

# USC Mock Trial Tryout Packet

## NOTICE:

This tryout packet was authored for the sole purpose of providing aspiring 2025-2026 USC Mock Trial Team members with a dynamic tryout opportunity. The characters are intentionally eccentric for that reason. The topics embraced are also sensitive. There is a noticeable correlation to the current geopolitical scene because POSC 398 is just that – a course in the Department of Political Science and International Relations.

This year, we have added what should be a rather interesting aura opportunity to the tryout.

Nothing is to be inferred, interpreted or gleaned from the extremities these characters traverse or the issues their affidavits encompass. These materials are not intended to communicate or advance any member (coaches & students, alike) of the Team's political, religious or socio-economic beliefs. Please prepare carefully and completely. Good luck!

# TRYOUT INSTRUCTIONS

## ALL STUDENTS MUST DO EVERYTHING

**NOTE ABOUT TRYOUTS:** You do not have to be perfect, however you **MUST** be impressive. Most folks impress others by focusing on their strengths. For example, this case packet is a little “concept heavy.” If you need a bit more instruction to grasp some of this stuff, don’t worry about it. Blow us away with your presentational skills! If you need a little more work on tapping into your presentational brilliance, do what you can with what you have, but boggle our minds with your command of how the facts of this packet relate to the law! If you can do both, wonderful! If you need help with everything, you may still make the Team if you have a strong enough personality! No matter what you focus on, be impressive. The more impressive, the better. This is about **BEING IMPRESSIVE!** Remember, first impressions last longest!

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**ATTORNEY TRYOUTS:** (when you perform the Opening Statement, you will be on the **DEFENSE** working for the City of Los Angeles. When you perform your Cross Examination, you will be a **PLAINTIFF’S ATTORNEY WORKING FOR BAYAN EL-AMIN.**)

One of your tasks is to perform a three minute opening statement for the **DEFENSE** (as the defense attorney on behalf of the City of Los Angeles, the Defendant) in this **CIVIL** case. These instructions, as well as a Case Summary, affidavits from two witnesses, an internal memo, a police report, and applicable law have been provided to assist you effectively communicate your version of the story. All witnesses with the exception of James Gilkirk can be male or female. You pick.

**CONVERSELY**, you (as the **PLAINTIFF’S ATTORNEY**) must also perform a **PLAINTIFF’S** cross-examination of Sgt. Taylor -- **THIS REQUIRES A MENTAL SHIFT** (you just opened for the Defense). This task must be performed in five minutes. The witness will be provided. Don’t worry about bringing your own.

For the sake of context and content, case materials are attached.

When performing these exercises, please exhibit the most skill you can muster. We are looking for poise, intensity, oral dynamics and mental acuity. Do not come unprepared. Do not deliver anything less than an impressive attempt. We recognize that many people do not have experience before joining a college mock trial team. That’s fine!!! The Head Coach (the guy who wrote all this stuff) didn’t either. Don’t worry about it. We enjoy working with **EVERYONE!**

### **WITNESS TRYOUTS:**

**WE ARE DOING IT DIFFERENTLY THIS YEAR.** Usually, you would portray **BAYAN EL-AMIN**, the **PLAINTIFF** in this matter. We would ask you to create and “energize” a character and

1 make us feel it, etc. But, every year we do that our takeaways are minimal. We are not left with  
2 strong impressions of capability, energy, fearlessness, creativity and dynamics. So, we have a  
3 different assignment this time ...

4  
5 YOU WILL MEMORIZE AND RECITE A PORTION OF INSPECTAH DECK'S OPENING  
6 VERSE ON "TRIUMPH" BY WU-TANG CLAN. You will recite the lyrics from **"I bomb**  
7 **atomically ..."** through **"... melt the steel like blacksmiths."** Do not recite profanity or  
8 expletives (there aren't any in the assigned span of lyrics). The video and lyrics for Triumph are  
9 available here: <https://www.youtube.com/watch?v=cPRKsKwEdUQ>

