

DOUGLAS S. CHIN (Bar No. 6465)
 Attorney General of the State of Hawaii
 DEPARTMENT OF THE ATTORNEY
 GENERAL, STATE OF HAWAII
 425 Queen Street
 Honolulu, HI 96813
 Telephone: (808) 586-1500
 Fax: (808) 586-1239

Attorneys for Plaintiff, State of Hawaii

NEAL KUMAR KATYAL*
 HOGAN LOVELLS US LLP
 555 Thirteenth Street NW
 Washington, DC 20004
 Telephone: (202) 637-5600
 Fax: (202) 637-5910
 *Admitted Pro Hac Vice

Attorneys for Plaintiffs, State of Hawaii and Ismail Elshikh, and Prospective Plaintiffs John Does 1 & 2 and Muslim Association of Hawaii, Inc.

(See Next Page For Additional Counsel)

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

STATE OF HAWAII and ISMAIL ELSHIKH,

 Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
 President of the United States; U.S.
 DEPARTMENT OF HOMELAND SECURITY;
 ELAINE DUKE, in her official capacity as
 Acting Secretary of Homeland Security; U.S.
 DEPARTMENT OF STATE; REX
 TILLERSON, in his official capacity as
 Secretary of State; and the UNITED STATES
 OF AMERICA,

Defendants.

**DECLARATION OF
 DEIRDRE MARIE-IHA IN
 SUPPORT OF PLAINTIFFS’
 (1) MOTION FOR
 TEMPORARY
 RESTRAINING ORDER,
 AND (2) MOTION FOR
 LEAVE FOR DOE
 PLAINTIFFS TO PROCEED
 UNDER PSEUDONYM, AND
 FOR *IN CAMERA* REVIEW
 OF DOE PLAINTIFFS’ AND
 DOE DECLARANTS’
 SIGNED STATEMENTS;
 EXHIBITS A-L IN SUPPORT
 OF PLAINTIFFS’ MOTION
 FOR TEMPORARY
 RESTRAINING ORDER;
 CERTIFICATE OF
 SERVICE**

Civil Action No. 1:17-cv-00050-
 DKW-KSC

ADDITIONAL COUNSEL

CLYDE J. WADSWORTH (Bar No. 8495)
Solicitor General of the State of Hawaii
DEIRDRE MARIE-IHA (Bar No. 7923)
DONNA H. KALAMA (Bar No. 6051)
KIMBERLY T. GUIDRY (Bar No. 7813)
ROBERT T. NAKATSUJI (Bar No. 6743)
KALIKO‘ONALANI D. FERNANDES
(Bar. No. 9964)
KEVIN M. RICHARDSON (Bar No. 10224)
Deputy Attorneys General
DEPARTMENT OF THE ATTORNEY
GENERAL, STATE OF HAWAII
425 Queen Street
Honolulu, HI 96813
Telephone: (808) 586-1500
Fax: (808) 586-1239
Email: deirdre.marie-iha@hawaii.gov

Attorneys for Plaintiff, State of Hawaii

**Admitted Pro Hac Vice*

***Pro Hac Vice Application Forthcoming*

†Admitted only in Maryland; supervised by firm members

††Admitted only in Virginia; supervised by firm members

COLLEEN ROH SINZDAK*
MITCHELL P. REICH*
ELIZABETH HAGERTY*
YURI S. FUCHS**
SUNDEEP IYER**†
REEDY C. SWANSON**††
HOGAN LOVELLS US LLP
555 Thirteenth Street NW
Washington, DC 20004
Telephone: (202) 637-5600
Fax: (202) 637-5910
Email: neal.katyal@hoganlovells.com

THOMAS P. SCHMIDT*
HOGAN LOVELLS US LLP
875 Third Avenue
New York, NY 10022
Telephone: (212) 918-3000
Fax: (212) 918-3100

SARA SOLOW*
ALEXANDER B. BOWERMAN*
HOGAN LOVELLS US LLP
1735 Market St., 23rd Floor
Philadelphia, PA 19103
Telephone: (267) 675-4600
Fax: (267) 675-4601

Attorneys for Plaintiffs, State of Hawaii and Ismail Elshikh, and Prospective Plaintiffs John Does 1 & 2 and Muslim Association of Hawaii, Inc.

