

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

LAURA POITRAS,

Plaintiff,

v.

DEPARTMENT OF HOMELAND  
SECURITY, DEPARTMENT OF  
JUSTICE, and OFFICE OF THE DIRECTOR  
OF NATIONAL INTELLIGENCE,

Defendants.

Civil Action No. 15-cv-01091-KBJ

**DECLARATION OF LAURA POITRAS**

I, Laura Poitras, declare as follows:

1. I am a United States citizen and professional documentary filmmaker, journalist, and artist currently based in New York, New York. My film production company is Praxis Films.
2. For the past decade, I have been documenting post-9/11 America. My work includes a 9/11 Trilogy, a three-part documentary series exploring the global consequences of the “War on Terror.” *CITIZENFOUR*, the third installment of the trilogy, won the 2015 Academy Award for Best Documentary, along with awards from the British Film Academy, Independent Spirit Awards, Director’s Guild of America, German Filmpreis, Cinema Eye Honors, and others. Part one of the trilogy, *My Country, My Country* (2006), about the U.S. military occupation of Iraq, was nominated for an Academy Award. Part two of the trilogy, *The Oath* (2010), focused on Guantanamo Bay Prison military commissions and was nominated for two Emmy awards. My reporting on the National Security Agency (“NSA”) received the George Polk Award for national security journalism and shared in the 2014 Pulitzer Prize for Public Service. This reporting helped to spark an international debate on the dangers of mass surveillance. I am also a

member the Academy of Motion Pictures Arts and Sciences, co-creator of Field of Vision, and on the board of the Freedom of the Press Foundation.

3. I travel often for my work on my films and journalism. I frequently visit Europe and the Middle East, in particular.

4. On July 12, 2006, while I was traveling from Ben Gurion International Airport (“Ben Gurion”), Israel, to Newark International Airport (“Newark”) after attending the Jerusalem Film Festival, where my film *My Country, My Country* was screened, I was held and questioned at Ben Gurion by Israeli airport security for about a half hour prior to my departure. Upon my arrival at Newark, I was met by U.S. Customs and Border Protection (“CBP”) agents at the gate and escorted to a holding room, where I was detained and questioned for almost 2 hours before being allowed to enter the United States. This was the first time I was ever detained at the U.S. border.

5. For the next 6 years, from July 2006 until June 2012, I was detained at the U.S. border for every flight I took entering the United States, and occasionally while outside the United States during international travel. Every time I took a flight returning to the United States, I was subject to detention and questioning by CBP agents after my flight landed in the United States and before being allowed to cross the border back into the country (with the exception of two flights from Canada to the United States, where I crossed the U.S. border while in Canada and was thus detained and questioned before being allowed to board my flight home). During these detentions at the U.S. border, CBP agents would detain me at the gate while I was getting off and escort me to a screening room, where I was held and questioned and where my bags were searched. I was also detained and questioned once in the United States before a flight to Dubai.

6. Between July 2006 and April 2012, I was detained and questioned at the U.S. border almost 40 times during the course of international travel and multiple times in transit overseas. I was detained and questioned at the U.S. border for every international flight I took entering the United States during this 6-year period.

7. For most of these detentions at the U.S. border, CBP agents conducted a “hard stand” at the arrival gate, whereby each passenger was required to show their passport before being allowed off the plane. The “hard stand” process alone could take up to 40 minutes if I was seated towards the back of the plane, not including the time for which I was thereafter detained and questioned. Of the almost 40 times I was detained at the U.S. border, only once was another person pulled from the plane and taken for questioning.

8. My subjection to airport detentions ended in around June 2012, after journalist Glenn Greenwald published an article about my experiences on *Salon.com* on April 8, 2012. The *Salon* article also prompted a group of documentary filmmakers to send a petition to DHS protesting my treatment.

9. In addition to being detained and questioned at the U.S. border for flights entering the United States, during this same 6-year period, between July 2006 and June 2012, I was also routinely subjected to heightened security screening during the course of purely domestic United States travel and for international flights originating in the United States. On these occasions, I could not receive my boarding pass until after an airline agent personally called the Department of Homeland Security (“DHS”) from the airline check-in counter. My boarding passes were thereafter marked “SSSS” and I was subsequently subjected to increased security screening at Transportation Security Administration (“TSA”) checkpoints.

10. In the case of domestic travel, I was initially only subjected to heightened security screening for a few months, from around April 2006 to October 2006, but my routine subjection to heightened security screening during domestic travel resumed again a few years later and did not fully cease until June 2012, after publication of the *Salon* article.

11. Beginning in mid-2011, when I began work on a documentary about Julian Assange and WikiLeaks, U.S. authorities started to question and search me in Europe before I was able to board planes returning to the United States, in addition to detaining, questioning, and searching me upon my arrival. For example, on April 5, 2012, while traveling from London to Newark after filming with Julian Assange, I was questioned by U.S. authorities in London before

being issued a boarding pass and also detained, questioned, and searched upon my arrival in the United States. While being detained at Newark after my flight from London, several CBP agents repeatedly threatened to handcuff me for attempting to take notes, claiming my pen could be used as a weapon.

