

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

AL-HARAMAIN ISLAMIC FOUNDATION,  
INC., *et al.*,

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

No. CV 06-274-KI

**DECLARATION OF M. WENDELL BELEW**

1 I, M. Wendell Belew, declare as follows:

2 1. I am an attorney at law, with an office in Washington, D.C., and one of the  
3 plaintiffs in the above-captioned litigation.

4 2. Among my clients is the Al Haramain Islamic Foundation, Inc. ("AHIF"), an  
5 Oregon nonprofit corporation. I have been representing AHIF since January 20, 2004.

6 3. I have been representing AHIF in matters relating to charitable foundations such  
7 as AHIF.

8 4. In August 2004 I received material relating to the Office of Foreign Assets  
9 Control's ("OFAC") potential designation of AHIF as a "specially designated global terrorist"  
10 ("SDGT"). When I received the materials I understood that OFAC had voluntarily released the  
11 materials to representatives of AHIF and that there were no restrictions on the review, use, or  
12 dissemination of any of those materials.

13 5. On October 14, 2004, I was visited by representatives of the Federal Bureau of  
14 Investigation ("FBI"), one of the defendants in the above-captioned lawsuit, and requested to

1 turn over all copies of one of the documents in the materials provided to me in August,  
2 specifically a document captioned "TOP SECRET," and to destroy or return any subsequently  
3 discovered copies. I was also instructed not to disseminate the document any further.

4 6. I complied fully with this request.

5 7. I understand that the United States has suggested several times that I was  
6 responsible for the Document's being available for filing with the court in this case.  
7 Specifically, in its May 26, 2006 Memorandum in Support of Defendants' Motion to Prevent  
8 Plaintiffs' Access to the Sealed Classified Document, Docket #40, the Government stated:

9 Indeed, after the document's inadvertent disclosure, FBI agents specifically  
10 instructed Plaintiffs *not* to further review, disclose, discuss, retain, or disseminate  
11 the classified document or classified information contained within the document.  
12 Plaintiffs did not abide by these instructions.

13  
14 Defendants' Memorandum at 3. On page 6, the Memorandum states:

15  
16 Plaintiffs Belew and Ghafoor further represented to the FBI that they had returned  
17 to the FBI all copies of the document in their possession. *See id.* ¶ 7.

18 In wholesale disregard of these instructions, on February 28, 2006,  
19 Plaintiffs filed a copy of the classified document under seal.

20  
21 Defendants' Memorandum at 6. Earlier, in Defendants' Response to Oregonian's Motion dated  
22 April 14, 2006 (Docket #24), Defendants stated:

23 Despite these clear instructions, Plaintiffs apparently retained or reacquired the  
24 document from someone who had obtained the document as a result of the same  
25 inadvertent disclosure.

26  
27 8. Since I turned over the Document to the FBI I have not disseminated the  
28 Document to any person in any way. More specifically, I was not the source of the  
29 Document that has been filed with this court.

30 8. The only subsequent involvement I have had with the Document was in  
31 preparation for this litigation in consultation with my attorneys.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing  
2 is true and correct to the best of my knowledge, information, and belief.

3  
4  
5

  
M. Wendell Belew