10 WHEN YOU RECITE THE LYRICS, WE WANT TO FEEL IT!!! BE CREATIVE!!! BE  
11 BOLD!!! BE GREAT!!! AURA!!!!

## 12 13 14 CASE INSTRUCTIONS

- 15 1) Read everything thoroughly, or you will totally mess this tryout up. This year's packet is a  
16 little intense, but easy. That sounds unlikely, however – it works like this: if you read  
17 everything carefully, you'll either (a) understand the packet right off the bat, or (b) know  
18 enough to ask the right questions to understand the packet and ultimately complete your  
19 tryout with ease. If you don't read everything carefully, your tryout may politely get cut  
20 short. Every coach of the Team either works, or is in law school, or both. None of us  
21 have time for people who don't take time to prepare. Preparation is everything!
- 22 2) If you are reading this particular instruction, good. It will really help you. On the  
23 Plaintiff's side of this case, please be aware that you are not suing the individual officers  
24 who harmed Bayan. You are suing the City of Los Angeles. The key word for this case is  
25 "POLICY!" The officers have been noticeably (even if legally impossibly) removed from  
26 the claims for relief in this case.
- 27 3) THE SOLE ISSUE FOR THIS TRYOUT EXERCISE IS WHETHER THE CITY OF  
28 LOS ANGELES IS RESPONSIBLE FOR CAUSING BAYAN'S INJURIES – NOT  
HOW MUCH MONEY THE CITY SHOULD HAVE TO PAY. DO NOT WASTE  
TIME PRESENTING MATERIAL/ARGUMENTS ADDRESSING HOW MUCH  
MONEY BAYAN SHOULD BE PAID. For you folks who look stuff up, YES – the  
trial is considered "bifurcated."
- 4) Many of you will ask, "how can the state/city (government) be responsible if the  
individual employees do it?" The answer is: NOT THE WAY OTHER EMPLOYERS  
ARE! There are special rules that determine when action by state agents and employees

will result in the state being held responsible. READ THE “APPLICABLE LAW & CITATIONS” PAGES TO UNDERSTAND THESE RULES!!!

- 5) IF YOU HAVE QUESTIONS – ASK!!! No one expects you to be a federal litigation expert (right now, at least – that’s reserved for when you get “ESQ” behind your name). There is no such thing as a dumb question, and there will never be. Feel free to ask questions incessantly.
- 6) Do research and Google searches to help you with this packet. Just make sure you get a good source. Current and former members of the Team may NOT assist you.
- 7) [ FROM THE TEAM ] We know this packet may seem intense. However, do your best with it. Understand it as best you can, and **present** it as best you can. Give us your all, and we will give you ours. Dazzle us!!! We look forward to your upcoming tryout. Hopefully, you’ll join our Team.

## CASE SUMMARY

The Plaintiff, Bayan El-Amin, is a student from Lebanon who is finishing a Ph.D. at the University of Michigan in Ann Arbor, Michigan. On July 30, 2006, after visiting family in Los Angeles, Bayan was at the Tom Bradley International Terminal at the Los Angeles International Airport waiting to board a plane to Amman, Jordan. Bayan wanted to take some money home to relatives in Lebanon who were waiting out the recent Israeli – Hezbollah conflict.

Bayan claims that while in the airport terminal, s/he noticed a news story on an overhead monitor about his/her home village, became excited, and ran outside to go tell his/her sister and uncle who were parking their car and carrying in luggage and a child.

As Bayan was watching the story, the LAX Airport Police were watching Bayan. The moment they began to approach Bayan to ask a few questions is the precise moment that Bayan alighted to go make contact with family members. Bayan was subsequently tackled, injured and arrested outside the terminal. The Police contend that their actions were reasonable because Bayan was suspicious, disturbed the peace and then obstructed a police officer's performance of official duties by attempting to evade, and resisting arrest.

Bayan has sued the City of Los Angeles because the Airport Police are an agency of the City of Los Angeles. The only issue in this case is whether the City of Los Angeles is liable for violating Bayan's constitutional rights. The amount of money Bayan should be paid IF his/her rights were violated is NOT at issue. The City of Los Angeles contests liability.

### BAYAN'S CLAIMS ARE AS FOLLOWS:

CLAIM 1: Violation of civil rights under 42 U.S.C. §1983 and the 14th Amendment to the U.S. Constitution, because the City of Los Angeles adopted Directives One and Two of the June 1, 2005 "Approach Memo," and the LAX Airport Police officers were acting on those directives when they tackled and arrested Bayan, thus preventing Bayan from speaking with family members, while yelling at Bayan "shut up, shut up – you terrorist!" Bayan further claims that Directives One and Two are sham criteria and do nothing but cover up the City's use of unlawful profiling techniques, of which Bayan was a victim.

