

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

GHASSAN ALASAAD, NADIA )  
ALASAAD, SUHAIB ALLABABIDI, SIDD )  
BIKKANNAVAR, JÉRÉMIE DUPIN, )  
AARON GACH, ISMAIL ABDEL-RASOUL )  
AKA ISMA'IL KUSHKUSH, DIANE )  
MAYE ZORRI, ZAINAB MERCHANT, )  
MOHAMMED AKRAM SHIBLY, AND )  
MATTHEW WRIGHT, )

Plaintiffs, )

v. )

KEVIN MCALEENAN, ACTING )  
SECRETARY OF THE U.S. DEPARTMENT )  
OF HOMELAND SECURITY, IN HIS )  
OFFICIAL CAPACITY; JOHN SANDERS, )  
ACTING COMMISSIONER OF U.S. )  
CUSTOMS AND BORDER PROTECTION, )  
IN HIS OFFICIAL CAPACITY; AND )  
MATTHEW T. ALBENCE, ACTING )  
DIRECTOR OF U.S. IMMIGRATION AND )  
CUSTOMS ENFORCEMENT, IN HIS )  
OFFICIAL CAPACITY, )

Defendants. )

Civil Action No. 17-cv-11730-DJC

Hon. Denise J. Casper

**DECLARATION OF PLAINTIFF GHASSAN ALASAAD**

1. I am a limousine driver.
2. I am a U.S. citizen.
3. I reside in Massachusetts.
4. I am married to Nadia Alasaad, a plaintiff in this lawsuit.
5. On July 7, 2017, my wife Nadia and I drove with our daughters and other family members from Revere, Massachusetts, to Quebec for a family vacation. During our return trip on

July 12, 2017, we entered the United States at the border crossing near Highgate Springs, Vermont.

I had an unlocked Samsung Note smartphone, and my wife had a locked iPhone 7 smartphone.

6. Our 11-year-old daughter was ill and had a high fever.

7. U.S. Customs and Border Protection (“CBP”) officers directed us to secondary inspection. I observed a CBP officer open and look at my unlocked phone, which CBP officers had retrieved from our car.

8. I explained that our daughter was ill and needed care. Nevertheless, a CBP officer took me into a small room for questioning.

9. My wife and I told a CBP supervisor that our daughter’s fever had worsened. The supervisor responded that we would have to continue waiting. I asked why our family was being detained and searched. The supervisor responded that he had simply felt like ordering a secondary inspection.

10. After approximately five hours of detention, a CBP officer ordered my wife to provide the password to her locked phone. My wife and I objected, especially because she wears a headscarf in public in accordance with her religious beliefs, and she had photos in her phone of herself without a headscarf on and of my daughters that she did not want any CBP officers, especially male officers, to view.

11. The CBP officer told us that if we did not disclose the password to her phone, the phone would be confiscated. We wrote down the password to her phone.

12. The officer coerced my wife and me into disclosing the password to her phone. Our family had already been detained in the customs inspection building for approximately five hours. The CBP officer threatened to confiscate the phone if we did not provide the password. My wife and I were increasingly concerned about our daughter, who was ill and urgently required care and rest.

13. After we disclosed the password, the officer told us that we could remain while our phones were searched, or depart and leave our phones behind. My wife told the officer that a male officer could not search her phone because it had photos of her without a headscarf on. The officer told us that it would take two hours for a female officer to arrive, and then more time to search the phone.

14. Based on what we were told, I understood that we would need to wait several hours for our phones to be searched. Exhausted and desperate to attend to our daughter's health, my wife and I and our family departed without our phones.

15. CBP officers coerced my wife and me into leaving our phones at the border, with the threat of several more hours of detention.

16. Our family departed after approximately six hours of detention.

17. I need my phone for my work as a limousine driver, and my wife needs her phone for daily responsibilities. As a result, we had to spend over \$1000 to purchase two new phones.

18. Approximately fifteen days later, CBP returned the two phones to us.

19. Soon after CBP returned my phone to me, I attempted to access certain media files in my WhatsApp application, including videos of my daughter's graduation. The phone displayed the message, "Sorry, this media file doesn't exist on your internal storage." This problem did not occur prior to CBP's search and confiscation of my phone.

20. I felt violated and disrespected when the CBP officers searched our phones. I was frustrated that I could not help protect my wife and my daughters from this invasion of their privacy.

21. I regularly travel internationally for personal reasons, and carry electronic devices with me when I do so.

22. To the best of my knowledge, since January 1, 2013, I have returned to the United States from an international trip at least 13 times.

23. At the current time, I intend to continue traveling internationally for personal reasons.

24. On or about the summer of 2019, my wife and I intend to travel to Egypt, Jordan, and/or Turkey for personal reasons.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 18, 2019

A handwritten signature in black ink, appearing to read 'Ghassan Alasaad', is written over a horizontal line.

Ghassan Alasaad