12. Including both my domestic travel and international travel, I was subject to “Secondary Security Screening” on roughly 50 occasions.

13. The following paragraphs provide a non-exhaustive list of my experiences being detained and questioned between 2006 and 2012, in addition to the those listed above, during the course of my international travels:

14. On August 22, 2006, while traveling from Sarajevo to John F. Kennedy International Airport (“JFK”) after attending the Sarajevo Film Festival, I was detained and questioned at the Vienna International Airport by Austrian airport security. Upon landing in Austria, I was paged to the gate by Austrian security and then placed in a van and driven to a location where my bags were x-rayed and physically searched. The Austrian security agent informed me that I had a “Threat Score” of 400 out of 400 points. The agent explained this scoring system was assigned by the United States. I was eventually allowed to board a plane to the United States. Upon my arrival at JFK, CBP agents again met me at the gate, escorted me to a holding room, searched my bags a second time, and questioned me for roughly 2 hours before allowing me to cross the border.

15. On November 26, 2006, upon my arrival at Newark after a flight from Paris, where I had been on vacation, I was met by border agents and detained and questioned for 30 minutes while my bags were searched.

16. On December 17, 2006, upon my arrival at JFK after a flight from Dubai, where I had attended the Dubai Film Festival, I was met by border agents and again detained and questioned before being allowed entry into the United States. The CBP agents asked when I had last been to Atlanta, Georgia, and told me that I had a criminal record, despite that I had never been arrested.

17. On March 19, 2007, upon my arrival at Washington Dulles International Airport after a flight from London, where I had after attended a conference on Guantanamo Bay Prison, I was detained and questioned and my bags were searched.

18. On March 31, 2007, while traveling from Canada to LaGuardia Airport after conducting a documentary workshop, I was detained, questioned, and searched *before* being allowed to board the plane.

19. On May 26, 2007, while traveling from Yemen via Jordan to JFK after filming families of Guantanamo prisoners, CBP agents met me at the gate upon my arrival in New York. I was detained and questioned, and all my journalist notebooks, receipts, business cards, and credit cards were photocopied.

20. On June 12, 2007, I was detained, questioned, and searched after a flight from Jordan to JFK, after leading a filmmaking workshop in Amman. Border agents informed me that I was on the National Crime Information (“NCI”) list. All of my credit cards and receipts were photocopied.

21. On September 22, 2007, I was detained, questioned, and searched after a flight from Dubai to JFK, after filming for my documentary.

22. On November 20, 2007, I was detained, questioned, and searched after a flight from Yemen via Dubai to JFK, after traveling to interview families of Guantanamo Bay prisoners. The CBP agents said I was being detained for “terrorism screening.”

23. On February 12, 2008, I was detained, questioned, and searched after a flight from Jordan to JFK and detained for over one hour. I was able to see the acronym “NCIC,” which stands for National Crime Information Center, written on the CBP agents’ paperwork.

24. On March 1, 2008, I was detained, questioned, and searched after a flight from Sweden to Newark. I could see “CTR” marked on my custom form. I asked one of the CBP agents what that meant, and he said, “Counter Terrorism Response.” My papers were photocopied.

25. On June 14, 2008, I was detained, questioned, and searched after a flight from Yemen via Dubai to JFK.

26. On August 24, 2008, I was detained, questioned, and searched after a flight from Yemen via Dubai to JFK.

27. On December 2, 2008, I was detained, questioned, and searched after a flight from Istanbul Ataturk Airport to JFK after a 4-month work trip to the Middle East for filming a documentary.

28. On December 10, 2008, I was detained, questioned, and searched at JFK *before* a flight to Dubai.

29. On January 11, 2009, I was detained, questioned, and searched after a flight from Yemen via Dubai to JFK.

30. On February 10, 2009, I was detained, questioned, and searched after a flight from Yemen via Dubai to JFK.

31. On July 19, 2009, I was detained, questioned, and searched after a flight from Yemen via Dubai to JFK.

32. On August 22, 2009, I was detained, questioned, and searched after a flight from London to JFK.

33. On February 10, 2010, while traveling from JFK to Berlin, Germany to attend the Berlin Film Festival, airline agents at JFK told me that I was on the "No Fly List." After my former lawyer placed a call to someone in the U.S. State Department, I was eventually permitted to board my flight. While attempting to depart Berlin several days later for a return flight to JFK, on February 16, 2010, I was again told by airline representatives that I was on the "No Fly List." I was eventually allowed to board my flight. Upon arriving at JFK, I was detained for over one hour, during which CBP agents questioned me and searched my bags.