**DECLARATION OF DEIRDRE MARIE-IHA IN SUPPORT OF
PLAINTIFFS’ (1) MOTION FOR TEMPORARY RESTRAINING ORDER,
AND (2) MOTION FOR LEAVE FOR DOE PLAINTIFFS TO PROCEED
UNDER PSEUDONYM, AND FOR *IN CAMERA* REVIEW OF DOE
PLAINTIFFS’ AND DOE DECLARANTS’ SIGNED STATEMENTS**

I, DEIRDRE MARIE-IHA, hereby state and declare as follows:

1. I am a Deputy Attorney General for the State of Hawaii. I have personal knowledge of and am competent to testify to the truth of the matters stated herein. This Declaration is submitted in support of Plaintiffs’ (1) Motion for Temporary Restraining Order (the “TRO Motion”), and (2) Motion for Leave for Doe Plaintiffs to Proceed Under Pseudonym, and for *In Camera* Review of Doe Plaintiffs’ and Doe Declarants’ Signed Statements (the “Confidentiality Motion”), both filed concurrently herewith.

2. Attached as Exhibit A is a true and correct copy of a declaration submitted by declarant John Doe 1, a naturalized U.S. citizen who resides in Hawaii and wishes to join this action as a Plaintiff. He originally is from one of the countries targeted by Defendant Donald J. Trump’s September 24, 2017 “Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats” (“EO-3”). Exhibit A explains how declarant John Doe 1 has been injured by EO-3, as well as his reasons for fearing severe retaliation in the event that his name is disclosed to the public, Defendants, or their counsel. I spoke

personally with John Doe 1 regarding the need to protect his identity and his fear of public reprisals, and his concern that, should his identity be released, negative consequences might result for the immigration processes currently underway for his family. These concerns are so deep-seated that he would not have agreed to submit the declaration if we had not acted to protect his identity. An unredacted, signed copy of Exhibit A bearing declarant John Doe 1's name, which is highly confidential information, is being submitted to the Court for *in camera* review pursuant to Local Rule 10.2 and Plaintiffs' concurrently-filed Confidentiality Motion. Aside from its redaction of declarant John Doe 1's name, the publicly-filed copy of Exhibit A is identical to the unredacted, signed copy of Exhibit A being submitted to the Court for *in camera* review.

3. Attached as Exhibit B is a true and correct copy of a declaration submitted by declarant John Doe 2, a lawful permanent resident of the United States who resides in Hawaii and wishes to join this action as a Plaintiff. He originally is from one of the countries targeted by EO-3. Exhibit B explains how declarant John Doe 2 has been injured by EO-3, as well as his reasons for fearing severe retaliation in the event that his name is disclosed to the public, Defendants, or their counsel. I spoke personally with John Doe 2 regarding the need to protect his identity and his fear of public reprisals, and his concern that, should his identity be released, negative consequences might result for the immigration processes

currently underway for his family. These concerns are so deep-seated that he would not have agreed to submit the declaration if we had not acted to protect his identity. An unredacted, signed copy of Exhibit B bearing declarant John Doe 2's name, which is highly confidential information, is being submitted to the Court for *in camera* review pursuant to Local Rule 10.2 and Plaintiffs' concurrently-filed Confidentiality Motion. Aside from its redaction of declarant John Doe 2's name, the publicly-filed copy of Exhibit B is identical to the unredacted, signed copy of Exhibit B being submitted to the Court for *in camera* review.