CLAIM 2: Violation of civil rights under 42 U.S.C. §1983, and the 14th and 1st Amendments to the U.S. Constitution, because the action against Bayan pursuant to the "Approach Memo" resulted in the curtailment of Bayan's freedom of speech, specifically her ability to speak to her family about the news story and their village.

CLAIM 3: Violation of civil rights under 42 U.S.C. §1983, and the 14th and 4th Amendments to the U.S. Constitution, because the action against Bayan pursuant to the "Approach Memo" resulted in the use of excessive force against Bayan, and his/her arrest. In the absence of "probable cause," that arrest was an unreasonable and unlawful seizure of Bayan's person.

### THE CITY OF LOS ANGELES' DEFENSES ARE AS FOLLOWS:

DEFENSE TO CLAIMS 1, 2 and 3: The “Approach Memo” sets forth directives for profiling based upon valid behavioral criteria that are not contrary to the requirements of the 14th Amendment, or 42 U.S.C. §1983. Accordingly, The City’s police officer agents were acting reasonably pursuant to reliable indicators when they became suspicious of Defendant.

Additionally, while Defendant was running, at the point that the officers told Defendant to “stop,” the officers’ reasonable suspicion elevated to “probable cause” and became the basis for a valid arrest. The officers were entitled to make the arrest by all necessary means and curtail the defendant’s speech while under arrest for safety concerns.

PLAINTIFF (BAYAN’S) OBJECTIVES: Convince the Court that Defendant City of Los Angeles is liable for violating her rights under Claims 1, 2 and 3, or any one or combination thereof.

DEFENDANT CITY OF LOS ANGELES’ OBJECTIVES: Convince the Court that its agents (the LAX Airport Police Officers) acted (1) reasonably based on the facts that they had, and/OR (2) pursuant to a constitutionally valid profiling policy.

### **APPLICABLE LAW & CITATIONS**

The following selections (and summaries) from statutes and cases will help guide you in determining how to support a presentation for one side, or the other. You should consider some of them, none of them, or all of them, as you deem necessary. When you perform your opening statement for the defense, some of the principles expressed in these selections will help you determine what facts are helpful to your case. When you perform your cross-examination, some of these selections will help you determine which facts are important for you to ask questions about.

You will not have time to use all of the selections below. Indeed, depending on which direction you go in with your argument/theory, you will not need to use all of them – and should not. The objective is to be efficient, clear and understandable. An attempt to pack all of this information into the limited time period you have will result in the evaluators being unable to really appreciate your presentational ability.

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STATUTES [ in pertinent part ]

*“No State shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”*

US Const. Amend. 14, § 1

**[ state government entities (including subdivisions like cities and their agencies) can’t discriminate against anyone or deny any person her Constitutional rights without proper procedure & reason ]**

.....

*“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”*

US Const. Amend. 1

**[ right to freedom of religion, speech, assembly, press, and to complain to government ]**

.....

*“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated .... ”*

US Const. Amend. 4

**[ right to be free from searches & seizures without proper basis – also covers excessive force ]**

.....

*“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”*

42 U.S.C. §1983

**[ creates ability to sue over violation of civil rights ]**

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U.S. SUPREME COURT

*GIST: A government employee’s act of violating someone’s rights won’t make the government agency or entity liable for the violation of civil rights simply because the government is the employer. In order for the government to be liable for the harm, there has to be either a written government policy, or unwritten but adopted government custom or practice that the employee is acting pursuant to that is at the root of, or affirmatively linked to, the employee’s harmful*

conduct.

Monell v. Dep't of Soc. Servs., 436 U.S. 658, 691 (U.S. 1978)

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*GIST: If no government agent, or employee (usually same thing), violated a plaintiff's civil rights, then the employing government agency cannot be held liable for a violation of those civil rights.*

Los Angeles v. Heller, 475 U.S. 796, 799 (U.S. 1986)

.....