34. On May 1, 2010, in Toronto *before* a flight to JFK, I was detained, questioned, and searched.

35. On August 1, 2010, I was detained, questioned, and searched after a flight from Yemen via Dubai to JFK. During the course of this detention, CBP agents confiscated my laptop, video camera, footage, and cellphone. My digital devices were held for 41 days.

36. On October 18, 2010, I was detained, questioned, and searched after a flight from Abu Dhabi to JFK after attending the Abu Dhabi Film Festival.

37. On November 9, 2010, I was detained, questioned, and searched after a flight from London to Newark.

38. On November 25, 2010, I was detained, questioned, and searched after a flight from Amsterdam to Newark.

39. On March 27, 2011, I was detained, questioned, and searched after a flight from London to JFK after meeting Julian Assange and beginning a film about WikiLeaks.

40. On June 3, 2011, I was detained, questioned, and searched after a flight from London to JFK.

41. On July 7, 2011, I was detained, questioned, and searched after a flight from London to JFK.

42. On August 13, 2011, I was detained, questioned, and searched after a flight from Berlin to Newark, for which I was detained for almost one hour.

43. On August 29, 2011, I was detained, questioned, and searched after a flight from London to JFK, for which I was detained for more than an hour and a half.

44. On September 10, 2011, I was detained, questioned, and searched after a flight from London to Newark, for which I was detained for over one hour.

45. On October 8, 2011, I was detained, questioned, and searched after a flight from Paris to JFK.

46. On December 6, 2011, I was detained, questioned, and searched after a flight from London to Newark.

47. On December 31, 2011, I was detained, questioned, and searched after a flight from Berlin to JFK, for which I was detained for roughly a half hour.

48. On January 19, 2012, I was detained, questioned, and searched after a flight from London to Newark.

49. On February 12, 2012, I was detained, questioned, and searched after a flight from Berlin to Newark.

50. On April 5, 2012, I was detained, questioned, and searched after a flight from London to Newark. This was the occasion that CBP agents threatened to handcuff me for taking notes, claiming that my pen could be used as a weapon.

51. On June 1, 2012, I was detained, questioned, and searched after a flight from London to Newark. This was my last detention and occurred roughly two months after the *Salon* article was published.

52. During these detentions, CBP agents routinely made copies of my travel documents, and on about ten occasions, border agents made photocopies of my reporters' notebooks and/or the contents of my pockets and wallet. For instance, CBP agents photocopied documents from my luggage, the contents of my reporters' notebooks, the contents of my pockets, and/or the contents of wallet on: (i) July 12, 2006, when I was detained after a flight from Israel to Newark; (ii) August 22, 2006, when I was detained after a flight from Austria to JFK; (iii) May 26, 2007, when I was detained after a flight from Jordan to JFK; (iv) June 12, 2007, when I was detained after a flight from Jordan to JFK; (v) August 24, 2008, when I was detained after a flight from Dubai to JFK; (vi) September 22, 2007, when I was detained after a flight from Dubai to JFK; (vii) February 12, 2008, when I was detained after a flight from Jordan to JFK; (viii) March 1, 2008, when I was detained after a flight from Sweden to JFK; and (ix) January 11, 2009, when I was detained after a flight from Dubai to JFK.

53. In the fall of 2012, I moved to Berlin, Germany, as a direct result of the harassment I had experienced at the U.S. border. I moved because, despite taking extreme security measures to encrypt and protect my source material, I felt that I could not fulfill my obligation as a journalist to protect my sources. I moved back to the United States in the spring of 2015, about three years after the border detentions stopped. If the harassment at the U.S.



border were to resume, I would probably have to move away from the United States again if I wanted to continue my work as a filmmaker and journalist.

54. I have no criminal record and have never been arrested.

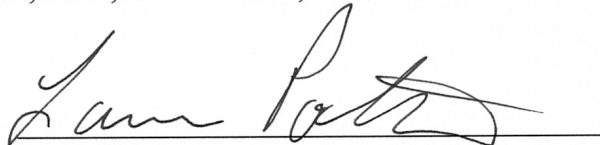
55. Prior to my receipt of responsive documents in the course of this FOIA litigation, I was never provided with any indication of why I had been subjected to heightened security screenings and airport detentions on a routine basis for a period of 6 years, other than when I was told I had a "Threat Score" of 400 and that I was on the "No Fly List."

56. I believe I have been targeted for heightened security screening and airport detentions as a direct result of my reporting and filmmaking, in which I have presented a critical perspective on post-9/11 policies and practices of the United States.

57. I have also learned through the course of this litigation that the government has subpoenaed unknown private parties for my personal records and has sent FBI agents to a screening of one of my films, where I was conducting a director Q&A. Both stand out to me as further harassment and invasions of my privacy as a result of the subject matter of my documentary films and journalism.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this 24 day of August, 2016, in New York, New York.

  
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Laura Poitras