4. Attached as Exhibit C is a true and correct copy of a declaration submitted by declarant Jane Doe 3, a naturalized American citizen residing in the United States. She originally is from one of the countries targeted by EO-3. Exhibit C explains how declarant Jane Doe 3 has been injured by EO-3, as well as her reasons for fearing severe retaliation in the event that her identity is disclosed to the public, Defendants, or their counsel. I spoke personally with Jane Doe 3 regarding the need to protect her identity and her fear of public reprisals, and her concern that, should her identity be released, negative consequences might result for the immigration processes currently underway for her family. These concerns are so deep-seated that she would not have agreed to submit the declaration if we had not acted to protect her identity. Furthermore, the relevant community is so small that disclosing the location where the declaration was signed would

effectively disclose Jane Doe 3's identity. An unredacted, signed copy of Exhibit C bearing declarant Jane Doe 3's name and the location where her declaration was signed, which are highly confidential, is being submitted to the Court for *in camera* review pursuant to Local Rule 10.2 and Plaintiffs' concurrently-filed Confidentiality Motion. Aside from its redaction of declarant Jane Doe 3's name and the location where her declaration was signed, the publicly-filed copy of Exhibit C is identical to the unredacted, signed copy of Exhibit C being submitted to the Court for *in camera* review.

5. Attached as Exhibit D is a true and correct copy of a declaration submitted by a foreign national, declarant John Doe 4, residing in the United States. He originally is from one of the countries targeted by EO-3. Exhibit D explains how declarant John Doe 4 has been injured by EO-3, as well as his reasons for fearing severe retaliation in the event that his identity is disclosed to the public, Defendants, or their counsel. I spoke personally with John Doe 4 regarding the need to protect his identity and his fear of public reprisals, and his concern that, should his identity be released, negative consequences might result for the immigration processes currently underway for his family. These concerns are so deep-seated that he would not have agreed to submit the declaration if we had not acted to protect his identity. Furthermore, the relevant community is so small that disclosing the location where the declaration was signed would effectively disclose

John Doe 4's identity. An unredacted, signed copy of Exhibit D bearing declarant John Doe 4's name and the location where his declaration was signed, which are highly confidential, is being submitted to the Court for *in camera* review pursuant to Local Rule 10.2 and Plaintiffs' concurrently-filed Confidentiality Motion.

Aside from its redaction of declarant John Doe 4's name and the location where his declaration was signed, the publicly-filed copy of Exhibit D is identical to the unredacted, signed copy of Exhibit D being submitted to the Court for *in camera* review.

6. Attached as Exhibit E is a true and correct copy of a declaration submitted by a foreign national, declarant John Doe 5, residing in the United States. He originally is from one of the countries targeted by EO-3. Exhibit E explains how declarant John Doe 5 has been injured by EO-3, as well as his reasons for fearing severe retaliation in the event that his name is disclosed to the public, Defendants, or their counsel. I spoke personally with John Doe 5 regarding the need to protect his identity and his fear of public reprisals. This concern is so deep-seated that he would not have agreed to submit the declaration if we had not acted to protect his identity. An unredacted, signed copy of Exhibit E bearing declarant John Doe 5's name, which is highly confidential information, is being submitted to the Court for *in camera* review pursuant to Local Rule 10.2 and Plaintiffs' concurrently-filed Confidentiality Motion. Aside from its redaction of

declarant John Doe 5's name, the publicly-filed copy of Exhibit E is identical to the unredacted, signed copy of Exhibit E being submitted to the Court for *in camera* review.

7. Attached as Exhibit F is a true and correct copy of the Declaration of Donald O. Straney, Vice President for Academic Planning and Policy at the University of Hawaii system (the "University"), addressing the impacts of EO-3 on the University of Hawaii community, including with respect to limiting the travel of the University's faculty, staff, and students; hindering the international exchange of ideas and research partnerships at the University; reducing the diversity of the University's faculty, staff, and students; negatively impacting the University's applicant pool; and undercutting the welcoming, diversity-embracing values of the University and State of Hawaii.

8. Attached as Exhibit G is a true and correct copy of the Declaration of Gaye Chan, Chair of the Department of Art and Art History (the "Department") at the University of Hawaii at Manoa, addressing the impacts of EO-3 on the diversity of the Department's faculty, staff, and student bodies, the Department's ability to offer exposure to international and varied art, and the Department's capacity to recruit and host nationals from the countries targeted by EO-3.