*GIST: Unless it is being used in response to the commission of a crime, force is not reasonable. In the absence of a crime, all force is excessive. If used, the amount of force must be reasonably balanced against the potential harm to the public, and the arresting officers, if not used.*

Graham v. Connor, 490 U.S. 386, 396 (U.S. 1989)

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#### NINTH CIRCUIT COURT OF APPEALS

*"A police officer who arrests a person without probable cause violates that person's Fourth Amendment rights.*

*Whether probable cause exists for an arrest depends on whether "the facts and circumstances within the officer's knowledge are sufficient to warrant a prudent person to believe a suspect has committed, is committing, or is about to commit a crime." Here, there was evidence that defendants refused to stop screaming and that members of her group were gathering at the scene.*

*There was sufficient evidence for an officer to conclude that she was committing or about to commit the offense of disorderly conduct--that is, she was engaging in speech likely to provoke a violent response in members of the public."*

Rodriguez v. City & County of Honolulu, 1997 U.S. App. LEXIS 12504 (9th Cir. 1997)

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#### CALIFORNIA COURTS

*"To justify an investigative stop or detention the circumstances known or apparent to the officer must include specific and articulable facts causing him to suspect that (1) some activity relating*



*to crime has taken place or is occurring or about to occur, and (2) the person he intends to stop or detain is involved in that activity. Not only must he subjectively entertain such a suspicion, but it must be objectively reasonable for him to do so.*

*The corollary to this rule, of course, is that an investigative stop or detention predicated on mere curiosity, rumor, or hunch is unlawful, even though the officer may be acting in complete good faith.”*

In re Tony C., 21 Cal. 3d 888, 893 (Cal. 1978)

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*“Flight (running away) in response to an attempted unlawful detention does not furnish cause to detain. Therefore, if the pursuing officers did not have a lawful basis for their attempted detention, they could not rely on their pursuit of the defendant to justify their detention of defendant.”*

In re Eskiel S., 15 Cal. App. 4th 1638, 1642 (Cal. Ct. App. 1993)

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**INCIDENT / ARREST REPORT****Your Police Dept.****Your Address****City, State, Zip**☒ **INCIDENT**☒ **ARREST**☐ **JUVENILE**☐ **DOMESTIC**☐ **HATE CRIME**☐ **INVOLVED ALCOHOL**DATE  
REPORTED: 7/30/2006TIME  
REPORTED: 21:59

SECTOR West UNIT 33drt

CASE NO:

to be assigned by detective

OFFENSE  
Resisting, Obstructing, Delaying Police OffSTATUTE  
Cal Penal Code 148(a)COMMITTED ☒  
ATTEMPTED ☐OFFENSE  
Disorderly ConductSTATUTE  
Cal Pen. C 415COMMITTED ☒  
ATTEMPTED ☐

OFFENSE

STATUTE

COMMITTED ☐  
ATTEMPTED ☐

OFFENSE

STATUTE

COMMITTED ☐  
ATTEMPTED ☐DATE OCCURRED FROM MONTH DAY YEAR TO MONTH DAY YEAR  
7 30 2006 TO 7 30 2006TIME OCCURRED FROM HOUR MIN TO HOUR MIN  
22 30 TO 23 154. LOCATION TYPE  
airportLOCATION OF OFFENSE (STREET NUMBER - DIRECTION - STREET NAME - APT NUMBER/BUSINESS NAME - CITY  
Los Angeles International Airport - Bradley International Terminal5. FORCED ENTRY  
YES ☐ NO ☐ N/A ☒

OFFICER 1 Taylor, Sgt.

BADGE # 23152

OFFICER 2

BADGE #

6. TYPE WEAPON 07 Hands/Fist/Feet

7. CALIBER/GAUGE n/a

8. FINISH

NUMBER OF PERSONS PRESENT 45

NUMBER OF OFFENSE 2

NUMBER OF OFFENDERS 1

NUMBER ARREST 1

PERSON 1

13. TYPE NUM  
A Arrestee 3 AdultSOCIAL SECURITY #  
noneNAME (LAST, FIRST & MIDDLE)  
El-Amin, Bayan14. RACE  
M Middle Eastern or East Indian15. SEX  
M MaleDOB 3/9/1946 ☒ ESTIMATEDAGE  
40HEIGHT  
5'11"WEIGHT  
14515A. HAIR  
Black15B. EYES  
Hazel16. OFFENSE INDICATOR  
1 1st Offense17. INJURY EXTENT  
2 Serious

18. INJURY TYPE (2)

ADDRESS  
11 Alfred Naccache AvenueCITY  
Beirut, Lebanon

STATE

ZIP  
16-681519. RES TYPE  
3 Out-of-state20. RES STATUS  
3 Non-resRES PHONE +961 (0)1 333  
BUS PHONEEMPLOYER/SCHOOL  
Mix FM BeirutEMPLOYER ADDRESS  
same as aboveOCCUPATION  
Station ManagerSCARS/MARKS/TATTOS/CLOTHING  
none remarkable21. VIC/OFFENDER RELATIONSHIP  
none

