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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

AYMAN LATIF, et al.,  <p style="text-align:center"><i>Plaintiffs,</i></p> v.  LORETTA E. LYNCH, et al.,  <p style="text-align:center"><i>Defendants.</i></p>	Case 3:10-cv-00750-BR  <p style="text-align:center"><b>DECLARATION OF AMIR MESHAL IN OPPOSITION TO DEFENDANTS’ CROSS-MOTION FOR SUMMARY JUDGMENT</b></p>
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I, Amir Meshal, hereby declare and state as follows:

1. I am a plaintiff in the above-captioned case. I make this declaration in support of Plaintiffs’ Opposition to Defendants’ Cross-Motion for Partial Summary Judgment.

2. In late January 2007, while fleeing Somalia with other civilians after violence had erupted there, I was apprehended by Kenyan troops near the Somalia-Kenya border. Over the course of the following four months, at the direction or behest of the United States, I was imprisoned in Kenya, Somalia, and Ethiopia without access to a lawyer, without ever being presented before a judge or magistrate, and without ever being charged with a crime.

3. While I was detained, I was interrogated more than thirty times by U.S. officials, including two FBI agents. During the interrogations, the U.S. officials repeatedly threatened me with torture, forced disappearance, and other serious harm to try to get me to confess to things I didn’t do and to associations I didn’t have. The US officials, including the FBI agents, also repeatedly told me to sign forms that they said notified me I could refuse to answer questions without a lawyer present. I repeatedly asked those officials for access to a lawyer, and they denied those requests every time, saying I could not make any phone calls. I did not want to sign the forms. But alone and at the mercy of these officials, I had no choice but to sign the forms.

4. I was finally allowed to return home on May 27, 2007, after more than four months of detention.

5. The government is now trying to use statements that I supposedly made to U.S. officials during those interrogations, while I was terrified, abused, desperate, and cut off from lawyers and the courts, in order to keep me on the No Fly List. Those alleged statements—which the government has not provided to me—were coerced.

6. I repeat what I have said ever since I was able to return home to the United States and freed of government coercion—and what I have previously sworn to in this case—that I do not pose a threat to civil aviation or national security.

7. I also have not been able to secure or retain employment because of the stigma resulting from my placement on the No Fly List. For example, I got a job with the Minnesota Department of Transportation (MNDOT) in November 2014, but I was dismissed less than three weeks later. I lost my job after some of the other employees complained about working with someone on the No Fly List, and a local TV news affiliate aired a story about my having the job, and describing me as a suspected terrorist because of my placement on the No Fly List.

8. Since my return to the United States, I have repeatedly been stopped by police officers while driving, despite having done nothing wrong. That happened most recently on the evening of Wednesday, May 27, 2015, while I was driving back with my wife and seven-month-old baby boy to Minnesota from my brother's wedding in New Jersey. We were unable to fly to and from the wedding because the government has barred me from flying.

9. We were driving west on Interstate 80 in Pennsylvania when I saw an unmarked gray Ford Explorer parked on the left shoulder of the highway. I checked my speed, which was

65 miles per hour—the posted speed limit. I passed the Ford Explorer, which did not move from its location at that point.

10. About ten minutes later, the Ford Explorer sped up behind me with its lights flashing. I checked my speed, which was just under 70 miles per hour in a 65-mile zone. I was driving at the speed of other traffic on the road. Our baby had finally just fallen asleep in the back seat, after crying for a while as babies do. I pulled over, and an officer came up to the passenger side of my car. Where I include statements in quotations below, those statements are my best recollection of what the officers said, or how I responded.

11. The officer identified himself as a Pennsylvania state police officer. He asked me if I knew why he had pulled me over, and I told him I didn't know. He said, "You were driving in the left lane and going a little fast, but don't worry, I'm probably not going to give you a ticket. I just want to ask you some questions." He let me know that the stop was being recorded.

12. The officer asked for my license, which I gave him, and he asked whether I owned the car. I told him that the car was a rental, and he asked who rented it. I told him that my father rented the car. The officer then asked if my father included me on the rental agreement as an additional driver, and I said yes. The officer asked where my father was, and I told him my father was in Maryland. The officer asked how my father rented the car, and I told him that my father had come to Minnesota to rent the car and help me drive it to Maryland. The officer asked where we were coming from, and I told him we were coming from New Jersey. The officer asked what we were doing in New Jersey, and I told him we had been at my brother's wedding the previous evening. He asked where the wedding had taken place, and I told him the specific location. The officer then said, "Okay, hold tight—it's going to be a while."

13. About twenty minutes later, the officer returned and asked me to step out of the car. I asked him why, and he told me that he wanted to talk to me outside. I told my wife to be prepared to call my father if the police took me into custody. Fearful because of my previous terrible experiences in law enforcement custody, I also told her to pray for us.

