCHWEI: May I ask the clerk to remove the  
23 document.

24 THE COURT: If you think you're going to have more  
25 questions on it, he can keep it up there, just close it.

1 THE WITNESS: Yes, ma'am.

2 MR. SCHWEI: Thank you.

3 BY MR. SCHWEI:

4 Q. Isn't it true that your declaration says that, quote,  
5 the true scope and impact of the March 6th Executive Order are  
6 uncertain, end quote?

7 A. Yes, that is correct.

8 Q. Isn't it true that Sections 2 and 6 of the March 6th  
9 Executive Order still have not been implemented as a result of  
10 injunctions issued by other courts?

11 A. Legally speaking, yes, that is correct.

12 Q. If I can turn to speaking to IABA more generally. IABA  
13 itself is a secular organization, correct?

14 A. We are a non-religious organization, that is correct.

15 Q. So, for example, IABA members are not required to be  
16 any particular religion, correct?

17 A. No, they are not. But I would point out that Iranians  
18 are a very diverse group, and our members range from Muslim to  
19 Christian to Zoroastrian, Baha'i and Jew. So we have  
20 religious individuals that are members, and inasmuch as there  
21 is discrimination affecting them on the basis of religion, I  
22 would believe that that falls squarely within our mission.

23 Q. But IABA itself is secular, correct?

24 A. It is non-religious, that is correct, in the sense that  
25 we do not promote any religion over any other among our

1 members.

2 Q. And earlier you testified that IABA's mission was to  
3 protect the legal rights of the Iranian-American community,  
4 correct?

5 A. I said -- yes, I said that was one of the three parts  
6 of the -- yes.

7 Q. And when you use the phrase Iranian-American, does that  
8 have a particular definition in your mind?

9 A. Well, we don't have an organizational definition for  
10 it. Are you asking me what I personally think about it?

11 Q. When you, the President of IABA, use the phrase  
12 Iranian-American, do you have a particular definition in mind?

13 A. I would -- yeah, I would consider those are Iranians  
14 that are obviously U.S. citizens that are permanent residents  
15 or that live here or study here, consider themselves --  
16 self-identify as Iranian-Americans. And, obviously, you know,  
17 their rights as it relates to relatives and family members who  
18 are in Iran or anywhere in the world, quite frankly.

19 Q. Is it fair to say that your use of the phrase  
20 Iranian-American refers to Iranians who are U.S. citizens,  
21 legal permanent residents, or who are otherwise present here  
22 in the United States?

23 A. Yeah, I mean, part of the problem is that the  
24 definition requires self-identity, so it's hard -- but if  
25 you're asking me personally, yes, I would say that those are

1 individuals that I would categorize as Iranian-Americans.

2 Q. And you would agree that Sections 2 and 6 of the  
3 March 6th Executive Order do not apply directly to any  
4 individuals falling in those categories, correct?

5 A. No, I disagree with that statement. I agree with you  
6 that they do not prohibit the travel rights of those  
7 individuals -- well, as to U.S. citizens and permanent  
8 residents, I agree with you that those sections do not  
9 prohibit the travel rights of those individuals. They do  
10 affect them in the sense that they impinge on the rights of  
11 their relatives to come visit them for significant life  
12 events.

13 Q. And --

14 A. And there seems to also be -- apologies -- to answer  
15 that as to the third category of people that are just here  
16 perhaps on a temporary visa or whatever else, their rights  
17 actually are uncertain because it's unclear what happens if  
18 that visa expires and under the new ban no new visa is issued.  
19 So I can't speak as to those individuals.

20 Q. I'd like to return to that uncertainty in a minute.  
21 Just to clarify, you would agree that Sections 2 and 6 do not  
22 directly apply or prohibit the travel of any U.S. citizens,  
23 correct?

24 A. By its terms, yes, they do not prohibit the travel of  
25 U.S. citizens.

1 Q. And, similarly, Sections 2 and 6 do not prohibit the  
2 travel of any legal permanent residents, correct?

3 A. By its terms, yes.

4 Q. And by its terms, Sections 2 and 6 also do not prohibit  
5 the travel of anybody who is currently here or was here --  
6 strike that, Your Honor. Sections 2 and 6, by their terms, do  
7 not prohibit the travel of anyone who is physically present in  
8 the United States at 12:01 a.m. as of March 16, 2017, correct?

9 MR. MEHRI: Objection. Asking for legal  
10 conclusions.

11 THE WITNESS: That is actually --

12 THE COURT: The objection is overruled as far as  
13 his understanding.

14 THE WITNESS: The answer to that question is, I  
15 actually don't think by its terms if it is that clear whether  
16 or not those individuals, once their visas expire may  
17 travel -- so, I don't know what the scope of the question is.  
18 If you're saying that while they have their visas, can they  
19 travel and come back? By the terms, I believe that's the  
20 case. But if they remain here and their visas expire, can  
21 they travel and come back? I don't know the answer to that  
22 question, and I think that we've maintained that they might  
23 not be able to.

24 BY MR. SCHWEI:

25 Q. But you are aware and you would agree that Section 3 of

1 the Executive Order exempts, from Sections 2 and 6,  
2 individuals who are physically present in the United States as  
3 of 12:01 a.m. on March 16th, 2017?

4 A. I believe --

5 MR. MEHRI: Objection. You're mischaracterizing  
6 the order.

7 THE COURT: You can correct on redirect. The  
8 question was: But you are aware and you would agree that  
9 Section 3 of the Executive Order exempts, from Sections 2 and  
10 6, individuals who are physically present in the United States  
11 as of 12:01 a.m. on March 16th, 2017.

12 MR. SCHWEI: Perhaps, Your Honor, if I could  
13 voluntarily correct the question.

14 THE COURT: Go ahead.

15 BY MR. SCHWEI:

16 Q. Striking the reference to Section 6, but the same  
17 question as to Section 2. You would agree that Section 3  
18 exempts from Section 2 any individual who was physically  
19 present in the United States at 12:01 a.m. on March 16th,  
20 2017, correct?

21 A. I must say, I don't recall the specific sections by  
22 number, and so I would have to look at the order before I  
23 could answer that question.

24 Q. Would seeing the order refresh your recollection?

25 A. It would certainly help, yes.

1 Q. So the clerk has handed you what's marked Government  
2 Exhibit B. Would you review the document, please.

3 A. Do you want me to review the whole thing?

4 Q. Specifically with reference to Sections 2 and 3.

5 THE COURT: Page 8, Page 9, Page 10.

6 THE WITNESS: Thank you, Your Honor.

7 MR. MEHRI: I want to state an objection for  
8 continuing to call for legal conclusions from the witness. We  
9 can save this for Friday.

10 THE COURT: The objection is overruled. The

11 witness has testified as the president of a bar association,  
12 he's a practicing lawyer, and he's testified to some of the  
13 legal ramifications of the order. So while I wouldn't allow  
14 him to give his opinion as to whether this order is legal or  
15 not, I will allow him to testify as to whether, in his  
16 capacity as President of the Iranian American Bar Association,  
17 what impact this order has had.

18 BY MR. SCHWEI:

19 Q. Just let me know once you've reviewed Sections 2 and 3.

20 A. Okay. I'm almost through Section 2.

21 Q. Thank you.

22 A. Do you want me to read the entirety of Section 3?

23 THE COURT: Why don't you hold on a second. Here  
24 is the question.

25 THE WITNESS: Yes.

1 THE COURT: This could end up taking way longer  
2 than it needs to. Mr. Schwei: Striking reference to  
3 Section 6, but the same question as to Section 2, that you  
4 would agree that Section 3 exempts from Section 2 any  
5 individual who was physically present in the United States at  
6 12:01 a.m. on March 16th, correct?

7 Having reviewed the sections of the Executive  
8 Order, do you agree or disagree with Mr. Schwei's assertion?

9 THE WITNESS: I would say based on Section 3,  
10 Sub I, by implication, that it applies to people outside the  
11 United States as of the effective date of the order. There's  
12 a suggestion that if you're inside that it does not apply.

13 THE COURT: All right. Next question.

14 BY MR. SCHWEI:

15 Q. Similarly, isn't it true that Section 3 exempts from  
16 Section 2 any individual who had a valid visa on  
17 January 27th, 2017?

18 A. Yes. It looks like Subsection 2, again, does that by  
19 negative implication, but yes.

20 Q. Is your recollection refreshed from the text of the  
21 Executive Order?

22 THE COURT: We've gone past that. You're in  
23 impeachment territory, so just keep going.

24 BY MR. SCHWEI:

25 Q. Isn't it true that Section exempts from Section 2 any

1 individual who had a valid visa as of 12:01 a.m. on  
2 March 16th, 2017?

3 A. There doesn't appear to be a date. By negative  
4 implication, it says, anyone who did not have a valid visa on  
5 the effective date of this order. So if we're reading that as  
6 12:01 a.m. on March 16th, then yes.