22. FOUL PLAY SUSPECTED

ALIAS/STREET NAME/NICKNAME

PLACE OF BIRTH  
Qana, Lebanon

PERSON 2

13. TYPE NUM  
V Victim 2 OfficerSOCIAL SECURITY #  
privNAME (LAST, FIRST & MIDDLE)  
Taylor, Pat14. RACE  
N N/A15. SEX  
N N/ADOB 5/22/70 ☐ ESTIMATEDAGE  
36HEIGHT  
5'10"WEIGHT  
15015A. HAIR  
Other15B. EYES  
Other

16. OFFENSE INDICATOR

17. INJURY EXTENT  
1 Minor

18. INJURY TYPE (2)

ADDRESS  
LAX Airport Police StationCITY  
Los AngelesSTATE  
CAZIP  
9004519. RES TYPE  
1 City

20. RES STATUS

RES PHONE 213-650-5511  
BUS PHONEEMPLOYER/SCHOOL  
LAX Airport PoliceEMPLOYER ADDRESS  
Same as aboveOCCUPATION  
Sgt. / Police DepartmentSCARS/MARKS/TATTOS/CLOTHING  
none21. VIC/OFFENDER RELATIONSHIP  
victim22. FOUL PLAY SUSPECTED  
02 No

ALIAS/STREET NAME/NICKNAME

PLACE OF BIRTH

PERSON 3

13. TYPE NUM  
W Witness 3 AdultSOCIAL SECURITY #  
223-23-2333NAME (LAST, FIRST & MIDDLE)  
Gilkirk, James14. RACE  
W White15. SEX  
N N/ADOB 1/22/60 ☐ ESTIMATEDAGE  
46HEIGHT  
5'11"WEIGHT  
15015A. HAIR  
Gray15B. EYES  
Blue

16. OFFENSE INDICATOR

17. INJURY EXTENT  
0 None

18. INJURY TYPE (2)

ADDRESS  
P.O. Box 3944CITY  
Laguna HillsSTATE  
CAZIP  
92654

19. RES TYPE

20. RES STATUS

RES PHONE 949-222-4266  
BUS PHONEEMPLOYER/SCHOOL  
The Minuteman ProjectEMPLOYER ADDRESS  
Same as aboveOCCUPATION  
Anti-Immigrant ActivistSCARS/MARKS/TATTOS/CLOTHING  
none remarkable21. VIC/OFFENDER RELATIONSHIP  
witness

22. FOUL PLAY SUSPECTED

ALIAS/STREET NAME/NICKNAME

PLACE OF BIRTH  
Orange County, CA, USA

<b>PROPERTY</b>			
CATEGORY (STLM, RECVD, LOST, DAMAGED, ETC.)		PROPERTY DESCRIPTION (INCLUDING MODEL NO.)	PROPERTY OR LOSS VALUE
Arrestee Property		Carry On Bag - Searched - Cash found	n/a
			\$10,000.00
<b>DRUG TYPE</b>		<b>DRUG ACTIVITY</b>	
MO 08 N/A Describe Other _____		POE 12 N/A Describe Other _____	
CRIME SCENE: ROLL # _____		PHOTOS TAKEN	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
		BY WHOM? _____	
		DUSTED FOR LATENT PRINTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
		PRINTS SUBMITTED	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
		BY WHOM? _____	
VEHICLE		PERSON (INDICATE PERSON TO WHOM VEHICLE INFO APPLIES)	
YEAR	MAKE	MODEL	TYPE
			COLOR
			PLATE
			STATE
VIN		INSURANCE COMPANY	

**NARRATIVE:**

On the evening of Sunday, July 30<sup>th</sup>, 2006, I Sgt. Pat Taylor (#23152) was on terminal patrol duty with my partner Officer Stone (#23103) in the Bradley International Terminal here at LAX. We entered Bradley through the main door under the news screen. As we passed the KLM ticket counter and began to approach the security checkpoint for Royal Jordanian Airlines passengers, a Middle Eastern wo/man in line approximately 40 yrs old (S1) began to stare at us. S/he appeared to be muttering something, but we could not hear it because of the sound from the television monitor. At first, I thought it was the usual rubbish about waiting in line. Most people can't afford international first class tickets, but hate waiting in line. I suppose I would too, but I never go anywhere. Anyway, as we got closer, S1 appeared to develop an intense facial expression. Other people in line seemed to be staring at us too. However, they didn't look angry. They appeared frightened or sad. We immediately began to suspect a terrorist plot, and S1 as the head of it. We figured that S1 may be exerting some type of influence over the other passengers in line.

