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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**AYMAN LATIF, et al.,**

Plaintiffs,

v.

**ERIC H. HOLDER, JR., et al.,**

Defendants.

Case No.: 10-cv-750 (BR)

**DECLARATION OF  
STEVEN WILLIAM WASHBURN  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR A PRELIMINARY  
INJUNCTION**

I, Steven William Washburn, hereby declare and state as follows pursuant to 28 U.S.C. § 1746:

1. I submit this declaration based on my personal knowledge in support of the motion by Plaintiffs Ayman Latif, Faisal Nabin Kashem, Elias Mustafa Mohamed, Samir Mohamed Ahmed Mohamed, Abdullatif Muthanna, Saleh A. Omar, and Abdul Hakeim Thabet Ahmed for a preliminary injunction in the above-captioned case.

2. I am a U.S. citizen and veteran of the U.S Air Force.

3. In August 2008, my wife and I decided to move to Riyadh, Saudi Arabia so that I could work for a technology company. After one and a half years in Saudi Arabia, we decided that life in Saudi Arabia did not suit us and that we wanted to move back to the United States.

4. In preparation for our move back to the United States, in January 2010, my wife and I sold our home and all of our possessions and closed our bank accounts. The proceeds from these sales and our savings constituted our entire life savings. My wife and I decided to take these life savings with us to the United States in cash.

5. My wife and I purchased airline tickets to travel from Riyadh to Las Cruces, New Mexico, where my parents live. We planned to spend a one-week layover in Ireland during this trip so that we could visit my step-daughter, who was pregnant at the time. Our flight itinerary from Ireland to the United States included a change of planes in Boston and a final destination of El Paso, Texas, where my parents planned to pick us up.

6. We traveled from Riyadh to Dublin without incident. We then sought to continue our journey to the United States on February 5, 2010. That day, I attempted to board Aer Lingus Flight 133 at Shannon Airport Ireland bound for Boston. At the check-in counter, an airline employee denied me a boarding pass. When I asked why the boarding pass was denied, the employee responded that I was on the No Fly List.

7. I felt embarrassed and confused. I did not know why I was not permitted to board my flight as planned. I felt humiliated that airline staff and other passengers in the check-in area heard the airline employee tell me that I am on the No Fly list and that

my own government had barred me from flying to the United States. I was embarrassed that everyone there thought I had done something wrong or posed a security threat, especially since I had served my country proudly and honorably in the U.S. Air Force.

8. I contacted the U.S. Embassy in Dublin to ask why I was denied boarding on Aer Lingus Airlines Flight 133. An embassy official replied that the U.S. Embassy did not know why someone would be on the No Fly List and did not have access to such information. I explained that my wife and I were moving back to the United States from Saudi Arabia. I also explained that we could not return to Riyadh because we had sold our home there and because we no longer had valid visas to remain in Saudi Arabia. Embassy officials advised me to fly to Canada or Mexico and to enter the United States by driving over land across the border.

9. I was eager to return to the United States to re-establish a life there with my wife. I also knew that my visa to stay in Ireland would run out soon.

10. I purchased a new set of airline tickets to travel from Dublin to Ciudad Juarez, Mexico, with changes of aircraft in London and Mexico City. I planned to enter the United States by walking over a bridge located at the border between Ciudad Juarez and El Paso, Texas, as officials at the U.S. Embassy in Dublin had advised.

11. On February 12, 2010, I flew from Dublin to London's Heathrow International Airport without incident on BMI Flight 120. I was permitted to board British Airways Flight 243 from London to Mexico City. The plane took off without incident. Approximately three and a half hours later, however, the aircraft turned around and flew back to Heathrow International Airport. Airline employees provided no explanation for the decision.

12. When British Airways Flight 243 landed at Heathrow, airport security and New Scotland Yard officials met me at the gate. These officials escorted me to a room where they detained and interrogated me for more than nine hours. Airport security and New Scotland Yard officials also photographed and fingerprinted me and subjected me to a DNA test. They seized the life savings that I carried with me. New Scotland Yard officials subsequently escorted me to another aircraft, which took me back to Ireland.

13. Several days later, my visa to stay in Ireland expired. Irish authorities renewed my visa for 30 days so that I could legally remain in that country while determining how to return to the United States.