7 Q. Thank you. Turning to some of the uncertainty that you  
8 discussed in your testimony, are you aware that the Department  
9 of State published online guidance related to implementation  
10 of the March 6th Executive Order?

11 A. Yes, I'm aware that there's some guidance issued.

12 Q. Are you aware that the Department of Homeland Security  
13 published questions and answers related to implementation of  
14 the March 6th Executive Order?

15 A. I'm aware of that, yes.

16 Q. And so your testimony is that the uncertainty about the  
17 implementation of the March 6th Executive Order makes it  
18 difficult for the IABA to provide legal solutions to people  
19 reaching out to it for legal services, is that correct?

20 A. Yes. We continue to get reports from individuals and  
21 consulates that do not reflect what the status of the law is  
22 supposed to be. If the March 6th order never went into  
23 effect, then we are supposed to be back at January 26th.

24 But on January 26th people weren't asking  
25 interviewees what their religion was, but that's happening

1 now. On January 26th, people weren't being stuck in  
2 administrative processing for these inordinate periods of  
3 time, but that's happening now. So there does seem to be some  
4 level of uncertainty about what the law is and how it should  
5 be applied, based on the reports that we're getting.

6 MR. SCHWEI: Your Honor, I would move to strike the  
7 witness's statements about what is happening now because that  
8 is clearly hearsay.

9 THE COURT: Well, it's not being admitted for the  
10 truth of the matter as asserted. The second question is  
11 whether it was responsive. And given that your question went  
12 to whether there is guidance being issued by Department of  
13 Homeland Security and the State Department, I think the  
14 witness has answered responsive, so I'll deny the motion to  
15 strike.

16 BY MR. SCHWEI:

17 Q. The difficulty that IABA faces in advising its clients  
18 stems from IABA's view that the implementation of the  
19 March 6th Executive Order is unclear, correct?

20 MR. MEHRI: Objection, mischaracterizes his  
21 testimony.

22 THE COURT: Overruled. You may answer.

23 THE WITNESS: No, that's not -- no. First of all,  
24 part of the difficulty arises out of the language of the order  
25 itself and the lack of clarity about its implementation.

1 There is -- for example, as far as I remember, none of the  
 2 question -- and the FAQ, the F-A-Qs that were issued, or the  
 3 guidance that was issued, explain how we can advise an  
 4 individual that a grandson -- a grandmother wishing to see her  
 5 grandson is in the national best interest. That is a waiver  
 6 that has to be applied for and received.

7 Quite frankly, actually, from what I recall, a  
 8 grandmother wouldn't even apply because I think the waivers  
 9 only apply to close family, which was defined as parents and  
 10 sibling, et cetera. So let's just fall within that waiver.

11 We have no guidance on how we can explain to somebody about  
 12 how a father wishing to -- from Iran -- wishing to attend the  
 13 wedding of a daughter who is a U.S. citizen, can do so and  
 14 show under the waiver that that individual's attending a  
 15 wedding, a private wedding, is in the national interest.

16 So the uncertainty comes in part because of the  
 17 nature of the system that's been placed, a waiver system in  
 18 place, the lack of clarity about how it's to be implemented,  
 19 who is supposed to be applying it, what standards they're  
 20 applying. The explanations I've seen are just basically  
 21 extended explanations of what just the waivers say in the  
 22 order, and that's not really helping us advise people.

23 BY MR. SCHWEI:  
 24 Q. So just to summarize it, wouldn't it be fair to say  
 25 that IABA is harmed, in your view, because it is unable to

1 provide meaningful legal advice to its clients or whoever is  
 2 contacting it?

3 A. I would say that's one of the forms of harm that we are  
 4 experiencing, yes.

5 Q. Turning to IABA more generally, again, I imagine that  
 6 IABA advocates about a number of issues and topics, correct?

7 A. Yes, of course.

8 Q. For example, did IABA recently call on authorities to  
 9 release two Iranians, a student and a visitor, who were being  
 10 detained by the United States?

11 A. Yes, I believe we did.

12 Q. And just another example, did IABA recently call on  
 13 authorities to ensure Iranian-American civil rights are fully  
 14 protected in the face of hate crimes?

15 A. Yes, I believe we did.

16 Q. So when advocating for those issues, IABA expended time  
 17 or resources, correct?

18 A. Of course we did.

19 Q. And turning more towards legal proceedings, IABA has  
 20 also participated in other lawsuits, correct?

21 A. Yes. There was the Banki lawsuit that we were involved  
 22 in that went before the Second Circuit.

23 Q. In 2015, IABA filed an amicus brief in support of an  
 24 Iranian-American immigration judge, correct?

25 A. Yes, that is correct.

1 Q. And that lawsuit was about her being categorically  
 2 recused from cases involving Iranians, is that correct?

3 A. Yes. She was an immigration judge who had been issued  
 4 an order by the DOJ asking her to proactively and  
 5 categorically recuse herself from any case of an Iranian  
 6 national before her.

7 Q. And when IABA participated in those legal proceedings,  
 8 that required IABA to expend time and resources, correct?

9 A. Yes, it did, although most of those resources were  
 10 expended before the Executive Order in question.

11 MR. SCHWEI: Thank you, Your Honor.

12 THE COURT: Thank you.

13 MR. SCHWEI: No further questions.

14 THE COURT: Any redirect? Any redirect?

15 REDIRECT EXAMINATION

16 BY MR. MEHRI:  
 17 Q. Sir, opposing counsel asked you whether the harm to  
 18 IABA was due to lack of clarity. Do you remember that  
 19 question that he asked you?

20 A. Yes, I do.

21 Q. Can you further explain other harms that have happened  
 22 to IABA in light of the Executive Order Two?

23 A. We've talked about this already, but --

24 THE COURT: Then that seems like a perfect moment  
 25 for me to interject that you can briefly touch on the matters

1 you've already testified about.

2 THE WITNESS: Yeah. I would just say we've  
 3 discussed at length the three prongs and how each of them have  
 4 been harmed. The inordinate amount of resources that have  
 5 been spent on education, on fighting this -- the legal issues  
 6 surrounding this particular issue, the fielding of the  
 7 numerous questions. I mean, look, just to summarize, we have  
 8 expended a great amount of resources just on this issue at the  
 9 expense of other issues that we could be using our limited  
 10 resources on.

11 And the issues that have been raised here are  
 12 directly in conflict with the multiple prongs of our mission  
 13 statement that I've already explained to you.

14 MR. MEHRI: No further questions, Your Honor.

15 THE COURT: Thank you, Mr. Mehri. Sir, thank you.  
 16 You may remain in the courtroom if you wish.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: Thank you. Next witness.

19 MR. MEHRI: I think she's outside, so we'll have to  
 20 get her.

21 THE WITNESS: Your Honor, what would you like me to  
 22 do with the exhibits?

23 THE COURT: You can give them back to Mr. Bradley.  
 24 Thank you.  
 25

1 Thereupon,  
 2 LEILA AUSTIN,  
 3 the witness, having been first duly sworn, was examined and  
 4 testified as follows:  
 5 THE COURT: Good afternoon.  
 6 THE WITNESS: Good afternoon, Your Honor.  
 7 DIRECT EXAMINATION  
 8 BY MR. MEHRI:  
 9 Q. Can you state your name and business address for the  
 10 record.  
 11 A. Sure, my name is Leila Austin. PAAIA's business  
 12 address is 5335 Wisconsin Avenue, Northwest, Washington, D.C.  
 13 20015.  
 14 Q. And what is PAAIA?  
 15 A. PAAIA is the Public Affairs Alliance of Iranian  
 16 Americans.  
 17 Q. And can you briefly describe your education history  
 18 starting with college?  
 19 A. Sure. I have a BA in Sociology and French from Bryn  
 20 Mawr College. I have a Master's degree in Middle East  
 21 Politics and International Economics from the Johns Hopkins  
 22 School of Advanced International Studies, otherwise known as  
 23 SAIS. And I have a Ph.D in Political Science from Colombia  
 24 University.  
 25 Q. What did you write your Ph.D on?

1 and American University as well.  
 2 Q. And what is PAAIA, organization?  
 3 A. PAAIA is a non-profit, bipartisan, non-sectarian  
 4 national organization that promotes the interests of  
 5 Iranian-Americans with U.S. policymakers, the media, and the  
 6 American public at large.  
 7 Q. What do you mean by being non-sectarian?  
 8 A. We promote the interests of all Iranian-Americans  
 9 regardless of religion or ethnicity.  
 10 Q. How is PAAIA structured?  
 11 A. PAAIA has two affiliate organizations, one is a  
 12 501(c)4, which carries out most of our advocacy work, and a  
 13 501(c)3, a charitable organization where we carry out most of  
 14 our public education work.  
 15 Q. Does PAAIA conduct research on the Iranian-American  
 16 community?  
 17 A. Yes. We do an annual national survey of  
 18 Iranian-Americans which provides scientific data on the  
 19 concerns of Iranian-Americans. And we also use it to gauge  
 20 how Iranian-Americans feel about issues that are of  
 21 significance to the community.  
 22 Q. Dr. Austin, why does PAAIA collect this information?  
 23 A. Well, we are -- we want to make sure that we are  
 24 accurately representing the community, so we use it to gauge  
 25 where -- you know, how to -- what types of programs to have

1 A. My dissertation was about the effects of hemispheric  
 2 trade agreements on economic policy reforms in Mexico and  
 3 Tunisia, it was a cross-regional international, political,  
 4 economy dissertation.  
 5 Q. Between the time that you earned your Ph.D and started  
 6 working at PAAIA, can you briefly describe your work  
 7 experience?  
 8 A. Sure. I actually went back to SAIS, to Johns Hopkins  
 9 University, and I worked there as director of two projects  
 10 where I did -- you know, we designed curricula. These were  
 11 grants that we got to lead projects. I designed curricula. I  
 12 taught, we had lectures, a variety of things at the  
 13 university.  
 14 Q. Have you received any awards in academia?  
 15 A. Yes. At Colombia, I was a President's Fellow. I also  
 16 had the Andrew Cordier Teaching Fellowship. And at SAIS, I  
 17 received the foreign language area studies grant, which I  
 18 think is currently called the Critical Languages-something  
 19 from the Department of Education.  
 20 Q. And are you still teaching today?  
 21 A. I am.  
 22 Q. Where is that?  
 23 A. I teach at various campuses in D.C. Johns Hopkins  
 24 University in D.C. I teach at the U.C. campus in D.C. I  
 25 teach at George Mason. I have taught at Georgetown University

1 and what the community's needs are. We also do, you know,  
 2 papers. We commission papers depending on -- based on the  
 3 results of the survey.  
 4 Q. What is IA-100?  
 5 A. IA-100 is the leadership network of the organization.  
 6 It is an invitation -- By Invitation Only membership of high  
 7 profile professionals and public people who are  
 8 Iranian-American, obviously. And they act as the trustees of  
 9 the organization, and they are voting members of both  
 10 organizations.  
 11 Q. And can you give us a couple of examples of who is in  
 12 the IA-100?  
 13 A. Sure. One of the founders of PAAIA, actually, is Cyrus  
 14 Amir Mokri, who is currently General Counsel for JP Morgan,  
 15 but he was under President Obama, Assistant Secretary to  
 16 Financial Institutions in the Treasury Department.  
 17 Other examples are Firouz Naderi, who is just  
 18 retired from 30 years of directing the JPL Lab, the Jet  
 19 Propulsion Lab at NASA. He also direct managed the Mars  
 20 Lab -- the Mars -- I forget what it's called at NASA. So he's  
 21 one of -- he's also a board member.  
 22 And then we also have Pardis Sabeti, who is a  
 23 well-known scientist. She's a computational biologist and  
 24 human geneticist at Harvard University, and she actually  
 25 played a significant role in Ebola research.

1 Q. What is your title at PAAIA?  
 2 A. I'm Executive Director.  
 3 Q. And what are your duties as Executive Director of  
 4 PAAIA?  
 5 A. I oversee all programs and projects. I manage the  
 6 staff and the budget. I write strategy for the organization.  
 7 I report to the board. I update the membership. I am either  
 8 directly or indirectly involved in all of the reports that we  
 9 write.  
 10 Q. Do you consider yourself one of the most knowledgeable  
 11 people in the country on the Iranian-American community?  
 12 A. That's my job, so I do everything I can to --  
 13 Q. So what motivated you to become Executive Director of  
 14 PAAIA?  
 15 A. Well, I am an Iranian-American. I came to this country  
 16 as a teenager. My parents left Iran to escape political,  
 17 social, economic repression. They wanted a better future for  
 18 their daughters. They wanted them to live in a country that  
 19 allowed them to participate freely in the democratic process,  
 20 and to have every opportunity to succeed. And they wanted to  
 21 really escape sort of the arbitrary threats and harassment  
 22 that really took place in Iran.  
 23 So I have an inherent interest in the mission of  
 24 PAAIA. I believe in it. I believe in the public education  
 25 and communicating the great contributions of the

1 immigration started right before the Iranian revolution, the  
 2 Islamic revolution in 1979, and that involved people leaving  
 3 for political, economic, social, religious minorities left  
 4 after the revolution. And those students who were already  
 5 here actually ended up staying and becoming immigrants, they  
 6 never went back.  
 7 So that's some of what the report talks about.  
 8 It also talks about the assimilation rate of the  
 9 Iranian-American community. It talks about the high  
 10 socioeconomic status. High levels of educational attainment  
 11 of the Iranian-American community. The report states that per  
 12 capita income of Iranian-Americans is 50 percent higher than  
 13 the national average. Also, 38 percent of income of families  
 14 is higher than the national average.  
 15 Also, using some benchmarks, as I mentioned, like  
 16 language proficiency and intermarriage. Iranian-Americans  
 17 rate very high. All Iranian-Americans are either  
 18 proficient -- most are either proficient or fluent in English  
 19 upon arrival. Socioeconomic status, as I said, is very well.  
 20 50 percent of Iranian-Americans are professionals or managers  
 21 in their vocations, and 50 percent of Iranian-Americans  
 22 apparently have intermarried. So it's --  
 23 Q. What is it about America that draws the Iranian  
 24 community to immigrate to the U.S?  
 25 A. Well, it's freedom, democracy, opportunity. I think

1 Iranian-American community to the American public. I believe  
 2 in the leadership building of our next generation. And also  
 3 the bridge building that we undertake.  
 4 Q. Just a couple points of clarification. Today are you  
 5 testifying solely as Executive Director of PAAIA?  
 6 A. I am.  
 7 Q. And there will be times today when I'll be asking you  
 8 about action items of PAAIA, and I want to be clear that I'm  
 9 excluding any involvement or action items regarding the Pars  
 10 Equality litigation in this case. Is that understood?  
 11 A. Yes.  
 12 Q. And your answers will exclude that as well?  
 13 A. Yes.  
 14 Q. You've talked about some of the research reports of  
 15 PAAIA, one of them is Iranian-American's immigration and  
 16 assimilation. Can you just briefly describe the highlights  
 17 from that report?  
 18 A. Sure. The report does an overview of  
 19 Iranian-American -- Iranian immigration to the United States,  
 20 and uses some benchmark variables to assess assimilation.  
 21 Basically, a quick summary is that the first big wave of  
 22 Iranians to the United States started in the 1950s when  
 23 Iranians came here to pursue education. We had people coming  
 24 for medical residencies, going to university, a variety of  
 25 educational pursuits. The second and largest wave of Iranian

1 the same variables that draw any immigrant group here that's  
 2 escaping political repression.  
 3 Q. And approximately how large is the Iranian-American  
 4 community?  
 5 A. Estimates are around a million.  
 6 MR. MEHRI: I would like to mark as Plaintiff's  
 7 Exhibit 1 -- if there's no objection, I would like to proffer  
 8 this into evidence.  
 9 THE COURT: Sure. I've got it.  
 10 MR. MEHRI: Yeah, okay.  
 11 THE COURT: Yes, it will be admitted.  
 12 THE WITNESS: Thank you.  
 13 BY MR. MEHRI:  
 14 Q. Dr. Austin, before you is Plaintiff's Exhibit 1. What  
 15 is this document?  
 16 A. This is -- this describes the vision and mission of  
 17 PAAIA.  
 18 Q. And can you just read into the record the vision  
 19 statement.  
 20 THE COURT: Wait, wait, wait. Wait a minute.  
 21 THE WITNESS: Page 2.  
 22 THE COURT: Okay.  
 23 THE WITNESS: We envision a world in which  
 24 Iranian-Americans actively come together as a collaborative  
 25 community in service to each other and to society at large, to

1 change our world and particularly the world of our children  
 2 for the better.  
 3 BY MR. MEHRI:  
 4 Q. Dr. Austin, I'd like to point you to the fourth pillar  
 5 of your mission that's on the same page.  
 6 A. Yes.  
 7 Q. Give back to America as it has given to us. Do you see  
 8 that?  
 9 A. Yes.  
 10 Q. With respect to public service, how have  
 11 Iranian-Americans contributed to the United States?  
 12 A. Iranian-Americans participate at all levels of  
 13 government, the military and law enforcement. They are  
 14 increasingly engaged in public life and civic life, and that's  
 15 something that as an organization we actually encourage and  
 16 facilitate. Iranian-Americans also contribute to public life  
 17 on a variety of levels. There are healthcare providers and  
 18 technologists and other levels.  
 19 Q. Can you give us a couple of examples of people that are  
 20 serving in public service?  
 21 A. Sure. The Lieutenant Governor of Washington State is  
 22 an Iranian, Cyrus Habib. We have a recent -- well, Cyrus Amir  
 23 Mokri, who I talked about, was at the Treasury Department. We  
 24 have Iranian-Americans who served in the State Department in  
 25 foreign service. A recent appointee, Ambassador to Sweden, by