As I began to reach for my radio to call for assistance, like the Approach Memo says, S1 said something to one of the other passengers let out a rebel yell (in a language I could not understand) and bolted straight at us! S1 was able to get by us because we were caught off-guard. We chased S1 out the entry/exit door and down the walkway for about 300 feet. I tackled and subdued S1 just before S1 was able to reach an approaching woman pushing a young child in a baby stroller. S1 and the woman exchanged words in violation of my order to stop talking. I did not know if the woman was involved in any potential terrorist plot, so I was extra cautious. Though S1 would not be quiet. I advised the woman that if she did not be quiet, I would arrest her too. She seemed to understand what I was saying, although she and S1 were not speaking English to each other.

As Stone and I were handcuffing and placing S1 into the transport vehicle, a crowd had gathered. A good citizen by the name of Jim Gilkirk stepped forward to relate that he had been standing in line in the adjoining American Airlines terminal and saw the entire incident through the window that separates the Bradley Terminal from the American Airlines terminal. Gilkirk is a nationally recognized political activist and very intelligent person. We spoke with Gilkirk about our

observations upon Gilkirk asking us what we saw. Afterward, Gilkirk confirmed that he had noticed S1's suspicious behavior too and saw us noticing it. Upon Gilkirk's corroboration, any uncertainty surrounding S1's behavior was put to rest. Gilkirk thanked us for keeping America safe from threats from abroad.

Back at the station, we searched the California Penal Code and Officer's Booking Manual for an appropriate code section under which to book S1. We were unsuccessful at finding anything that specifically addressed this situation. Terrorism presents an gathering and growing danger with emerging threats that are hard to classify at any given point in time. Thus, we charged S1 with PC 148(a) (obstructing and delaying peace officer) and PC 415 (disorderly conduct). S1 obstructed us in the performance of our duties by running from us when we were about to call for assistance and approach S1 to assess the situation in the terminal. S1 also resisted and delayed us when we caught S1 on the walkway outside the terminal. Throughout this whole incident S1 was disorderly.

REPORTING OFFICER	<u>Taylor, Sgt.</u>	DATE REPORTED	<u>7/30/2006</u>
REPORTING OFFICER	<u>P. Taylor</u> SIGNATURE	<u>23152</u> OFFICER BADGE	<u>July 30, '06</u> DATE
REVIEWING SUPERVISOR	<u>BANKS</u> SIGNATURE	<u>23101</u> OFFICER BADGE	<u>7/30/06</u> DATE

## INTERNAL MEMORANDUM

TO: All Law Enforcement Department Heads

FROM: L.A. City Emergency Protection Bureau Chief – R. Harvey

DATE: June 1, 2005

RE: Travel Departure Point Surveillance Policy (the “Approach Memo”)

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### Attention:

In light of recent events, including September 11, 2001, World Trade Center bombing and the July 4, 2002, El Al Airlines ticket counter shooting – the following new security directives are to be implemented immediately at all City of Los Angeles Transit Points:

Directive One: All Transit Point (Airport, Port, Train, Bus) Security and Police Officers must focus their surveillance efforts NOT ONLY on passengers boarding transit vehicles, but ALSO ON persons in all areas of all transit stations. All surveilled persons must be evaluated for approach and questioning based upon where they rank on the latest TSA behavioral profiling security matrix. Each matrix is classified and shall be held in confidence by every recipient employee. The behavioral identification factors must be kept out of the hands of the terrorists. In the case of uncertainty about whether any behavioral situation is the basis for surveillance, or apprehension, it is best to intercede first and address questionable issues later. However, all approaches must be radioed in to dispatch before execution. Safety is our primary concern.

Directive Two: By way of example, as a general rule, First Class ticket holders for any mode or method of travel start at the low end of all security matrices and may rise, whereas one-way, or discount/reduced fair ticket holders start at the highest level of suspicion and may fall. It is believed that the behavior of purchasing a first class ticket is consistent with an enfranchised social stakeholder, content with society, and vested in its rewards. Such persons are not thought to be terrorists.

