

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

ARGHAVAN LOUHGHALAM and
MAZDAK POURABDOLLAH TOOTKABONI
Plaintiff-Petitioners,

FATEMEH YAGHOUBI MOGHADAM,
BABAK YAGHOUBI MOGHADAM,
ALI SANIE, ZAHRASADAT MIRRAZI
RENANI, LEILY AMIRSARDARY, and
OXFAM AMERICA, INC.
Plaintiffs,

and

No.17-cv-10154-NMG

COMMONWEALTH OF MASSACHUSETTS
and UNIVERSITY OF MASSACHUSETTS,
Plaintiff-Intervenors,

v.

DONALD TRUMP, President of the United
States; U.S. DEPARTMENT OF HOMELAND
SECURITY (“DHS”); U.S. CUSTOMS AND
BORDER PROTECTION (“CBP”); JOHN
KELLY, Secretary of DHS; KEVIN K.
MCALEENAN, Acting Commissioner of CBP;
and WILLIAM MOHALLEY, Boston Field
Director, CBP,

Defendants.

DECLARATION OF CAROL A. STARKEY

I, Carol A. Starkey, hereby declare under oath that the following statements are true and accurate to the best of my knowledge and belief.

1. I am a partner at the law firm of Conn Kavanaugh Rosenthal Peisch & Ford, LLP, located in Boston, Massachusetts. I am the President of the Boston Bar Association (“BBA”). The BBA is a non-profit organization that currently comprises 13,000 members of the Greater

Boston legal community. The BBA traces its origins to a small group of lawyers in the late 1700s organized by John Adams, who provided pro bono representation to British soldiers prosecuted for the Boston Massacre.

2. The mission of the BBA is to advance the highest standards of excellence for the legal profession, facilitate access to justice, serve the community at large and promote diversity and inclusion.

3. The Council and governing body of the BBA is composed of 34 elected and appointed attorneys from law firms of all sizes, in-house counsel, government agencies, legal services organizations, and academic institutions. At critical moments after September 11, 2001, the BBA has adopted public policy positions and signed onto amicus briefs to protect civil liberties and equal protection when unduly threatened under a pretense of national security justification. After explosives were detonated at the finish line of Boston Marathon on April 15, 2013, the BBA once again affirmed its commitment to increase access to justice by forming a hotline to connect individuals and businesses affected by the Marathon Bombings with pro bono legal assistance ranging from filing One Fund claims and seeking Federal and State benefits to dealing with issues related to insurance, real estate, bankruptcy, employment, non-profit status, and other related issues. The BBA believes that President Trump's recent issuance of the Executive Order titled *Protecting The National From Foreign Terrorist Entry Into The United States* presents another such critical moment.

4. The Executive Order restricts the liberties of legal permanent residents based upon their country of origin. Based upon longstanding principles of due process and equal protection, a generalized fear of terrorism does not justify the erosion of individual freedoms alleged by the petitioners in this case. On January 30, 2017, in my capacity as President of the

BBA and on behalf of the Association, I issued a public statement expressing these concerns. A copy of this statement is attached at **Tab A**.

5. The interests of the BBA's members, and the clients whom we represent, and the legal services organizations with whom we partner, are at stake in this litigation. The attorneys in our association represent many of Boston's best known universities, health care institutions, technology companies, and legal service organizations. