

EXHIBIT 4

DECLARATION OF JOHN SANDWEG

I, John Sandweg, hereby declare under the penalty of perjury pursuant to 28 U.S.C.

§ 1746:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to these matters.

2. I am currently a partner at Nixon Peabody LLP, where I lead the Cross-Border Risks team, focusing on complex national security, immigration, and Department of Homeland Security (DHS) compliance matters.

3. Before returning to private practice, I held many leadership positions with U.S. Immigration and Customs Enforcement (ICE) and DHS from 2009-2014. From 2013 to 2014, I served as Acting Director of U.S. Immigration and Customs Enforcement (ICE), where I led 20,000 employees in every state and 47 countries in fulfilling through the enforcement of federal border control, customs, trade, and immigration laws. As Acting Director of ICE, I served as the chief legal officer for DHS, legal, policy, and operational issues. Prior to my position as the Acting Director of ICE, I held the position of Acting General Counsel of DHS from 2012-2013,

significant legal, policy, and operational issues. Prior to becoming Acting General Counsel, I server as a Senior Counselor in the Office of the DHS Secretary, where I served as enforcement policy. I am an attorney licensed in the District of Columbia and Arizona.

4. The coronavirus pandemic has brought our nation to a standstill. It has strained our public health agencies and promises to overtax the American public health care system in the very near future.

5. ICE currently detains over 35,000 detainees across the country. ICE detention centers are extremely susceptible to outbreaks of infectious diseases. Based on my experience as Acting Director of ICE, I know that preventing the coronavirus from being introduced into these facilities is impossible. The design of these facilities requires inmates to remain in close contact with one another the opposite of the social distancing now recommended for stopping the spread of the lethal coronavirus.

6. There is no question that ICE detention centers are vulnerable to outbreaks of contagious diseases. These detention centers present the very situation that

number of people contained in a very small environment. Any outbreak (a single case) will spread like wildfire. The design of ICE detention facilities requires inmates to remain in close contact with one another. There is absolutely no way to prevent the virus from being introduced into these facilities.

7. When an outbreak of COVID-19 occurs in an ICE facility, the detainees will not be the only ones at risk. An outbreak will expose the hundreds of ICE agents and officers, medical personnel, contract workers, and others who work in these facilities to the virus. Once exposed, many of them will unknowingly take the virus home to their families and communities.

8. Moreover, once the virus tears through a detention center, crucial and limited medical resources will need to be diverted to treat those infected. ICE can, and must, reduce the risk a detention center outbreak poses to so many people, and the most effective way to do so is to drastically reduce the number of people it is currently holding.

9. It is my considered opinion, based on my years of experience working in leadership positions at DHS and ICE, that ICE has the operational capacity to quickly and drastically reduce the population of civil immigration detainees while still protecting public health as much as possible. Doing so will avoid an imminent grave public health threat. ICE should continue to detain those who threaten

public safety or national security, but very drastically reducing the detainee

population is clearly in the y.r5cbv.2F1 14.-3(e y.r5c)4(b)-S8.74 675.02460-302dyl8c)735 dls b e

John R. Sandweg

PROFESSIONAL EXPERIENCE

Nixon Peabody LLP, Washington, DC

August 2019 – Present

Partner

- Leads the firm's Cross-Border Risks practice group, focusing on complex international challenges involving issues related to cross-border business, immigration, and national security.
- Defends individuals and corporations in federal and state criminal and regulatory matters.
- Works with businesses to discreetly conduct internal investigations into allegations or suspicions of misconduct, of potential legal or regulatory risk, and in support of potential or on-going litigation.
- Heads up team that reviews current immigration compliance programs to develop proactive solutions to mitigate the risk of civil and criminal penalties when responding to government inquiries and to implement effective policies to ensure future compliance.
- Advises clients on a variety of topics including general immigration law, general enforcement practices, USCIS policies, FOIA/government record keeping, as well as E-Verify/SAVE verification issues.

John R. Sandweg

General Counsel (Acting)

- Appointed by President Obama to serve as the chief legal officer of the Department of Homeland Security, supervising the Department's legal operations and managing all legal personnel throughout the Department.
- Served as a member of the Secretary's senior staff, managing the Department's litigation portfolio and coordinating the Department's response to congressional oversight while continuing to serve as the Department's lead policy maker on immigration and border security.
- Led the Department's efforts to enact comprehensive immigration reform, working closely with the Senate on the drafting of S744, briefing members of Congress and their staff on issues related to immigration and border security, coordinating the Department's efforts and serving as the Department's principal liaison with the White House on all immigration issues.
- Worked closely with the Department of Justice, the National Security Staff and interagency partners formulating the Administration's legal positions on issues related to national security.
- Advised the Secretary on terrorism investigations, emergency events and high-profile issues, including the Boston Marathon bombing, border security and criminal investigations.
- Served as the United States' lead negotiator on an international treaty with the United Arab Emirates regarding the establishment of a pre-clearance facility in Abu Dhabi and the exchange of security related information.

U.S. Department of Homeland Security, Washington, DC

January 2010 – August 2012

Senior Counselor to the Secretary

- One of three critical members of Secretary Napolitano's senior staff, coordinating and developing policy with particular emphasis on immigration and border security, counter-terrorism, cyber-security, transportation security and privacy.
- Managed the Department's responses to congressional oversight and oversaw the daily operations of the Department on a wide array of issues.
- Represented the Department in the policy development process with the White House, Congress and external stakeholders.
- Developed communications strategy and conducted media interviews and briefed Congressional and non-governmental stakeholders on Departmental policy and operations.

U.S. Department of Homeland Security, Washington, DC

March 2009 – January 2010

Chief of Staff to the General Counsel

- Provided legal and strategic advice to the Secretary of Homeland Security and her senior staff on an array of issues.
- Coordinated the daily operations of the Office of the General Counsel, overseeing the work of attorneys across the department.
- Worked with the White House Counsel's office and the Department of Justice on Homeland Security issues.

Quarles and Brady LLP, Phoenix, AZ

September 2002 – March 2009

Associate

- Developed a broad-based criminal defense practice, specializing in representing clients in federal and state litigation and regulatory matters.
- Served as lead counsel in over twenty jury trials, and numerous evidentiary hearings, oral arguments and administrative proceedings.
- Authored appellate briefs to both the Arizona Court of Appeals and the Arizona Supreme Court.
- Represented crime victims and assisted law enforcement in criminal investigations as victim's counsel.

John R. Sandweg

EDUCATION

Arizona State University College of Law, Tempe, AZ **May 2002**
Juris Doctor, cum laude, Order of the Coif, Pedrick Scholar

Arizona State University, Tempe, AZ **May 1999**
Bachelor of Arts, Political Science