1 before we get to the substance of the harm suffered by this  
 2 organization?  
 3 MR. MEHRI: Actually, the next question after this  
 4 document.  
 5 THE COURT: All right. Let's try and get to that  
 6 quickly.  
 7 MR. ROSENBERG: Your Honor, not to delay that, but  
 8 we would interpose a relevancy objection.  
 9 THE COURT: What is the relevance of this,  
 10 Mr. Mehri?  
 11 MR. MEHRI: I was just going to -- this is the  
 12 March 22nd, 2017, statement of President Donald Trump, and I  
 13 was going to refer to her one sentence in this document.  
 14 THE COURT: All right. Let's get to it.  
 15 MR. MEHRI: Okay.  
 16 BY MR. MEHRI:  
 17 Q. Dr. Austin, could you read the first sentence of the  
 18 third paragraph into the record.  
 19 A. Sure. This is a Nowruz greeting from President Trump  
 20 to all who celebrate Nowruz, which is the Persian New Year.  
 21 The first sentence is: For many years I have greatly enjoyed  
 22 wonderful friendships with Iranian-Americans. One of the most  
 23 successful immigrant groups in our country's contemporary  
 24 history.  
 25 Q. Do you agree with that statement?

1 President Obama, is Iranian-American, as well as the National  
 2 Security Council, among other --  
 3 Q. You've mentioned a number of very prominent people.  
 4 Can you mention any ordinary people that come to mind in terms  
 5 of public service for Iranian-Americans?  
 6 A. Yeah, sure. One case that was actually kind of --  
 7 became very public was the San Bernardino terror attack. And,  
 8 ironically, one of the victims of that attack was an  
 9 Iranian-American, as well as the first responder, the first  
 10 medic to respond to the scene was an Iranian-American.  
 11 Q. So with respect to job creation and business and  
 12 innovation, how have Iranian-Americans given back to the  
 13 United States?  
 14 A. Iranian-Americans are leaders and in Silicon Valley.  
 15 They are business leaders. Most of them came on student visas  
 16 and stayed and contributed greatly to our economy here, as  
 17 well as business innovation and technological innovation.  
 18 MR. MEHRI: I'd like to mark as the next exhibit  
 19 for plaintiffs. If there's no objection, I'd like to proffer  
 20 this into evidence.  
 21 MR. ROSENBERG: Actually, can we have a moment to  
 22 look at the exhibit?  
 23 THE COURT: Yes.  
 24 MR. MEHRI: Sure.  
 25 THE COURT: Mr. Mehri, how much more do we have

1 A. I do.  
 2 Q. Okay. Have any members of PAAIA expressed to you, as  
 3 Executive Director of PAAIA, concerns of how the Executive  
 4 Order have impacted American businesses?  
 5 THE COURT: Can we focus on Executive Order Two?  
 6 MR. MEHRI: Yes. Focusing on Executive Order Two.  
 7 THE COURT: Is there an objection, sir?  
 8 MR. ROSENBERG: Well, it was both the objection on  
 9 the Executive Order, but also there is a 501(c)3 and 501(c)4.  
 10 So it's unclear whether the reference to members refers to  
 11 members of 501(c)3 or 4, or what the basis for their  
 12 membership organization is.  
 13 THE COURT: Are all your questions regarding the  
 14 organization members directed at the 501(c)3 section of the  
 15 organization or the 501(c)4?  
 16 MR. MEHRI: My questions were actually not  
 17 bifurcating those two, and I don't think that's important for  
 18 today's --  
 19 THE COURT: The distinction between those two, the  
 20 (c)3 and (c)4, is that a distinction as to where financial  
 21 resources go?  
 22 THE WITNESS: Yes, but this is about members.  
 23 This is not about board members, so they don't fall under  
 24 either one of those.  
 25 THE COURT: All right.



1 THE WITNESS: So they are members of the  
2 organization.

3 THE COURT: You can provide.

4 BY MR. MEHRI:

5 Q. Do you need me to repeat the question, Dr. Austin?

6 A. Yes, please. I mean, let me just clarify. The members  
7 are voting members of both organizations, so that makes it  
8 okay. Okay.

9 BY MR. MEHRI:

10 Q. So have any members of PAAIA expressed to you as  
11 Executive Director how the Executive Orders, particularly  
12 Executive Order Number Two, has adversely impacted American  
13 businesses?

14 A. Yes, many -- several members of the organization are  
15 current business leaders, and they are very concerned about  
16 the impact of these bans on immigration and general immigrants  
17 and talent coming into this country. All of them were at one  
18 point immigrants, so they view that as hampering the business  
19 development.

20 MR. ROSENBERG: And I'm going to interpose a  
21 hearsay objection and move to strike to the extent the  
22 testimony is being used for the truth of the matter asserted.

23 THE COURT: All right. The objection is overruled.  
24 I take the testimony not for the truth of the matter asserted  
25 but for the fact that the members -- the effect of the

1 generation for success in everything, the business and public  
2 service and their future.

3 Q. And how have the Executive Orders, particular Executive  
4 Order Number Two, impacted PAAIA's second and third pillars of  
5 its mission statement?

6 A. Well, to the extent that they are stigmatizing the  
7 community, it makes it that much harder to encourage our  
8 community to participate in civic life. I think that it has  
9 diminished the trust that Iranian-Americans have for civic  
10 institutions. Also, we have to remember that this is a  
11 relatively young immigrant community and many have escaped  
12 arbitrary authoritarian decrees in their homeland, and so when  
13 this happens here, the effect is amplified.

14 Q. Dr. Austin, can you read the first pillar of PAAIA's  
15 mission into the record.

16 THE COURT: Mr. Mehri, this is not -- the document  
17 is in the record. I've accepted it into evidence. I have it.  
18 I'm not sure what reading it further into the record does, but  
19 it's your half an hour.

20 BY MR. MEHRI:

21 Q. Can you explain what this pillar is of the PAAIA  
22 mission?

23 A. Sure. The first pillar emphasizes bridge building or  
24 enhancing mutual understanding between the people of the  
25 United States and the people of Iran, and it's carried out by

1 member's concerns on the director -- the Executive Director of  
2 the organization.

3 MR. MEHRI: That's understood, Your Honor.

4 THE COURT: All right.

5 BY MR. MEHRI:

6 Q. Dr. Austin, we've been talking about the pillar four of  
7 the mission statement for PAAIA. Give back to America as it  
8 has given to us. How have the Executive Orders, particularly  
9 the Second Executive Order, impacted this pillar of PAAIA's  
10 vision statement -- I'm sorry -- of this mission?

11 A. Well, both travel bans have marginalized the  
12 Iranian-American community as a potential terrorist group.  
13 And that stigma has -- goes against everything that the  
14 organization stands for about everything that we've gained  
15 from the United States. And it also makes it harder to give  
16 back, especially in the next generation because they feel that  
17 stigma.

18 Q. Dr. Austin, can you just describe for us the second  
19 pillar of PAAIA's mission?

20 A. Sure. The second pillar is about encouraging  
21 Iranian-American's to participate in the democratic process  
22 and civic life in the United States.

23 Q. And can you describe for us the third pillar of PAAIA's  
24 mission statement?

25 A. The third pillar is about positioning our next

1 exchange programs, cultural exchange programs and otherwise.  
2 It also ties into our public education program and that we try  
3 to promote programs that talk about the cross-cultural effects  
4 of our heritage.

5 Q. Can you give us an example of a scientific  
6 cross-cultural program that PAAIA was involved in?

7 A. Yeah, sure. So a couple years ago we had actually a  
8 couple of our members who run a public health department at  
9 the University of Albany, invited medical school chancellors  
10 from Iran to visit for a conference. And we hosted a luncheon  
11 in New York City for these medical school chancellors to meet  
12 Americans of Iranian descent -- doctors of Iranian-American  
13 descent and exchange ideas about medicine.

14 Q. And why does PAAIA undertake these kind of scientific  
15 exchanges?

16 A. Again, one of our core beliefs is that the more we can  
17 have mutual understanding, the better it is for everyone. It  
18 brings peace and diplomacy. And, also, surveys show that Iran  
19 is unusual or unique, I should say, in the Middle East, and  
20 that the vast majority of Iranians have a strong affinity for  
21 America and its democratic values. So we try to harness that  
22 energy and bring about better understanding between those two  
23 peoples.

24 Q. Can you give an example of a historic cultural exchange  
25 that PAAIA has supported? I'm sorry. Yeah, historical

1 exchange.  
2 A. In terms of public education?  
3 Q. Yes.  
4 A. We co-sponsored part of the Cyrus Cylinder Tour, which  
5 is the one that was actually in the San Francisco Museum of  
6 Asian Art.

