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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  
AYMAN LATIF IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A  
PRELIMINARY INJUNCTION**

I, Ayman Latif, 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 me and Plaintiffs 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 thirty-three-year-old U.S. citizen and disabled veteran of the U.S. Marine Corps. I was born and raised in Miami, Florida.

3. In 1999, the U.S. Department of Veterans Affairs determined that I was disabled as a result of serious injuries to my neck, back, and hips sustained during an auto accident during my final year of service as a Marine.

4. I have worked for the U.S. government for more than fourteen years, both as a Marine and as an employee of the U.S. Postal Service.

5. In November 2008, I moved with my wife and child to Egypt, where I sought to study the Arabic language. We first settled in Cairo. After living there for about one year, we moved to Munifiyyah, a town located about two hours outside of Cairo.

6. After the birth of our daughter in October 2009, my wife and I planned to travel to Miami to visit relatives, including my mother who is elderly and very ill. I purchased tickets for me and my family to travel from Cairo to Miami on Iberia Airlines with a change of aircraft in Madrid.

7. On the evening of April 13, 2010, my family and I went to the outdoor baggage scanning area for Iberia Airlines at Cairo International Airport to pick up boarding passes for Iberia Airlines Flight 3735 from Cairo to Madrid and Flight 7001 from Madrid to Miami. Upon learning that our family was traveling to the United States, an airline employee took all of our passports and made a call on his cell phone. The airline employee returned the passports to me and escorted me and my family to a line for business class passengers. When we reached the front of the line, a ticketing agent told me, "I'm sorry sir. We have just received a message from headquarters in Spain that you cannot board the plane."

8. I was confused and surprised. I did not know why we were not permitted

to board our flight as planned. I asked to speak to an Iberia Airlines supervisor. I explained that my family and I are U.S. citizens and that I knew of no reason why we would not be permitted to fly to the United States via Madrid. The supervisor stated that the U.S. Embassy, not Iberia Airlines headquarters in Spain, had sent the message that I was not permitted to board the flight. The supervisor stated that there was nothing he could do to assist me.

9. I felt humiliated that airline employees and other passengers in the Iberia Airlines check-in area had heard the ticketing agent and supervisor tell me that I could not board my flight. I also felt embarrassed that others had heard the supervisor state that the U.S. government would not permit me to board my flight to the United States. I feared that people who were listening and watching may believe that I had done something wrong or posed a security threat. As a veteran of the U.S. Marines, I felt that being singled out in this way tarnished my reputation.

10. I immediately called the U.S. Embassy in Cairo from my cell phone. An embassy official instructed me to go to the U.S. Embassy the following morning for more information.

11. The Iberia Airlines supervisor with whom I had spoken also called the U.S. Embassy and secured another embassy counselor on the phone. This counselor told me that I might be on a "TSA list" and also instructed me to go to the U.S. Embassy first thing the next morning.

12. My family and I left the airport and spent the night in a hotel located close to the U.S. Embassy.

13. The following morning, I went to the U.S. Embassy and spoke to an

embassy official. I explained that my family and I had been denied boarding passes for Iberia Airlines Flights 3735 and 7001. The official told me that the U.S. Embassy had no information about why this had occurred and that he could not do anything about it. The official told me that embassy officials would look into the matter and asked me to be patient.

14. I returned to Munifiyyah with my family because I could not afford to pay for Cairo hotels while waiting for embassy officials to look into my situation.

15. I sought urgently to find out why I was denied the ability to board my Iberia Airlines flights. I called the offices of Congressman Kendrick Meek of the 17<sup>th</sup> Congressional District of Florida and of Bill Nelson and George Le Mieux, the United States Senators from the State of Florida.

16. On or around April 15, 2010, I submitted an online form with the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP), in which I described the circumstances in which I was denied boarding on my Iberia Airlines flights to Madrid and Miami. I was assigned Redress Control Number 2095199.

17. At or around the same time, I called the U.S. Customs and Border Protection (“CBP”) information line in Washington, D.C. and asked why I had been prevented from boarding my Iberia Airlines flights. Olga DeLeon, a CBP supervisor, told me that she could not assist me, but that I should call the U.S. Embassy in Cairo and ask to speak with the FBI Liaison.

18. I called the U.S. Embassy in Cairo and asked to be connected to the FBI Liaison. A government official listened to my complaint and said that she would forward it to the appropriate official.

