

# **EXHIBIT 9**

**SENT VIA E-MAIL: FOIA@HQ.DHS.GOV**

May 10, 2023

Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528

RE: 2023-HQFO-01407

To Whom It May Concern:

I write regarding an April 19, 2023, Freedom of Information Act (“FOIA”) Request, 2023-HQFO-01407, I submitted to the Department of Homeland Security (“DHS”) regarding Secretary Mayorkas’ knowledge of human trafficking organizations’ use of wristbands to organize human smuggling operations at the Southwest Border (“Request”). Specially, the Request seeks records concerning an exchange between Secretary Mayorkas and Senator Ted Cruz at a March 28, 2023, hearing before the Senate Judiciary Committee. When Senator Cruz questioned Secretary Mayorkas about the wristbands worn by migrants at the US-Mexico border, the Secretary admitted he “did not know” what they were.<sup>1</sup>

The purpose of the Request is to shed light upon the recent and widespread controversy surrounding Secretary Mayorkas’ testimony that he lacked knowledge about the wristbands used by cartels at the US border. Specifically, the Request seeks records revealing whether the Secretary was aware of the use of color-coded wristbands by cartels at the time of the March 28 hearing. The requests sought fee waivers based on my status as a journalist for the *Daily Signal*, a major news outlet, and expedited processing based on the immense public interest in the Secretary’s actions.

The Request sought expedited processing because the documents responsive to the Request are “a matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(1)(iv). The Request supported the application for expedited processing with nearly seven single spaced pages of factual and legal submissions and included hundreds of pages of appendices highlighting the widespread media and congressional interest in both Secretary Mayorkas’ March 28 testimony, and the ongoing crisis at our Southwest border. DHS has failed to respond to my application.

---

<sup>1</sup> New York Post. (Accessed: 2023, April 13). Sen. Ted Cruz, Alejandro Mayorkas get into spat over border crisis: ‘Willing to let children be raped’. <https://nypost.com/2023/03/28/sen-cruz-mayorkas-get-into-heated-spat-over-border-crisis/>

FOIA requires the agency to determine whether to grant expedited processing within 10 days after the request date. 5 U.S.C. 552 (a)(6)(E)(ii)(I), 6 C.F.R. § 5.5(e)(4). Ten calendar days from the request is April 29, 2023.

I have received no communication from DHS about the Request. I see on the DHS FOIA portal, that the Request has been given a tracking number 2023-HQFO-01407. However, I have received no additional communication about the progress DHS has made on my Request. If DHS does not act on my application for expedited processing by May 12, 2023, I will initiate an action to compel the same and seek preliminary injunctive relief.

If you have any questions, or feel you need clarification, please contact my counsel in this matter, Samuel Everett Dewey, Esq. at [samueledewey@sedchambers.com](mailto:samueledewey@sedchambers.com).

Sincerely,

Kim Lain  
Investigative Reporter  
*The Daily Signal*