7 Q. Can you explain what -- why PAAIA undertook that  
8 effort?

9 A. Yeah. Because that's exactly -- it basically promotes  
10 our culture and it educates the American public at large as to  
11 who Cyrus the Great was and what he did that actually links  
12 back to our own founding fathers and our own Bill of Rights in  
13 this country. And Cyrus the Great -- the Cyrus Cylinder  
14 actually dates back to the Sixth Century when Cyrus the Great,  
15 a Persian king, conquered Babylon.

16 And the text on it actually talks about religious  
17 freedom and how he was going to allow the people he had just  
18 conquered to practice religious freedom and religious  
19 toleration. And this has been admired over the years, over  
20 the generations, by philosophers and leaders, and our  
21 founding fathers included.

22 THE COURT: Mr. Mehri, we need to get to the point  
23 of why we're here today.

24 MR. MEHRI: Right. The next question was about --

25 THE COURT: All right.

1 BY MR. MEHRI:

2 Q. Can you explain how the Executive Orders, particularly  
3 the Second Executive Order, has impacted this first pillar of  
4 PAAIA's mission?

5 THE COURT: Wait. There's an objection.

6 MR. ROSENBERG: I'd like to interpose an objection.

7 There has been a series of questions referred to the Executive  
8 Orders, and particularly the Second Executive Order. I don't  
9 think that that cures the compound nature of the question.

10 And, also, we would interpose a standing objection to  
11 relevancy to any testimony regarding the First Executive  
12 Order.

13 THE COURT: All right. Unless there's some  
14 particular reason for including the First Executive Order, I  
15 think you're muddying the record when you keep using them  
16 both. So unless there's some particular reason to say, and  
17 indicate why you're referring to both Executive Orders, why  
18 don't you limit your questions to the second order because  
19 that's really the reason for the --

20 MR. MEHRI: Okay.

21 BY MR. MEHRI:

22 Q. With that instruction, can you answer the question?

23 A. Sure. Well, we actually were working on a project that  
24 is around sports diplomacy, and that has been indefinitely  
25 postponed because of the travel restrictions.

1 Q. And turning now to the impact that the Executive Order  
2 Number Two has had on PAAIA's resources. Can you explain --  
3 can you explain what impact it's had for us?

4 A. Just the Second Executive Order or --

5 Q. Yes.

6 A. Okay. Well, it actually -- in general, it's diverted  
7 resources in the sense that we've had to postpone several of  
8 our events. We were about to launch a public service  
9 fellowship that had to be delayed because of it. But, also,  
10 it's lead us to bring about programming that we wouldn't have  
11 otherwise done.

12 Q. What is an example of that?

13 A. So one example is a joint statement that we released  
14 with three other Iranian-American organizations regarding the  
15 rise in hate crimes that are being committed against  
16 Iranian-Americans. And then, again, last week we started a  
17 fundraiser for victims of hate crimes -- for Iranian-American  
18 victims of hate crimes.

19 MR. MEHRI: I'd like to mark this as Exhibit 3.

20 I'd like to proffer this into the evidence, and if there's no  
21 objection --

22 MR. ROSENBERG: No objection, Your Honor.

23 THE COURT: All right. It will be admitted.

24 BY MR. MEHRI:

25 Q. Dr. Austin, what is this Exhibit 3?

1 A. This is a statement I just mentioned that speaks about  
2 the rise in hate crimes and condemns them -- the incidents.

3 Q. And did you have a role in drafting this statement?

4 A. I actually wrote the first draft of this statement.

5 Q. And who are the signatories of the statement?

6 A. The signatories are the other plaintiffs in this case,  
7 Pars Equality Center, Iranian American Bar Association and the  
8 National Iranian-American Council.

9 Q. And have you as the Executive Director of PAAIA seen an  
10 increase of hate crimes directed at the Iranian-American  
11 community since the orders, First and Second Executive Orders,  
12 have been --

13 THE COURT: I note that this Exhibit Number 3 is  
14 dated before Executive Order Number Two.

15 MR. MEHRI: That's right, Your Honor.

16 THE COURT: Is that where you're going?

17 MR. ROSENBERG: Yes.

18 MR. MEHRI: But in this purposes, in terms of the  
19 rise of the hate crimes, it's important to have both from  
20 January 27th forward.

21 THE COURT: Uh-huh.

22 BY MR. MEHRI:

23 Q. Has there been an increase in hate crimes directly at  
24 the Iranian-American community since January 27th?

25 A. Yes.

1 Q. And just limit it to three examples.  
 2 MR. ROSENBERG: Objection, Your Honor. Lack of  
 3 foundation. I don't think that there's any testimony as to  
 4 the basis for this witness's testimony as to studies that she  
 5 may or may not have done on hate crimes.  
 6 THE COURT: You can -- I'll overrule the objection.  
 7 Obviously you can probe that in cross-examination.  
 8 THE WITNESS: Yes. Should I go ahead?  
 9 BY MR. MEHRI:  
 10 Q. Yeah, you can just limit it to three examples.  
 11 A. Actually, more recently than this was published, there  
 12 was a gentleman, an Iranian refugee, actually, from Iran who  
 13 lives in Portland, Oregon, who left his home, went out of  
 14 town, came back to a vandalized -- completely vandalized home.  
 15 Spray painting of hate speech in every single room of his  
 16 house. That is one example.  
 17 The other one which is included is the notorious  
 18 Kansas bar shooting where the perpetrator shot a gentleman of  
 19 Indian descent in a bar in Kansas and injured two others. And  
 20 later, allegedly, he confessed that he thought he was shooting  
 21 Iranians, and he screamed, get out of my country, when he was  
 22 committing that crime.  
 23 Another incident was an Iranian-American woman in  
 24 San Francisco who reported vandalism outside of her home,  
 25 swastikas were spray-painted outside of her home.

1 501 -- are they members of the 501(c)3 organization?  
 2 A. They are members of the 501(c)3 organization, but they  
 3 are voting members of both organizations.  
 4 Q. And are most, if not all, of those members  
 5 Iranian-American citizens or lawful permanent residents?  
 6 A. They are.  
 7 Q. I also want to discuss briefly the purpose of PAAIA. I  
 8 believe you testified earlier today that it's a non-religious  
 9 organization, is that correct?  
 10 A. I said non-sectarian, but yeah.  
 11 Q. What is the distinction in your mind between  
 12 non-sectarian and non-religious?  
 13 A. Non-sectarian just includes ethnicity.  
 14 Q. So is PAAIA an organization that advances any  
 15 particular religion?  
 16 A. No.  
 17 Q. Is the organization open to anyone regardless of  
 18 religion?  
 19 A. Any Iranian-American regardless of religion.  
 20 Q. Fair enough. I'm curious, is it open to anyone that is  
 21 not Iranian-American?  
 22 A. We've never actually had anyone approach us and want to  
 23 be a member who is not Iranian-American, but I would be open  
 24 to it.  
 25 Q. On your website, presumably, there's a way that

1 Q. How would you compare the incidences of hate crimes  
 2 from the time you started at President of PAAIA to  
 3 January 26th, 2017, to January 27th forward?  
 4 MR. ROSENBERG: Objection. Vague.  
 5 THE COURT: Overruled.  
 6 THE WITNESS: I see a rise in the rate of hate  
 7 crimes.  
 8 BY MR. MEHRI:  
 9 Q. What action items has PAAIA undertaken to combat the  
 10 rise of hate crimes?  
 11 A. The fundraising I was telling you about. We are  
 12 raising for vandalism, repair fees, legal fees, and also  
 13 rewards for apprehending perpetrators related to these hate  
 14 crimes.  
 15 MR. MEHRI: No further questions, Your Honor.  
 16 THE COURT: Thank you. Cross-examination.  
 17 CROSS-EXAMINATION  
 18 BY MR. ROSENBERG:  
 19 Q. Good afternoon, Dr. Austin.  
 20 A. Good afternoon.  
 21 Q. Thank you for being here today.  
 22 A. Thank you.  
 23 Q. Let me start with a topic that was discussed briefly.  
 24 The distinction between the 501(c)3 aspect of PAAIA and the  
 25 501(c)4 aspect. You referred to the IA-100, is that the

1 somebody can join PAAIA?  
 2 A. They sign up.  
 3 Q. Do you ask if they are Iranian-American?  
 4 A. We don't.  
 5 Q. So you don't actually know whether or not they are  
 6 non-Iranian-Americans as members of the PAAIA?  
 7 A. I mean the great majority are, because, you know, those  
 8 are who contacts us. And we do have a list of names that we  
 9 look at. There's also some names that are Americanized so you  
 10 don't really know who is really -- like my name.  
 11 BY MR. ROSENBERG:  
 12 Q. I was looking at your website earlier in the last day  
 13 or so. Would it surprise you to know that it describes PAAIA  
 14 as a non-religious organization?  
 15 A. It does not surprise me, I've seen it. Yeah.  
 16 Inconsistencies.  
 17 Q. Is it your testimony that the website does not  
 18 accurately portray the nature of PAAIA's religious or  
 19 non-religious status?  
 20 THE COURT: No. By non-sectarian she just included  
 21 religion as well as ethnicity. Is that correct?  
 22 THE WITNESS: Exactly. It's just a broader term,  
 23 but I would say it's a non-religious as well.  
 24 BY MR. ROSENBERG:  
 25 Q. Is it fair to describe PAAIA as an advocacy

