

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MUSLIM COMMUNITY ASSOCIATION
OF ANN ARBOR, et al.,

Plaintiffs,

v.

JOHN ASHCROFT, in his official capacity
as Attorney General of the United States,
et al.,

Defendants.

Civil Action No. 03-72913

Hon. Denise Page Hood

Magistrate Judge R. Steven Whalen

DECLARATION OF MARY LIEBERMAN

I, Mary Lieberman of Knoxville, Tennessee, do declare:

1. I am the Executive Director of Bridge Refugee & Sponsorship Services (“Bridge”), one of the plaintiffs in this case. Bridge is an ecumenical, non-profit organization that helps refugees and asylees (people who have been granted asylum) become and stay self-sufficient. Bridge, located in Knoxville, Tennessee, has been serving the Tennessee refugee community for over 22 years.

2. Refugees are people whom the United States has afforded special protection because they were persecuted in their country of origin, or reasonably fear that they would be persecuted in their country of origin, because of their race, religion, nationality, political opinion, or membership in a particular social group.

3. As the Executive Director of Bridge, I am responsible for carrying out the policies established by Bridge's Board of Directors. I have worked at this full-time position for the past three years and three months.

4. I have a Master's degree in Social Work from Our Lady of the Lake University, San Antonio, Texas. Prior to my work at Bridge, I was the Director of Guadalupe County Women's Shelter, Seguin, Texas; I worked as a Crime Victim Counselor at the Austin Police Department, Austin, Texas; and I worked as an Emergency Services Supervisor at EZRA Multi-Service Center, Jewish Federation of Metropolitan Chicago, Chicago, Illinois.

5. My responsibilities as Executive Director of Bridge include direct supervision of all staff members; regular monitoring and review of case files; and general knowledge of every case that Bridge handles.

6. Bridge is affiliated with Church World Service ("CWS"), which is the relief, development, and refugee assistance ministry of 36 Protestant, Orthodox, and Anglican denominations in the United States; and with Episcopal Migration Ministries ("EMM"), which is the arm of the Episcopal Church that advocates for the protection of the refugees.

7. Bridge employs eight staff members and has offices in Knoxville, Chattanooga, and Bristol, Tennessee. There are five workers in the Knoxville office. In addition to myself, the staff is comprised of one accountant (CPA), one English as a Second Language Coordinator, and two Case Managers. For some specialized tasks, such as legal counseling, language translations and medical advice, Bridge sub-contracts to outside professionals and service providers.

8. All of our staff has undergone extensive training. CWS and EMM provide training through regular seminars and conferences. We meet quarterly with other refugee social service agencies throughout Tennessee. Bridge itself also provides extensive training on an ongoing basis.

9. Bridge generally obtains clients in either of two ways. In some cases, a person residing in the United States asks us to assist a relative whom the United States has accorded refugee status but who has not yet arrived in the United States. In these cases (called “family reunification” cases), we begin working with the refugee’s family while the refugee is still outside the United States. In other cases, we are assigned refugees’ files by affiliate organizations such as CWS and EMM. These cases (called “free” cases) usually involve refugees who do not have family in the United States.

10. Historically, Bridge has served approximately 200 new refugees and asylees in a year. Our current caseload, which includes refugees who arrived in the United States over the last five years, comprises approximately 500 files.

11. Bridge currently has clients from approximately eight countries. We have a large number of clients from the former Soviet Union and from Bosnia. We also have clients from Iran and Iraq. More than half of our clients are Muslim.

12. Bridge provides its clients with a broad spectrum of resettlement services. For example, we ensure that new refugees have accommodations, furniture, clothing, and food; we accompany new refugees to the Department of Health for medical examinations and immunizations; we provide English language tutors to refugees who require them; we ensure that refugee children enroll in school; we provide cultural counseling to educate new refugees about American customs; we assist new refugees in finding employment as

quickly as possible; we assist new refugees in complying with immigration requirements; we assist refugees in applying for permanent residence and citizenship; we direct refugees to social services provided by other organizations or by the federal and state governments; and we counsel refugees about personal problems, including substance abuse, sexual abuse, discrimination at work or school, domestic violence, family planning, financial problems, and divorce.

13. We provide some of these services to our clients through volunteer “sponsors,” many of whom learn of Bridge from local churches, mosques, and synagogues. These sponsors are critical to the resettlement services that we provide, because they carry out the day-to-day tasks associated with integrating our clients into their new community. In many instances, sponsors also supply our clients with furniture, food, shelter, clothing and employment opportunities.

14. Often, our refugee clients can obtain the assistance they need only from Bridge. There is no other resettlement services organization in East Tennessee.

15. Because of our affiliation with CWS and EMM, we are required to keep detailed and accurate records of each case that we handle. We keep a case file concerning each individual to whom we have provided services. Each case file includes the client’s name, telephone number, residential address, and date of arrival in the United States. Our case files help us serve our clients and help us maintain relationships with clients over time.

16. Some of the information included in our case files is of an intimately personal nature. For example, case files describe or document persecution that the client faced in his or her country of origin; medical conditions from which the client may suffer or may

have suffered; medical treatment that the client may be receiving or may have received; legal problems that the client may be facing or may have faced; and personal problems involving substance abuse, domestic violence, sexual abuse, discrimination at work or at school, family planning, divorce, child custody, and abortion.

17. Much of the information included in our case files is protected from disclosure by a state social worker-client privilege.

18. Because our case files include intimately personal information, Bridge maintains a policy of strict confidentiality.

19. Every Bridge employee, sponsor, affiliate and sub-contractor is asked to sign a standard confidentiality agreement provided to us by CWS and EMM. Our staff explains and reviews the confidentiality agreement in sponsor training sessions. Furthermore, our grantors – CWS, EMM, and the State of Tennessee – require that we maintain strict confidentiality and document our commitment to that principle in each case file.