19. That evening, I received a call from the Legal Attaché at the U.S. Embassy in Cairo, Hashim El-Gamil. Mr. El-Gamil told me that the FBI was investigating my case and that two FBI agents from Miami were traveling to Cairo to meet with me. He explained that it could take several weeks to arrange a meeting between me and the FBI agents because the agents were facing difficulties in securing visas to travel to Egypt.

20. About one month later, Mr. El-Gamil called me and asked me to come to the embassy to speak with two FBI agents. At the meeting, one agent introduced herself as FBI Special Agent Janet Waldron. Agent Waldron and another FBI agent questioned me for at least four hours. Agent Waldron told me that I was on the No Fly List.

21. The next day, Agent Waldron and the other FBI agent questioned me for at least four more hours. At the end of the interrogation, the agents told me that they would file a report with FBI Headquarters.

22. Each time I traveled to the U.S. Embassy for an appointment with embassy officials or FBI agents, I had to make the four-hour trip from Munifiyyah to Cairo in a private taxi at my own expense.

23. In or around the middle of May 2010, my mother-in-law called me from Florida to tell me that she had received correspondence addressed to me from the U.S. Department of Veterans Affairs ("VA"). I asked her to open the letter. The letter was dated May 12, 2010 and stated that the "combined evaluation for all of [my] service-connected disabilities will drop from 50% to 20%" and that my monthly benefit would accordingly be reduced from \$899.00 to \$293.00. I did not understand why the VA had decided to reduce its evaluation of my disability and the monthly rate of compensation that I would receive for my service-connected disabilities.

24. I called the VA. A VA officer told me that I had been scheduled to attend a disability evaluation on April 15, 2010, which I had missed.

25. If I had been able to fly on my April 13, 2010 Iberia Airlines flight from Cairo to Madrid and my April 14, 2010 flight from Madrid to Miami, I would have been able to attend the disability evaluation, which would have taken place in the Veterans Affairs hospital in my home town. Because I had been denied boarding on my scheduled flights, I was not in Florida on April 15, 2010 and missed the evaluation.

26. Ordinarily, if an individual misses a VA disability evaluation, the evaluation is rescheduled for a later date. I have not rescheduled my disability evaluation, however, because I have been unable to travel from Egypt to the United States to attend a rescheduled VA appointment due to my placement on the No Fly List.

27. On June 1, 2010, I went to the U.S Embassy in Cairo to speak to Mr. El-Gamil regarding the outcome of my interview with the two FBI Agents from Miami. Mr. El-Gamil told me that the agents had submitted a report to FBI headquarters with a recommendation that I be granted a waiver to fly to the United States, but that FBI headquarters was not satisfied with the report. He told me that the FBI was sending two other FBI agents to Egypt to speak with me and to administer a polygraph test. I emphasized to Mr. El-Gamil that I was experiencing great hardship in not being able to fly to the United States, particularly because I was unable to travel to Florida to attend a rescheduled VA disability evaluation and because the VA decided to reduce my benefits as a result.

28. On or around June 4, 2010, I completed a second DHS TRIP form online. I was assigned Redress Control Number 2100977.

29. On June 29, 2010, my family and I moved from Munifiyyah to lower-cost housing in Alexandria, Egypt, due to the impending reduction in my VA benefits, which are the primary source of income for me and my family. The lower-cost housing we procured, however, is dilapidated and has required renovation. As a result, the move to lower-cost housing has aggravated my service-connected disabilities.

30. On June 30, 2010, I filed the instant action against the Defendants for violation of my constitutional and statutory rights, seeking removal of my name from any government watch list that has prevented me from flying and, in the alternative, a hearing in which I can confront any evidence against me and contest my unlawful designation.

31. On July 7, 2010, Mr. El-Gamil called me. He told me that I would be permitted to fly to the United States as a “one-time thing,” but that he could not guarantee that I would be able to return to Egypt by commercial air after this trip. Mr. El-Gamil explained that I would have to straighten out my placement on the No Fly List while in the United States. I asked if my family and I would be allowed to fly home on the Iberia Airlines tickets that we could not use when I was denied boarding. I explained to Mr. El-Gamil that I cannot afford to buy new plane tickets or to pay penalty fees to use the Iberia Airlines tickets. Mr. El-Gamil stated that he would inquire as to whether there were any restrictions on the flights on which I would be permitted to fly home.

32. Several days later, Mr. El-Gamil called me back. He told me that I could travel to the United States on flights run by any American commercial airline or any foreign carrier that is a sister company of an American commercial airline. Mr. El-Gamil told me to ask Iberia Airlines to book me and my family tickets to travel to the United States on such flights.