Protecting US,  
R. Harvey

1 **AFFIDAVIT OF JAMES GILKIRK**

2

3 I founded the multi-ethnic Minuteman Project on Oct. 1, 2004, after years of

4 frustrated efforts trying to get a neglectful U.S. government to simply enforce existing

5 immigration laws. I hold a B.A. in Newspaper Journalism, a B.S. in Business

6 Administration, and an M.B.A. in Taxation. I am a former newspaper reporter and a retired

7 California CPA (Certified Public Accountant).

8 I am a veteran of the U.S. Marine Corps and recipient of the Purple Heart award for

9 wounds sustained while serving with an infantry unit in Vietnam, 1968 - 1969. I am a

10 passionate defender of the First Amendment of the U.S. Constitution and an avid supporter

11 of law enforcement organizations. I have appeared on over 1000 radio and TV news and

12 commentary shows in the past twelve months, and I believe I am only one of millions of

13 21st century minutemen / women / children who want the U.S. to remain governed by the

14 "rule of law" and who want proactive enforcement of our national security protections and

15 our immigration legal code.

16 On July 30<sup>th</sup>, 2006, I was at the American Airlines (my favorite) terminal at LAX,

17 waiting at the security station about to go to the gate to board a flight to Arizona. I needed

18 to get out to the New Frontier to check on the troops. We now have thousands of

19 Minutemen patrolling the borders with the National Guard units assigned by President

20 Bush. We were lucky to get National Guard units for border patrol duty. We almost lost

21 them to Hurricane Katrina clean-up operations. I appreciate the fact that the American

22 Airlines terminal is right next to the Bradley International terminal. I can look through the

23 glass and watch the foreigners as they leave. Yes. It's true that many come, but it's also true

24 that many go. I say "America for Americans!"

25 Anyway, back to July 30<sup>th</sup>, as I was standing there looking into Bradley, I was

26 watching two of our LAX Police officers approaching a strange looking Middle Eastern, or

27 as some say -- Arab person. S/he was visibly upset about something. That started to make

28 me nervous. In my, opinion there's almost nothing more suspicious than an upset Middle

1 Eastern or South Asian person in an airport. I would have to say that the only thing worse  
2 was what happened next, s/he started yelling and flailing arms – then ran directly at the  
3 officers. For the next 30 seconds, I could have sworn we were all about to be blown to bits.  
4 There's about 500 feet between where I was standing and where the incident was  
5 happening, but that black carry-on bag on his/her shoulder sure looked menacing. With  
6 today's explosives, terrorists can take out whole terminals in the blink of an eye.

7 Luckily the officers chased and caught the suspect. I took time to personally thank  
8 them for their good work and give them my name and information just in case they needed  
9 it.

10  
11 Signed and sworn this 23<sup>rd</sup> day of August 2006,

12  
13 James Gilkirk

14 James Gilkirk  
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**AFFIDAVIT OF BAYAN EL-AMIN**

I study at the University of Michigan. I am quite close to completion of my second Ph.D. This one is on business management models as paradigms for political agenda advancement. I am what is commonly referred to as “ABD.” My first doctorate is from the London School of Economics. I earned it in for a study and dissertation involving a comparative analysis of Ross Perot’s and George W. Bush’s presidential campaign messages. As most would agree, Perot was all facts and Bush was all fluff. However, in both cases, military misadventures seem to be a feature, only Perot’s was private and Bush’s very public. Two Texans -- similar and different in many ways.

The time I spent in London was certainly a plus for my English. I can speak anything ranging from “the Queen’s English” to “Michigander drawl.” I am also fluent in Arabic, French and Hebrew. In Ann Arbor, I also started to pick up a little Spanish due to the presence of many Spanish speaking people, primarily Salvadorans. There’s no sense in living anywhere that you cannot communicate effectively with all of your neighbors. So, I pick up languages as I go. I have certainly enjoyed my travels.

Though technically, I still live and work in Lebanon, America is very close to my heart. Half of my family lives here. Indeed, most of them live in southern California. While I was in school in London, many of my family members immigrated to the Los Angeles area from our village in Lebanon – Qana. Both Qana and Los Angeles are lovely, and full of lovely people. Unfortunately, the only familiarity most people have with my birthplace arises from the fact that it has been twice destroyed. Once in April of 1996, and again this year at the end of July.

