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I - DECLARATION OF IBRAHEIM MASHAL

In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and

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2 - DECLARATION OF IBRAHEIM MASHAL

In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and
In Opposition to Defendants' Motion for Partial Summary Judgment

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
IBRAHEIM MASHAL
IN SUPPORT OF PLAINTIFFS'
CROSS-MOTION FOR PARTIAL
SUMMARY JUDGMENT AND IN
OPPOSITION TO DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

I, Ibraheim (Abe) Mashal, 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 Plaintiffs' cross-motion for partial summary judgment and in opposition to Defendants' motion for partial summary judgment in the above-captioned case.

2. I am a U.S. citizen and veteran of the U.S. Marine Corps.

3. I was born and raised in the United States and live in St. Charles, Illinois with my wife and four children.

4. Since my honorable discharge from the U.S. Marine Corps in 2003, I have provided dog-training services through my business "Marine Corps Dog Training." I have served clients in twenty-three states across the United States and often receive new clients through referrals from satisfied customers.

5. Prior to April 20, 2010, I flew for years without any problems. I frequently flew to serve business clients, to be with friends and family, and to vacation with my wife and children.

6. In early 2010, a woman in Spokane, Washington hired me to train her dog. She paid for my round-trip air travel from Chicago to Spokane, my hotel accommodations in Spokane, and my dog-training services fee. I planned to fly from Chicago to Spokane via Salt Lake City for the job.

7. On April 20, 2010, I was denied boarding on my flight to Spokane at Chicago's Midway Airport. An airline representative at the ticketing counter informed me that I am on the No Fly List and that I would not be able to board any flight. When she told me this, approximately thirty government officials, including Transportation Security Administration officers and Chicago police were surrounding me. I felt humiliated that everyone in the airport could see that I was denied boarding on my flight. I felt like I was being treated like a suspected terrorist.

8. The same day I was denied boarding, FBI agents questioned me at Midway Airport and in my home. The agents asked me deeply personal questions about my religious identity and beliefs, religious practice, and family members.

9. Several days later, my client in Spokane requested a refund. I returned \$2000 to the client.

10. Two of the FBI agents who questioned me the day I was denied boarding asked me to speak to them again. Because I had nothing to hide, I met with them on June 23, 2010. The agents again asked me deeply personal questions about my religious beliefs and practices, political opinions, and family. They told me that if I would help the FBI by serving as an

4 - DECLARATION OF IBRAHEIM MASHAL

In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and
In Opposition to Defendants' Motion for Partial Summary Judgment

informant, my name would be removed from the No Fly List and I would receive compensation. I told the agents that I did not feel comfortable answering their questions without my attorney present. The agents promptly ended the meeting.

11. My placement on the No Fly List has hurt my dog training business by preventing me from traveling interstate. Because I have not been able to fly for almost three years, I lost a client in Washington and had to turn down clients in states that are too far for me to drive to. As a result, I have lost thousands of dollars in revenue. My loss of business due to placement on the No Fly List has prevented my business from growing because client referrals are the principal way that I get new business.

12. My placement on the No Fly List has also prevented me from traveling to be with family and close friends in other states of the United States that are far from my home in Illinois. I have no practical means of traveling to these states without flying. Such lengthy journeys would incur prohibitive costs for food, gas, lodging and lost income during the multiple days it would take me to drive or to travel by bus, train, or ship.

13. Because I am on the No Fly List, I could not make the approximately 1100-mile trip from St. Charles, Illinois to Roswell, New Mexico in October 2010 to attend the wedding of a close friend and fellow Marine Corps veteran.

14. Because I am on the No Fly List, I could not make the approximately 4200-mile trip from St. Charles, Illinois to Hawaii to attend my sister-in-law's graduation from Christian missionary school in December 2010. Although I searched online, I could not locate a way to travel from the west coast of the United States to Hawaii by boat.

15. Because I am on the No Fly List, I could not make the approximately 1700-mile trip from St. Charles, Illinois to Long Beach, California to attend the funeral of a close friend in January 2011.

16. In January 2012, I founded a national, non-profit charitable organization called "Always Faithful Service Dogs" with several other veterans. This organization provides free service and therapy dogs for disabled military veterans around the country. I serve as the organization's President and Head Dog Trainer. But, because I am on the No Fly List, I have not been able to travel to fundraising events in California and Boston, and could not travel to a Board of Directors meeting in California. I am embarrassed and frustrated that I have been unable to fully participate in my organization's activities because I cannot fly.

17. I have no idea why the government has put me on the No Fly List. I have never been charged, indicted, or convicted of a terrorism crime in a U.S. or foreign court. No government official has ever told me why I was denied boarding or why I would be included in the No Fly List. Because of this, I simply do not know how to explain that I should not be on the No Fly List, or what information I should provide in my defense.

18. I do not pose a threat to civil aviation or national security. I would be willing to undergo any suitable screening procedures in order to be permitted to board planes.

19. 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 March ~~20~~ 2013


IBRAHEIM MASHAL