9. Attached as Exhibit H is a true and correct copy of the Declaration of Nandita Sharma, an Associate Professor in the Department of Sociology at the

University of Hawaii at Manoa and Director of the University's International Cultural Studies Program, addressing the negative impacts of EO-3 on the University's scholastic development and ability to recruit and host nationals from the countries targeted by EO-3.

10. Attached as Exhibit I is a true and correct copy of the Declaration of Ismail Elshikh, PhD, a U.S. citizen who resides in Hawaii and is a Plaintiff in this action. He is of Egyptian descent and a community leader, as the Imam of the Muslim Association of Hawaii. He and his family have been personally affected by EO-3, including with respect to interrupted travel plans and separation from family members abroad.

11. Attached as Exhibit J is a true and correct copy of the Declaration of George Szigeti, President and Chief Executive Officer of the Hawaii Tourism Authority ("HTA"), providing and explaining data maintained by HTA for the last five years with respect to visitor expenditures, total visitor arrivals and mode of transport, and the flow of visitors from Africa and the Middle East.

12. Attached as Exhibit K is a true and correct copy of the Declaration of Luis P. Salaveria, Director of the State of Hawaii Department of Business, Economic Development and Tourism, addressing the impacts of EO-3 on the tourism industry in Hawaii, including with respect to collaborative projects, sister-state relationships, tourism branding, and visa reductions.

13. Attached as Exhibit L is a true and correct copy of the Declaration of Hakim Ouansafi, who has been a resident of the United States for over thirty years and is the Chairman of The Muslim Association of Hawaii, Inc., a nonprofit entity that is the only formal Muslim organization in Hawaii and serves approximately 5,000 Muslims statewide. He has held the position of Chairman of The Muslim Association of Hawaii, Inc. for about fifteen years. His declaration addresses the harassment, threats of violence, delayed travel plans, and religious burdens experienced by members of his organization as a result of EO-3 and its predecessor Executive Orders, as well as the pecuniary and membership harms they have caused The Muslim Association of Hawaii, Inc. as an organization.

14. Exhibits A, B, C, D, and E hereto are submitted in support of Plaintiffs' TRO Motion by five declarants—John Doe 1, John Doe 2, Jane Doe 3, John Doe 4, and John Doe 5 (the "Doe Declarants")—each of whom originally is from one of the countries targeted by EO-3, which is the subject of Plaintiffs' TRO Motion.

15. Following the issuance of EO-3, members of my staff and I spoke with the Doe Declarants, each of whom conveyed grave concern that the disclosure of his or her name would pose a risk of severe retaliation by Defendants; others associated with them, including immigration officials; anti-Muslim members of the public; and/or the governments or residents of the Doe Declarants' countries of

origin. The Doe Declarants overwhelmingly expressed fear, frustration, and anger over EO-3, which in numerous instances has split them from their families and jeopardized their own travel arrangements. These individuals are highly apprehensive of retaliation from Defendants, their associates, and members of the public if they participate in this action using their names, particularly based on retaliation that they have seen directed toward Plaintiff Ismail Elshikh on the same basis.

16. The Doe Declarants are filing the substance of their declarations publicly, using pseudonyms of John and Jane Doe, but respectfully request that the Court review their full, signed declarations (disclosing their names and, in some instances, their signing locations) *in camera*, to protect their identities from being shared publicly or with Defendants and their counsel. In the event that the Confidentiality Motion is denied, Plaintiffs request the opportunity to withdraw Exhibits A, B, C, D, and E hereto in accordance with Local Rule 83.12.

17. Pursuant to Local Rule 10.2, Plaintiffs are submitting full, signed copies of Exhibits A, B, C, D, and E hereto for *in camera* review in sealed envelopes marked to indicate that they should be so reviewed by the Court. The Doe Declarants' names and, in some instances, signing locations have been redacted on the versions of Exhibits A, B, C, D, and E hereto that are being filed publicly via the Court's electronic filing system.

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

DATED: Washington, DC, October 10, 2017.

/s/ Deirdre Marie-Iha
Deirdre Marie-Iha