

# ACLU wants records on how Trump's first travel ban was carried out at Salt Lake airport

By Ben Lockhart@benlockhartnews

Deseret News

April 26, 2018

Link: <https://www.deseretnews.com/article/900017141/aclu-wants-records-on-how-trumps-first-travel-ban-was-carried-out-at-salt-lake-airport.html>

Link:

<https://www.ksl.com/?sid=46309230&nid=148&title=aclu-wants-records-on-how-trumps-first-travel-ban-was-carried-out-at-salt-lake-airport>

SALT LAKE CITY — The American Civil Liberties Union of Utah is trying to find out more about how a travel ban, issued by President Donald Trump shortly after he took office, was implemented at the Salt Lake City International Airport "during the hours before and after" it was halted via court directive.

The civil rights advocacy organization said in a release this week that it has reason to believe execution of the ban nationwide was "chaotic" and "scary for a lot of people," but it is still seeking records about how U.S. Customs & Border Protection agents were instructed to act at the Salt Lake airport specifically.

The federal agency has not been cooperative with those records requests, the ACLU of Utah claims, which is why the organization sued the government in April of last year seeking their release.

The federal lawsuit "demand(s) emails and documents discussing how agents implemented" the ban, as well as records related to "whether they adhered to the court-ordered injunction," ACLU of Utah spokesman Jason Stevenson said in a release.

In January, a judge ruled U.S. Customs and Border Protection must turn over all documents, said Leah Farrell, staff attorney for the ACLU of Utah.

"We'll have the totality of those documents by the end of the year," Farrell told the Deseret News. "Of course, we believe we should've gotten these much sooner."

Farrell added that "we do expect the order to be fully complied with."

In response to several questions from the Deseret News, Customs and Border Protection spokesman Jason Givens said in an email that "as a matter of policy, (the agency) does not comment on pending litigation."



"However, lack of comment should not be construed as agreement or stipulation with any of the allegations," he said, referring to the ACLU's claims that were asked about.

The ban, issued as an executive order by Trump seven days after he assumed the presidency, included a directive prohibiting the entry of virtually all non-U.S. citizens from Syria, Iraq, Iran, Libya, Somalia, Sudan and Yemen for 90 days. It also suspended the intake of refugees for 120 days and put the acceptance of Syrian refugees on hold indefinitely.

Within days, amid dozens of legal challenges, enforcement of much of the ban was halted via court directive.

The ban has since been superseded twice by the Trump administration, and a legal challenge to its current version — which removes Sudan and adds North Korea and Venezuela to the list of countries affected by the mandated travel restriction — was heard before the U.S. Supreme Court this week.

Each of the Trump administration's travel bans has been criticized by the ACLU as a "Muslim ban" motivated by religious discrimination against those from countries where the majority of citizens adhere to Islam. But the Trump administration has contended the measures are rational and designed to protect national security, saying affected nations do a poor job vetting travelers' backgrounds.

The ACLU of Utah lawsuit applies strictly to the first iteration of the ban, Farrell explained, but she said the organization has opposed all three versions.

"It is very important to look at the initial ban and the language from President Trump's campaign to see it for what it is," she said. "(Adding) a couple countries, making the lines blurred, doesn't erase what was the initial impetus for the ban."

Despite controversial accounts of travelers' detainment at airports in the aftermath of the initial ban, Farrell said "we didn't hear of anyone being detained specifically at the Salt Lake airport," adding "we don't have an absolute answer to that."

She said it would "make sense knowing what we do about the routes" from the affected countries that people were not detained in Salt Lake, considering that "there isn't a lot of direct traffic" to Utah from those places.

However, any interrogations at the Salt Lake airport, or unknown incidents of people being detained there, are "absolutely ... what we were looking for in the records," Farrell said.

"(But) that's not the end of the inquiry," she said. "Also what's important for us to see is, what was the communication like, what was happening as the courts were making decisions, what were some of the local conversations?"

The ACLU of Utah wants "to really understand what was happening on the ground" and "how we locally were affected, what our officers who work at our airports were instructed to do," Farrell said.

She said it's especially important to find what happened locally because of the ban's "surprise rollout," which she termed "chaotic," adding it's possible that some of the executive order's directives may have been carried out even in the hours after it was temporarily halted in court.

"That's incredibly important for us to find out," Farrell said.

Farrell said the ACLU is seeking documentation about how the ban was applied in Salt Lake with the human implications of its enforcement in mind.

"We're dealing with some of the most scary moments for those who were caught up in this," she said. "The intensity of the experience of being held and being unsure what's going to happen to you and unsure if you're going to be sent back to a very dangerous place — it's hard to capture in words how intense that experience would have been for people."

The ACLU of Hawaii and ACLU of Northern California are plaintiffs in the same records request lawsuit, which also seeks documentation about how the travel ban was implemented at Honolulu International Airport, Kona International Airport, San Francisco International Airport and San Jose International Airport.

"Specifically, the request seeks records concerning (Customs and Border Protection's) local implementation ... at international airports within the purview of (its) San Francisco field office," the lawsuit states.

Farrell confirmed the administrators of the Salt Lake airport itself, which falls under the stewardship of Salt Lake City's municipal government, are not believed to have the records targeted in the lawsuit.

"It does come down to U.S. Customs, in the fact that they are the ones who have control over these decisions," she said.