14. Desperate to get my name off the No Fly List, I telephoned the FBI in New Mexico to ask for help. FBI officials told me that they wanted to speak with me. I agreed to meet with FBI officials at the U.S. Embassy in Dublin. I was subsequently interrogated three different times by FBI agents and voluntarily took a polygraph test. FBI agents told me that I had passed the polygraph test.

15. One FBI agent told me that he had recommended that I be given a one-time waiver to fly back to the United States, but that FBI Headquarters had not yet made a decision regarding the recommendation.

16. On March 13, 2010, Irish immigration authorities renewed my visa for 30 days and indicated that no further renewals would be granted.

17. On April 27, 2010, I completed a DHS TRIP form online. I was assigned Redress Control Number 2096551.

18. I researched whether I could travel by boat from Ireland to the United States. I could not locate a transatlantic ship traveling from Europe to the United States

until September. I booked a new series of flights from Dublin to Ciudad Juarez, Mexico, with stops in Frankfurt, Germany; São Paulo, Brazil; Lima, Peru; and Mexico City. I hoped to enter the United States over land by crossing the border between Ciudad Juarez and El Paso, Texas.

19. I flew without incident from Dublin to Frankfurt, from Frankfurt to São Paulo, São Paulo to Lima, and from Lima to Mexico City, but was afraid at every point of this journey that I might be turned back.

20. I arrived in Mexico City International Airport at around 6:45 P.M. on May 21, 2010. At customs, I was escorted to a separate room where I was detained and questioned by Mexican Federal Protection officers until 11:30 P.M. I missed my connecting flight to Ciudad Juarez, which was scheduled to depart at 8:25 P.M. I feared that Mexican authorities would not permit me to continue to the Mexico-U.S. border.

21. At around 11:30 P.M., officers escorted me to another room where I was detained overnight and not permitted to eat or drink anything except water.

22. At around 8:00 A.M. the next morning, Mexican Federal Protection officers escorted me to an aircraft that transported me to Ciudad Juarez.

23. I arrived at the Ciudad Juarez airport at around 11:00 A.M. and was met by three Mexican Federal Protection officers who took me to an office for questioning. The officers then took me to a bridge on the U.S.-Mexico border and handed me off to U.S. Customs and Border Protection officers who were waiting for me.

24. CBP officers escorted me through a check point and took me to a facility where I was detained, handcuffed to a chair for several hours, and questioned for at least one hour. Officers searched my belongings and photographed and fingerprinted me.

25. At around 7:00 P.M., CBP officers released me.

26. I present no security threat to commercial aviation and know of no reason why I would be placed on the No Fly List.

27. To this day, I cannot visit my wife, who is a Spanish citizen and remains in Ireland because she currently lacks a visa for travel to the United States, or my stepdaughter and her family who live in Dublin because the Defendants have barred me from boarding commercial flights to or from the United States or over U.S. airspace. It has caused me great hardship not to be able to fly so that I can see my wife.

28. I have lost a significant amount of money because the Defendants barred me from boarding commercial flights to or from the United States or over U.S. airspace. It cost me over \$2652 beyond the cost of the original airline tickets on which I had planned to fly from Ireland to El Paso in February 2010 in order to return to the United States. I did not have this money, so I had to borrow it. I never received reimbursement for my tickets to fly from Shannon Airport Ireland to El Paso in February 2010. I also never received reimbursement for my tickets to fly from Dublin to Ciudad Juarez in February 2010.

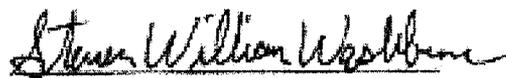
29. Because the Defendants barred me from boarding my flights to El Paso in February 2010 and British authorities had seized my life savings after my flight from London to Mexico City was turned around, my son-in-law had to support me and my wife from February 5, 2010 to May 20, 2010.

30. The uncertainty surrounding whether and when I can fly to and from the United States or over U.S. airspace has been extremely stressful to me and my family and has disrupted our lives. My wife and I do not know when we will be able to see each other again.

31. I feel that my reputation has been tarnished because I have been placed on the No Fly list—a list of suspected terrorists. This is particularly painful for me because I served honorably in the U.S. Air Force.

32. I declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on August 15, 2010

  
Steven William Washburn