14. I went to the back of the rental car, and the officer patted me down. He then said something like, "I'm sorry, but it looks like you're not going to make it to Minnesota on time." I asked him why, and he said that in that part of the country, people tended to get involved in illegal activities, like transporting drugs. He asked if I had any explosives or illegal fireworks in the car, and I said I didn't. He asked if I had any drugs—marijuana, meth, cocaine, heroin—and I said, "No, definitely not."

15. The officer then asked if I would give him permission to search the car. I said, "Officer, my wife and son are in the car." He said they would have to come out. I told him, "My son was crying for almost an hour and a half and finally fell asleep about ten minutes before you pulled me over. I don't want to disturb him, so I'm going to politely decline to give you permission." The officer said, "Okay, here's the drill. Since you won't give me permission to search your car, we're going to have to bring a canine unit out here to sniff around the vehicle. If he gives me a signal then I will have probable cause, and then I'll have to have your wife and son come out, and I'll have to search the vehicle." I said that there would be no reason for the dog to signal anything, and that I didn't want my wife and son disturbed. I asked how long it would take for the dog to arrive, and he said that it would be about twenty minutes. I asked if I could get my phone from the car, and he said, "We can't let you do that for safety reasons." I was not able to get my phone to call my family or my lawyers.

16. That officer returned returned to the gray Explorer and got on the phone. He remained on the phone for much of the time while the second, younger officer then talked to me.

17. The younger officer and I had a conversation—about sports, food, the weather—while we were waiting for the canine unit to arrive. We also talked about how difficult it is to take a long road trip with a baby. The officer said, referring to my wife and son, “Was flying not an option for them, either?” I had said nothing to any of the officers before that about being on the No Fly List, so this officer’s question made it clear to me that I had been stopped because I am on the List.

18. About fifteen minutes later, another Ford Explorer, marked as a police vehicle, pulled up. Two new officers came out of that car and talked to the older officer in the original unmarked Explorer. The older officer came to me and explained that the dog was going to sniff the car. He said he would ask my wife to leave the vehicle with the baby. I said to him, “Didn’t you say that if you brought the canine unit out here, my wife and son wouldn’t have to leave the car?” Before that older officer could respond, one of the new officers, with the dog, said, in a tone I found aggressive, “Look, I don’t know you, and I don’t know your wife. She could pull a gun and shoot me in the face when I get close to the car. I’m going home tonight, so she’s got to come out.” I said that my baby was also in the car, and the officer with the dog said that they both had to come out.

19. The first, older officer then went to the car and spoke to my wife, telling her that she and the baby would have to come out of the car. She took our baby out and came to stand with me on the shoulder of the road.

20. The older officer came to where we were standing and said that he would have to pat down my wife. My wife was immediately concerned, and she said, “Do you have a woman

who can do that?” Like me, my wife is a practicing Muslim. In accordance with her beliefs and faith, she would never let a man who is not family touch her body, though she would submit to a legitimate security search by another woman. In response to her question, the officer simply said, “No, we do not.” Standing at the side of the road with our baby and no choice, my wife submitted to the search by a male officer. I was powerless to help my wife in any way and held the baby while a male officer patted her down.

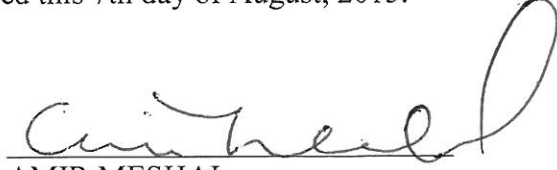
21. The officer with the dog brought it out of the marked Explorer and walked the dog around in the trees for a short time. He then returned to the car, walked the dog around the car three times, and then returned the dog to the marked Explorer. The officer then spoke to the older officer in the unmarked Explorer for some time. The older officer left the unmarked Explorer and told me that the dog didn’t find anything and that we were free to go. I helped my wife and baby into our car, and we left. The entire ordeal lasted over an hour.

22. It was obvious to me, based on the officer’s question about flying not being “an option” for my wife and son, that the officers knew that I am on the No Fly List. It was also obvious that they had no valid reason to stop me, to force my wife and baby to leave the vehicle and stand on the shoulder of the freeway, and to bring in a canine unit to conduct a dog search. The entire experience left us scared and humiliated. I felt powerless to protect my wife and child and to shield them from the effects of my placement on the No Fly List. Both my wife and I are also very upset that a male officer violated my wife’s strongly-held religious beliefs by conducting a physical search of her person.



23. 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 this 7th day of August, 2015.

  
AMIR MESHAL

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing declaration of Amir Meshal in opposition to Defendants' cross-motion for summary judgment was delivered to all counsel of record via the Court's ECF notification system.

s/ Hina Shamsi  
Hina Shamsi