33. I called Iberia Airlines to book tickets to travel home under the parameters explained by Mr. El-Gamil. I explained that my family and I were not able to use our original Iberia Airlines tickets because I had been denied boarding without reason and told by Iberia Airlines and U.S. officials that this was the result of a U.S. government decision. An airline official expressed hesitation about being able rebook us on the type of flights described by Mr. El-Gamil. He told me that my request would take some time to process.

34. During the following week, Mr. El-Gamil called me several times to ask whether I had booked tickets to return to the United States by commercial air.

35. During the week of July 26, 2010, I received a call from Mark Perry of Citizenship Services of the U.S. Embassy in Cairo. Mr. Perry asked me if I had made arrangements to fly to the United States. I described my efforts to book tickets through Iberia Airlines to fly to the United States under the parameters explained by Mr. El-Gamil. I explained that Iberia Airlines was resisting rebooking me and my family on such flights and had not yet made a final decision.

36. I am currently attempting to arrange for commercial air travel to the United States.

37. I received a July 27, 2010 letter from the Disabled American Veterans (“DAV”) National Service Office. The letter stated that the DAV had “reviewed the most recent VA decision concerning [my] claim for benefits.” It reported that the VA had reduced its evaluation of my residual cervical sprain/strain and the degenerative disc disease of my lumbar spine from “20 percent disabling” to 0 percent, effective October 1, 2010.

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

39. I do not know whether I can fly commercial airlines to and from the United States or over U.S. airspace.

40. I have researched two companies that would provide transatlantic ship passage for myself and my family. Neither of these companies runs ships that depart from Egypt. The per-person cost for a one-way transatlantic crossing was more than \$3000 for the ship alone—a price that I cannot pay.

41. I was denied boarding on commercial flights from Cairo to the United States via Madrid. To this day, I have never been told why. Although FBI agents told me at one point that I was on the No Fly List, none of them have told me why my name was placed on this list. After the commencement of this lawsuit, one U.S. government official told me that I would be allowed to fly to the United States on certain commercial airlines as a “one-time thing.” No one has told me, however, whether I have been granted a one-time waiver to fly home or whether my name has been removed from the No Fly List, permitting me to fly on commercial airlines to and from the United States and over U.S. airspace.

42. I am afraid that my name is still on the No Fly List. I know of no way to travel from Egypt to the United States by boat. If I am still on the No Fly List and unable to board the flight to the United States that I am attempting to secure, I will be unable to return home to the country I served honorably as a service member of the U.S. Marine Corps, will be unable to visit family members in the United States, will be unable to participate in a disability evaluation that would prevent my veterans’ disability

benefits from being drastically reduced and/or entirely withdrawn, and will be unable to access medical care in the United States that I need to prevent my physical disabilities from worsening.

43. If I am permitted to fly from Egypt to the United States on a one-time waiver, but still remain on the No Fly list, I will be unable to return to Egypt where I seek to continue studying the Arabic language.

44. It has caused me great hardship not to be able to travel to the United States to visit relatives, including my mother who is elderly and ill. I am worried that she will pass away soon. Because I was denied boarding on my flights to the United States, I have been unable to see my mother and to ensure that she is being cared for properly. I have also been unable to take my young children home to visit their grandmother.

45. It has caused me great hardship not to be able to access medical care in the United States, where I would have access to doctors and treatment at VA hospitals. Since I was denied boarding on my Iberia Airlines flights, I have had to pay to see a private doctor in Egypt, who has told me that my condition is deteriorating.

46. My placement on the No Fly List has also prevented me from traveling to the United States to apply for an increase in VA disability benefits payments to account for the recent aggravation of my conditions, which is also the result, in part, from actions I have had to take as a result of my apparent placement on this list.

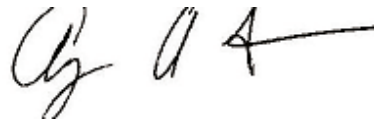
47. The uncertainty surrounding whether and when I can fly home to the United States has been extremely stressful to me and my family and has disrupted our lives. My wife and I do not know whether to enroll our son in school in Egypt or the United States because I don't know whether I can fly to the United States or, if I am

permitted to fly to the United States, whether I can fly back to Egypt.

48. I feel that my reputation has been tarnished because I have been placed on the No Fly list—a list of suspected terrorists. I have gone from being an honorably discharged and disabled veteran of the U.S. Marine Corps to a citizen who is no longer allowed to go home to his own country.

49. I declare and state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on August \_11\_, 2010

A handwritten signature in black ink, appearing to read 'Ayman Latif', written over a horizontal line.

Ayman Latif