1 organization?  
 2 A. We do advocate on issues of importance to  
 3 Iranian-Americans.  
 4 Q. Okay. Now, you provided some testimony earlier today  
 5 regarding, I think I heard you say, a sports diplomacy  
 6 program --  
 7 A. Yes.  
 8 Q. -- that PAAIA was not able to move forward with?  
 9 A. Yes.  
 10 Q. And it was your testimony that PAAIA had to postpone  
 11 that program because of the provisions in Executive Order  
 12 13780?  
 13 A. That's what I was told.  
 14 Q. Told by whom?  
 15 A. State Department officials.  
 16 Q. I'm a little bit confused. PAAIA was going to have a  
 17 sports program -- a sports diplomacy program?  
 18 A. We were working on it, yes.  
 19 Q. And at what timeframe were you working on it?  
 20 A. Actually, from around October of -- or September of  
 21 last year until now.  
 22 Q. And is PAAIA still interested in moving forward with  
 23 that program?  
 24 A. Yes.  
 25 Q. Why is it not moving forward with that program?

1 A. Yes. Can you actually explain what that is again?  
 2 Q. Are you aware that a United States District Court in  
 3 Hawaii entered a preliminary injunction precluding the  
 4 implementation of the provisions of Section 2 of the Executive  
 5 Order?  
 6 A. Yes.  
 7 Q. And are you aware that a District Court in Maryland  
 8 entered a similar injunction, specifically as to Section 2(c)  
 9 of the Executive Order?  
 10 MR. MEHRI: Objection, she's not a lawyer and we're  
 11 asking her the areas of the legal analysis.  
 12 THE COURT: I think if she's aware, she can say  
 13 she's aware. If she's not -- I don't expect her to understand  
 14 the finer points.  
 15 THE WITNESS: Just clarifying the terms. Yeah.  
 16 BY MR. ROSENBERG:  
 17 Q. You're aware that the provisions of the Executive Order  
 18 that apply to aliens from Iran who seek to enter the United  
 19 States have been enjoined?  
 20 A. Yes. We don't know that that will be permanent, so --  
 21 Q. No, we don't. And that's -- obviously, there are some  
 22 cases up on appeal right now. But as of right now they are  
 23 not being enforced, are they?  
 24 A. As of right now, yes.  
 25 Q. Do you remember preparing your declaration in this

1 A. We were told that we would have to wait and see how,  
 2 you know, the travel bans were actually implemented and how  
 3 they would affect --  
 4 Q. Who told you this?  
 5 A. Officials at the State Department.  
 6 Q. Do you know who?  
 7 A. Yes.  
 8 Q. Can you tell me?  
 9 A. Someone from the Iran desk.  
 10 Q. And when did they tell you this?  
 11 A. A couple weeks ago -- or, no, more than that. I don't  
 12 remember exactly, but a few weeks ago.  
 13 Q. So some time ago. Was it before Executive Order 13780  
 14 was issued?  
 15 A. I don't actually remember for a fact, but I think it  
 16 was, but I can check that.  
 17 Q. And you're aware that Executive Order -- when I refer  
 18 to Executive Order 13780, do you understand what I'm referring  
 19 to?  
 20 A. Can you refresh my -- this is the second one?  
 21 Q. Yes, that is correct. It is the Second Executive  
 22 Order, and I just want to be absolutely clear on that.  
 23 A. Yes.  
 24 Q. You're aware that Section 2 of that Executive Order has  
 25 been enjoined, are you not?

1 lawsuit?  
 2 A. Do I remember preparing it?  
 3 Q. Yes.  
 4 A. Yes, I remember.  
 5 Q. And do you generally remember what's in it?  
 6 A. Generally.  
 7 Q. Okay. Because I have a couple of questions about some  
 8 of the statements that you made in your declaration. And if  
 9 you're not aware, I can provide a copy of that to you.  
 10 A. Okay.  
 11 Q. Do you recall providing a statement in your declaration  
 12 that members of PAAIA are concerned that the Executive Orders  
 13 create a negative stigma on Iranian-Americans? Do you recall  
 14 a statement to that effect?  
 15 A. Yes.  
 16 Q. Do you recall which Executive Order that statement  
 17 referred to?  
 18 A. I don't, but I would say that it refers to both.  
 19 Q. Do you recall when you signed your declaration?  
 20 A. The date?  
 21 Q. Yes.  
 22 A. I don't exactly remember the date.  
 23 Q. Does March 13th sound about right?  
 24 A. Sure.  
 25 Q. Are you aware that Executive Order 13780 had not yet

1 effect as of that date?  
 2 A. No.  
 3 Q. Are you aware of the places within Executive Order  
 4 13780 where the country of Iran is mentioned?  
 5 A. Not by heart.  
 6 Q. Do you have any sense?  
 7 A. In the beginning.  
 8 Q. Have you read Executive Order 13780?  
 9 A. Yes, but not recently.  
 10 Q. How long ago did you read it?  
 11 A. When it first came out, and then a few weeks after.  
 12 Q. Did you read it before preparing your declaration in  
 13 this case?  
 14 A. I did not.  
 15 Q. You did not?  
 16 A. I didn't reread it, no.  
 17 Q. Did you read it at all before preparing your  
 18 declaration in this case?  
 19 A. Yes.  
 20 Q. Are you aware that the only operative --  
 21 A. I'm sorry. Can I ask. When you meant declaration, you  
 22 meant what was in there, not what I said today?  
 23 Q. Yes.  
 24 A. Yes, of course I read it before that declaration. Yes.  
 25 Q. I wanted to make sure --

1 waivers -- I can't tell what the rest of that is.  
 2 THE WITNESS: Yes, I am.  
 3 BY MR. ROSENBERG:  
 4 Q. And that's -- are you aware that that's the provision  
 5 that has been enjoined by other courts?  
 6 A. Yes.  
 7 Q. I think you also mentioned in your declaration that  
 8 some of PAAIA's membership has inquired about whether or not  
 9 the Executive Order will stain relations between United States  
 10 and Iran. Do you remember providing that testimony in your  
 11 declaration?  
 12 A. Yes.  
 13 THE COURT: By declaration, that is the written  
 14 document.  
 15 THE WITNESS: The written document.  
 16 THE COURT: It can be confusing because today  
 17 you've given testimony.  
 18 THE WITNESS: I've given testimony. That's why I  
 19 got confused. Thank you.  
 20 THE COURT: But when he says declaration, he's  
 21 means the written document.  
 22 THE WITNESS: Yes.  
 23 BY MR. ROSENBERG:  
 24 Q. And sometimes we think of them as affidavits.  
 25 A. Yeah. I'm learning. Sorry.

1 A. Yes, I'm sorry. I'm just clarifying legalese here.  
 2 Sorry.  
 3 Q. No apologies are necessary, we are looking for clarity  
 4 more than anything else here.  
 5 A. Yes.  
 6 Q. Are you aware that Section 2 of Executive Order 13780  
 7 contains a provision that suspends the entry of nationals --  
 8 certain nationals from Iran subject to various waivers?  
 9 A. Yes.  
 10 MR. MEHRI: Same -- in terms of her not being a  
 11 lawyer.  
 12 THE COURT: Well, obviously, if she understands --  
 13 THE WITNESS: Yes.  
 14 THE COURT: -- the order. You may --  
 15 BY MR. ROSENBERG:  
 16 Q. I just want to state for the record, I am asking her  
 17 about her awareness because, while she is not a lawyer, she  
 18 has provided extensive testimony about the effects of the  
 19 Executive Order. So I think it's fair to ask her about her  
 20 knowledge.  
 21 MR. ROSENBERG: Can the court reporter read back  
 22 the last question, please.  
 23 THE COURT: Are you aware that Section 2 of  
 24 Executive Order 13780 contains a provision that suspends the  
 25 entry of certain nationals from Iran, subject to various

1 Q. In Federal Court we refer to them as declarations.  
 2 Does PAAIA have a Political Action Committee?  
 3 A. It has an affiliated Political Action Committee, yes.  
 4 Q. What is the affiliated Political Action Committee?  
 5 A. What is it called?  
 6 Q. Yeah.  
 7 A. It's called IA PAC.  
 8 Q. What does IA PAC do?  
 9 A. IA PAC contributes to candidates of Iranian-American of  
 10 Iranian descent -- Iranian-American candidates who want to run  
 11 for public office. That's one of our missions is we want to  
 12 get more Iranian-Americans involved in public service and the  
 13 United States. It also contributes to candidates and Congress  
 14 who support the interest of our community.  
 15 Q. Is PAAIA a lobbying organization?  
 16 A. I mean, we do electioneering. I don't know how you  
 17 would define that. You need to clarify that.  
 18 Q. Do you employ registered lobbyists?  
 19 A. No.  
 20 Q. Is PAAIA registered as a lobbyist?  
 21 A. Not that I know of.  
 22 Q. But you advocate before Congress, do you not?  
 23 A. Yes.  
 24 Q. Has PAAIA taken a position regarding this Executive  
 25 Order before Congress?