20. Our confidentiality policies are intended to ensure that our clients do not withhold information from us because of a fear that the information will be disseminated outside the organization.

21. The confidentiality agreement states, in part, “I [the employee/volunteer] understand that information contained in the case files of Bridge Refugee Sponsorship Services, as well as any information shared with me by a client, is confidential. I agree to respect this confidentiality and not discuss the information with anyone other than the staff of the program. I will not discuss the information with anyone not bound by this duty of confidentiality. I understand that information ab[ou]t a client will not be shared

with other agencies or individuals, including family, friends, or acquaintances without the knowledge and consent of the client”.

22. Our ability to serve our clients depends on clients’ willingness to provide us with information that in some cases is intimately personal. For example, we cannot refer a client for appropriate medical treatment if she does not trust us with information about her health. We cannot refer a client to a women’s shelter if she does not trust us with information about domestic abuse.

23. Section 215 has harmed our ability to serve our clients in a number of different ways.

24. Section 215 has caused Bridge to redirect resources from client assistance. Resources that we otherwise would have used to help clients are instead being used to re-evaluate our record-keeping and record retention policies.

25. Because we would not have an opportunity to challenge a Section 215 order before complying with it, we have had no choice but to act now to ensure that our records do not contain personal or other sensitive information that we could be forced to disclose to the government.

26. Accordingly, my staff and I have been deciding on a case-by-case basis to exclude some sensitive information from our files.

27. While we believe that we have no practical choice but to adopt this policy, there is no question that the practice compromises the level of services we can provide to our clients. For example, if a particular client’s case manager is out of the office when the client seeks counseling, another case manager will have to provide the counseling

without the benefit of a complete case file. The file may be missing the very information that the case manager needs in order to counsel the client appropriately.

28. The policy of excluding some information from case files also makes it more difficult to maintain relationships with clients over time.

29. Our decision to exclude certain information from our case files is motivated in part by our understanding that there is no restriction on the dissemination of information that the government obtains through Section 215. Information that we include in our case files may ultimately be provided to agencies other than the FBI – including the INS, for example – and may also be disseminated to private employers or even to the media.

30. Such dissemination could have devastating results. For example, the INS could use information obtained from us to begin deportation proceedings against one of our clients.

31. Because we would not have an opportunity to challenge a Section 215 order before complying with it, we have also changed our policies with respect to record retention.

32. Although the law requires us to keep our records for only three years after the client's eligibility for our services has expired, our policy until recently has been to keep client records indefinitely.

33. Because of concerns that the government will demand our records, I recently asked my staff to destroy client records immediately upon termination of the three-year period. We feel that we have no choice but to adopt this new policy. However, the new policy impairs our ability to maintain relationships with clients over time.

34. For several reasons, we believe that we are likely to be served with a Section 215 order for records pertaining to our clients. We serve many immigrants and refugees from national and religious communities that the FBI is aggressively investigating. For example, we have clients from Iraq and Iran. We also have a large percentage of Muslim clients.

35. Further, the FBI has already investigated some of our clients. For example, the FBI interviewed Mustafa Albaraqi, an Iraqi born client, in January 2003. During the interview, the FBI asked, among other questions, whether anyone associated with the Iraqi government had asked him to engage in terrorism against American targets; what he would do if an Iraqi agent asked him to engage in terrorism; and whether he might act differently if the Iraqi agent cut off his brother's finger and sent it to him in the mail. Mr. Albaraqi subsequently advised me that he would not have sought our assistance if he had known that the FBI had the authority under Section 215 to order Bridge to disclose its records.

36. In addition, the FBI has approached us directly for information about our clients on at least two occasions.

37. In November 2002, the FBI asked us to disclose all of our records relating to our Iraqi-born clients. We refused to disclose the records because the records included sensitive, personal information, including medical information.

38. On November 12, 2002, Bridge was served with a Subpoena To Testify Before Grand Jury, ordering the production of "Any and all records of Bridge . . . relating to any and all Iraqi-born people who have been assisted by Bridge Refugee and Sponsorship Services, Inc., including records that provide the name, address, telephone

number, employer, and personal circumstances of such persons.” We moved to quash the subpoena but withdrew our motion when the FBI agreed not to seek more information than Bridge’s clients would already have provided to the INS. The FBI made it clear, however, that it might eventually demand more information. The FBI did not indicate what form such a demand might take. We are concerned that such a demand might take the form of a Section 215 order.

39. When the FBI has sought our records in the past, it has been possible for us to challenge the scope of the demand. We would not be afforded such an opportunity if the demand took the form of a Section 215 order.

40. Equally troubling to us, we would be subject to a gag order that would prohibit us from discussing the Section 215 order with colleagues. When Bridge was served with a grand jury subpoena, we consulted with colleagues at EMM, CWS, and Tennessee Department of Human Services. If Bridge were served with a Section 215 order, the gag provision would prohibit us from doing this.

41. The gag order would prevent me from disclosing even in the most general terms that the FBI had sought records from Bridge. As a result, I could not notify other refugee services organizations that the FBI had demanded our records.

42. The gag order would also prevent us from telling our clients that the government had sought their records. The gag order would effectively require us to violate the relationship of trust that is vital to our ability to serve our clients.

43. Most of our clients are people who have sought refuge in the United States from totalitarian and tyrannical governments in other countries. Given the serious human rights violations that our clients personally suffered in their countries of origin, I believe

that it is a vital part of Bridge's mission to ensure that our clients' fundamental free speech and privacy rights are protected in the United States. Section 215 significantly impairs our ability to fulfill that mission.