As a fan of talk radio, I have listened to a lot of radio coverage of the war in Lebanon between Hezbollah and Israel. It has pained me to hear of my country bombarded, yet I understand that our neighbors in Israel wish to live without the threat of attacks. Personally, I believe that the citizenry of Israel is composed primarily of good and peace loving people. I speak Hebrew because I have many Israeli friends. They used to come to discos in Beirut



1 and I would go to discos in Tel Aviv. LSE is full of people from everywhere. It's an  
2 excellent place to make friends.

3 While I appreciate the Israeli populace, I have no illusions about their leaders. I had  
4 hoped that this conflict would never come, but I knew that it would. No self-respecting  
5 people will stand for occupation of even the smallest sliver their land, no matter what the  
6 proffered excuse is. So when I heard that Hezbollah and Israel were at it again, it was no  
7 surprise. The Shebaa Farms are small, but worth fighting for. I fear that there will be  
8 fighting until the Farms are returned.

9 Though I had been following the war on the radio, I had been avoiding watching  
10 television coverage. I think that, subconsciously, I would not let myself see pictures of it.  
11 My avoidance came to an end on this past July 30<sup>th</sup>. As I was waiting in a security line at  
12 LAX for a flight to Amman, I noticed that Wolfe Blitzer was reporting on the war on a  
13 CNN monitor in the terminal. I could barely hear what he was saying, so I had to look at the  
14 monitor so that I could see his lips. I am no lip reader, but sometimes I find it easier to  
15 understand what people are saying when I can see how their lips are moving. As I watched  
16 the screen, I saw it cut back and forth between Wolfe and pictures of a horrendous scene of  
17 destruction and death. I could make out the word "Lebanon." I saw destroyed buildings.  
18 Then Wolfe said "air strike." I watched for a little longer and I heard him say "war crime." I  
19 heard "massacre." Then --- I heard "Qana!"

20 At that point I almost fainted. I then saw a picture of a man holding a dead toddler in  
21 the air. She looked like my little cousin Sana! I lost it! All I could think about was that my  
22 sister Noor and her child were supposed to accompany me to Amman. From there we were  
23 going to bring as much cash as we had to our family members in Qana. It was way too  
24 dangerous for them now, and because of the direct hit on our village, it would be good to  
25 have more cash. In a war zone, cash is the only thing that gets the job done – whatever it is.  
26 There is no Western Union. Messengers cannot be trusted. It must be hand-delivered.

27 I had come into the terminal to stand in line while my uncle parked to car so that he  
28 could help Noor and the baby into the terminal with their luggage. We had arrived much

1 earlier than necessary – a full five hours. We were told to expect massive delays traveling to  
2 the Middle East. I figured we would have just enough time to double the amount of cash we  
3 were bringing home if I could just get to my uncle quickly enough. He would need time to  
4 get to the Valley and back. I thought this could be done, but I would need to get to him  
5 quickly. I asked the woman in front of me to hold my spot in the queue, yelled “excuse  
6 me!” and ran for the exit. Two police officers apparently did not hear me, so I squeezed  
7 between them as I left.

8       While running down the sidewalk, I heard someone saying “hey stop!” I appreciated  
9 their courtesy, but I figured whatever I must have dropped could not be more important than  
10 getting as much cash to Qana as possible – so I kept going. Just as I rounded a bend, I saw  
11 Noor, my uncle and the baby. As I started to tell her that Qana had been hit and that she  
12 needed to stay here, I was tackled from behind. The baby started crying, Noor began to  
13 scream, and my uncle began gasping for air. I hit my head on the ground when I fell and all  
14 I could think about was to tell Noor not to go, and to tell my uncle that we needed more  
15 cash. As I was trying to speak, the officer who tackled me kept yelling “shut-up, shut-up  
16 you Terrorist!” I then was handcuffed and taken to the police station. I did not make the  
17 flight to Amman. I now know, however, that my uncle sent his eldest son Omar in my  
18 place.

19       We received word from Omar that all of our immediate family members are alive,  
20 but that two of our third cousins are injured. They are both children.

21       I continue to have an appreciation for the American justice system. There’s nothing  
22 like it in the world. The presumption of innocence, and a jury of one’s peers are the  
23 pinnacle of justice in an enlightened society. My jury was certainly enlightened. I was  
24 found innocent of all charges during the criminal trial of this case.

25  
26       Signed and sworn this 23<sup>rd</sup> day of August 2006,

27       *Bayan El-Amin*

28       Bayan El-Amin