1 A. We have advocated.  
 2 Q. And, in fact, has PAAIA advocated for a legislative  
 3 response to the Executive Order?  
 4 A. Well, specifically, we are supporting legislation that  
 5 opposes the Executive Order.  
 6 Q. Does PAAIA lobby on other issues?  
 7 MR. MEHRI: Objection. Mischaracterizes testimony.  
 8 THE COURT: Overruled.  
 9 THE WITNESS: We advocate on issues of importance  
 10 to the Iranian-American community. We get that information  
 11 from our national surveys. Our national surveys show that the  
 12 great majority of Iranian-Americans want peaceful relations  
 13 with Iran. They want conflicts to be resolved through  
 14 diplomacy rather than military strikes. So we have advocated  
 15 on behalf of the JCPOA, for example.  
 16 BY MR. ROSENBERG:  
 17 Q. Are you familiar with the initial January 27th  
 18 Executive Order?  
 19 A. Yes.  
 20 Q. Are you aware that it initially included the country of  
 21 Iraq from which travel was suspended?  
 22 A. Yes.  
 23 Q. Are you aware that Iraq is no longer on the list of  
 24 countries from which travel is suspended in the Executive  
 25 Order 13780?

1 THE COURT: Yeah, but you elicited it on  
 2 cross-examination. I'm trying to get to specific topics that  
 3 would be relevant for the issue of a preliminary injunction.  
 4 MR. ROSENBERG: I can move on.  
 5 THE COURT: Political debates are interesting but  
 6 it's 10 after 4:00. So let's move along.  
 7 MR. ROSENBERG: I can --  
 8 THE COURT: Sustain the objection.  
 9 MR. ROSENBERG: I can move on if you'd like.  
 10 THE WITNESS: Do you allow me to clarify or do you  
 11 want me --  
 12 MR. ROSENBERG: Well, I think the Judge has just  
 13 indicated that --  
 14 THE COURT: We're not going to pursue that line of  
 15 testimony today.  
 16 BY MR. ROSENBERG:  
 17 Q. Let me move on then to the issue of diversion of  
 18 resources, because I think that is something that's within the  
 19 scope here and that is of interest to all of us. Your  
 20 declaration, again, the affidavit, the written document that  
 21 you provided in this lawsuit, refers to the January 27th  
 22 Executive Order going into effect, does it not?  
 23 A. Yes.  
 24 Q. And you're aware that that Executive Order has been  
 25 revoked, are you?

1 A. I am.  
 2 Q. Are you aware that a stated reason in Executive Order  
 3 13780 for the removal of Iraq was the cooperation that the  
 4 Iraqi government was providing to the United States?  
 5 MR. MEHRI: Objection. This is beyond the scope of  
 6 her testimony.  
 7 THE COURT: How is this within the scope of  
 8 Dr. Austin's testimony?  
 9 MR. BALDRIDGE: She provided testimony earlier  
 10 today about both Executive Orders, and has just provided  
 11 testimony regarding positions that PAAIA has taken.  
 12 THE COURT: Wait. She just provided testimony  
 13 because you asked her about it. You elicited it in  
 14 cross-examination. How is testimony regarding the removal of  
 15 Iraq from the list of covered countries covered by her direct  
 16 examination?  
 17 MR. ROSENBERG: It would go to the issue of -- she  
 18 has testified about the effects of the Executive Order. And  
 19 one of the effects of -- one of the rationales for removing  
 20 Iraq from Executive Order 13780 was the diplomatic support  
 21 that Iraq provided. And in light of the fact that PAAIA is a  
 22 lobbying organization that seeks to advocate specific policies  
 23 before Congress, including a view that was just expressed on  
 24 the cross that PAAIA wishes to allow the diplomatic process to  
 25 unfold.

1 A. Yes.  
 2 Q. I believe you testified in your declaration that  
 3 PAAIA -- one of the resources that PAAIA had to expend was the  
 4 preparation of press releases relating to the Executive  
 5 Orders. Do you recall that in your affidavit?  
 6 A. Not exactly, but if you see it there then --  
 7 Q. Would it be helpful for me to refresh your recollection  
 8 on that and provide you with a copy of your declaration?  
 9 A. Sure.  
 10 Q. Okay.  
 11 MR. ROSENBERG: May I approach? I'm marking as  
 12 Exhibit C the declaration in this case.  
 13 THE COURT: Direct the witness to the relevant  
 14 portion.  
 15 THE WITNESS: Yes, I was going to ask --  
 16 MR. ROSENBERG: Hold on. I have to find it myself.  
 17 Paragraph 23, about three quarters of the way down.  
 18 THE COURT: Just read it to yourself and once you  
 19 read it, let Mr. Rosenberg know. If it has refreshed your  
 20 recollection regarding what he asked you -- his question,  
 21 which was --  
 22 THE WITNESS: Yes.  
 23 THE COURT: Okay.  
 24 BY MR. ROSENBERG:  
 25 Q. Do you recall that now?

1 A. Yes.  
 2 Q. Is it your testimony today that PAAIA prepared press  
 3 releases in response to the January 27th Executive Order?  
 4 A. It's press releases about -- that are informational for  
 5 our community. And, you know -- not press releases in the  
 6 vacuum.  
 7 Q. About the Executive Order?  
 8 A. And how it impacts our community.  
 9 Q. Would it surprise you to learn that PAAIA's website  
 10 does not contain any of those press releases?  
 11 A. It would surprise me to learn that.  
 12 Q. What I've handed the witness is an exhibit that we  
 13 marked as Exhibit Number D, and I will represent that it is a  
 14 document that I retrieved from PAAIA's website last night.  
 15 A. They're probably on the home page. We just went  
 16 through a website transition and that is probably an old page  
 17 that is stuck in there. Sorry about that.  
 18 Q. I didn't actually have a question pending at that  
 19 point.  
 20 A. Okay.  
 21 Q. But do you see the URL in the lower left-hand corner of  
 22 Exhibit D?  
 23 A. Yes.  
 24 Q. Is that PAAIA's URL?  
 25 A. It is.

1 believe you also testified that PAAIA had to divert resources  
 2 away from some of its other policies, is that correct?  
 3 A. Can you point me to what --  
 4 Q. I'm just asking a question.  
 5 A. Other policies?  
 6 Q. Right. I mean, you mentioned the program earlier. Is  
 7 it your testimony -- let me strike that and start over. Is it  
 8 your testimony today that PAAIA has had to divert resources  
 9 from its other events?  
 10 A. Programs and events.  
 11 Q. Does PAAIA on its website maintain a blog?  
 12 A. Sometimes, yeah. Not this website, we have another  
 13 one, IA-100 website where we maintain the blog.  
 14 Q. Which website is that?  
 15 A. It's the (c)3 website. IA-100. We have several  
 16 websites. We have different pages for our next generation  
 17 program, so...  
 18 Q. Right. I guess my question is -- I guess my questions  
 19 relate to PAAIA as an organization. What is PAAIA's main  
 20 website?  
 21 A. Well, the PAAIA.org is a main website, but you have  
 22 buttons that can take you to the other pages that relate to  
 23 different programs, like the next generation program and  
 24 the --  
 25 Q. Okay. I believe you also mentioned in your declaration

1 Q. And do you see the date in the lower right-hand corner?  
 2 A. Yes.  
 3 Q. And what date is that?  
 4 A. April 17, 2017.  
 5 Q. Now, I don't see any press releases after February  
 6 of 2014. Do you see any press releases on here relating to  
 7 the Executive Orders?  
 8 A. No, but I can explain why. This is an old page. We  
 9 just went through a website transfer. We don't have a  
 10 separate page for them anymore. So we just need to get rid of  
 11 that page.  
 12 Q. Well, it appears to be a two-year-old page, does it  
 13 not?  
 14 A. Yes.  
 15 Q. And this is a publicly facing web page of PAAIA, is it  
 16 not?  
 17 A. It is.  
 18 Q. And is the website of PAAIA used to communicate with  
 19 the community at large about PAAIA's activities?  
 20 MR. MEHRI: Objection on relevance.  
 21 THE COURT: Overruled. But let's -- let's not go  
 22 down rabbit holes at this --  
 23 BY MR. ROSENBERG:  
 24 Q. I believe you also testified -- I want to discuss  
 25 resources a little more, with the Court's indulgence. I

1 that you prepared, as an example of diversion of resources, an  
 2 article in the Huffington Post, do you recall that?  
 3 A. I do.  
 4 Q. And the Huffington Post article referenced in your  
 5 declaration, was that article written on behalf of PAAIA or in  
 6 your own personal capacity?  
 7 A. On behalf of PAAIA.  
 8 Q. So what is -- is what's said in that article, does that  
 9 represent PAAIA's position on various issues to the extent  
 10 that they are discussed in the article?  
 11 A. As best I can --  
 12 Q. Okay. Do you recall --  
 13 MR. MEHRI: Objection. This is beyond the scope of  
 14 her testimony.  
 15 THE COURT: I'm going to allow it. Does what's  
 16 contained in the article have to do with what the witness just  
 17 testified to under direct examination?  
 18 MR. ROSENBERG: Yes, it does. It goes directly --  
 19 in her declaration the witness indicated that the writing of  
 20 the article --  
 21 THE COURT: I'll take your proffer. Go.  
 22 MR. ROSENBERG: I'm almost done.  
 23 THE COURT: All right. Over the -- the objection  
 24 is overruled.  
 25

1 BY MR. ROSENBERG:

2 Q. Do you recall writing in the article that a balance can  
3 be struck regarding the First Executive Order?

4 A. Yes. Can you remind me when that article was dated?

5 Q. January 29, 2017?

6 A. Pretty early. I just wondered.

7 Q. Shortly after the First Executive Order was issued.

8 A. Yes.

9 Q. Do you recall PAAIA urging the President to make clear  
10 that his Executive Order does not ban the reentry of  
11 established permanent residents?

12 A. Yes.

13 Q. And Executive Order 13780 does exactly that, does it  
14 not?

15 A. I don't know for sure. That's what it says. I don't  
16 know how it's going to be implemented.

17 Q. Have you read -- are you aware that both Customs and  
18 Border Patrol and the State Department have issued guidance on  
19 the implementation of Executive Order 13780?

20 A. Yes. But there's been so much uncertainty about how  
21 any of these Executive Orders are implemented that I don't --  
22 I can't say for sure.

23 Q. Well, in fact, they haven't been implemented because  
24 they have been enjoined, have they not?

25 A. Exactly. So I don't know. I don't know the answer.

1 Q. Do you recall PAAIA advocating that the Executive Order  
2 should make clear that it does not ban the reentry of dual  
3 nationals?

4 A. Yes. And this is all about the First Executive Order  
5 written two days after it was released, right?

6 Q. And the new Executive Order accommodates that, does it  
7 not?

8 A. That's what it states.

9 Q. Are you aware that PAAIA urged the President to make  
10 clear that his Executive Order does not ban the reentry of  
11 those who have secured valid visas?

12 A. Yes.

13 Q. And the new Executive Order accommodates that as well,  
14 does it not?

15 MR. MEHRI: Objection, misstating the order.

16 THE COURT: Overruled.

17 THE WITNESS: That's what it states.

18 BY MR. ROSENBERG:

19 Q. In fact, these waiver provisions in the new Executive  
20 Order are pretty broad, aren't they?

21 A. They seem to me to be. I have no idea how they will be  
22 implemented.

23 Q. Are you aware that PAAIA on its website has described  
24 the revised Executive Order as including, quote, broad  
25 exemption authority?

1 A. Yes. In text. We don't know in effect what it's --  
2 what's going to come of it.

3 Q. Are you aware that PAAIA on its website says that the  
4 new Executive Order provides, quote, clarity that dual  
5 nationals and legal permanent residents (Green Card holders)  
6 are excluded from the suspension of entry?

7 A. Again, the clarity there was in reference to the text  
8 because the First Executive Order basically went back and  
9 forth on whether or not Green Card holders were exempted. And  
10 in effect we've found out that they weren't at some point. So  
11 when I say clarity, I mean that they actually textually say  
12 that, but I don't know in effect if it will be clear.

13 Q. So is it your testimony today that Executive Order  
14 13780 is clear?

15 A. Just textually I said just on that one point. It is  
16 now saying that Green Card holders or legal permanent  
17 residents are exempted from the ban. Whereas, the first one  
18 did not have clarity on that, in terms of what was written in  
19 the Executive Order. The first one didn't have clarity in  
20 terms of what was written or what was implemented.

21 In the second one, I know that -- I'm saying that  
22 there's clarity in what was written. I have no idea if there  
23 will be clarity when and if it's implemented.

24 MR. ROSENBERG: If I can get about 30 seconds.  
25

1 BY MR. ROSENBERG:

2 Q. Once again, Dr. Austin, thank you for your time. I'd  
3 like to move the exhibits that we referred to today during the  
4 cross-examination into evidence.

5 THE COURT: Any objection? They will be admitted.

6 MR. MEHRI: No.

7 MR. ROSENBERG: Thank you.

8 THE COURT: Redirect?

9 REDIRECT EXAMINATION

10 BY MR. MEHRI:

11 Q. Dr. Austin, just a few quick questions. In terms of  
12 that sports diplomacy program you mentioned. Did the Iran  
13 desk at the State Department get back to you?

14 A. Yes.

15 Q. And what did they say when they got back to you?

16 A. They said that we needed to wait and see what was going  
17 to happen with the travel bans.

18 Q. And was this after March 6th?

19 A. Again, I don't remember for a fact, but I'm pretty sure  
20 it was. I'd have to check my calendar.

21 Q. Has PAAIA in fact issued press releases in 2017?

22 A. Yes, we issue statements.

23 Q. Okay.

24 A. If you want to call them press release.

25 Q. Opposing counsel asked you questions regarding lawful



1 permanent residents and citizens who are Iranian-American.  
 2 Have any of your members who are Iranian-American expressed  
 3 concerns about what the Executive Order Number Two's impact is  
 4 on them and their families?

5 A. Yes. In terms of impact, there's still a lot of  
 6 uncertainty. People are worried about their families being  
 7 able to visit. Some of our members have ill/infirm parents  
 8 that they're worried about not being able to bring here for  
 9 treatment or to be able to visit for them -- you know. We  
 10 also have heard from some members who mentor students, that  
 11 students who are currently here are fearful of going back to  
 12 visit family. So there has been a lot of disruption and  
 13 anxiety.

14 MR. MEHRI: No more questions, Your Honor.

15 THE COURT: All right. Thank you. Thank you all.  
 16 You may step down, Dr. Austin. Thank you very much for both  
 17 witnesses testimony today.

18 MR. SCHWEI: No further questions, just one  
 19 housekeeping matter.

20 THE COURT: We're going to do that. You may give  
 21 them to Mr. Bradley. Yeah, we have a little housekeeping.

22 Mr. Schwei?

23 MR. SCHWEI: Thank you, Your Honor. Just in terms  
 24 of Friday's hearing with Your Honor's permission, Acting  
 25 Assistant Attorney General Readler will address the merits of

1 the motions and I will address the standing and irreparable  
 2 harm issues for this case, as well as the case being jointly  
 3 heard on Friday.

4 THE COURT: That's fine. Now, Friday. I have a  
 5 hard stop at 4:00 o'clock. We have a court-wide ceremony, and  
 6 I'm expected to be in the Ceremonial Courtroom at 4:15 and I  
 7 plan to be there. I should hope that that doesn't present  
 8 difficulty because that is two hours, and I can't imagine that  
 9 we need more time than that.

10 Obviously, you can structure your argument in any  
 11 way you like, but I'd like you to remember that we're here on  
 12 a preliminary injunction and address the issues that I have to  
 13 consider in ruling on a preliminary injunction as well as the  
 14 effect, and if any and to what extent, of the Hawaii Federal  
 15 Court's ruling and how it affects your arguments here and the  
 16 Court's task, given that ruling. All right.

17 So I appreciate the testimony I've heard today  
 18 regarding the community and the history. As an immigrant  
 19 myself, it's all very interesting, but I really need to get to  
 20 the legal issues on Friday and that's what I'm hoping the  
 21 parties will provide me with. All right. Anything further?

22 MR. FREEDMAN: Your Honor, John Freedman from  
 23 Arnold & Porter. We just want to let the Court know that we  
 24 will -- Mr. Mehri and I will be splitting the argument in a  
 25 similar way to the Justice Department to try to streamline

1 things. And I am scheduled to have a discussion tomorrow with  
 2 Umaa plaintiffs and we were going to try to figure out how to  
 3 streamline the presentation.

4 THE COURT: All right. I look forward to it.

5 Thank you. All right, everyone, thank you.

6 END OF PROCEEDINGS AT 4:25 P.M.

7

8 C E R T I F I C A T E

9 I, Lisa M. Foradori, RPR, FCRR, certify that  
 10 the foregoing is a correct transcript from the record of  
 11 proceedings in the above-titled matter.

12

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14

15 Date: April 19, 2017 /s/ Lisa M. Foradori

16 Lisa M. Foradori, RPR, FCRR

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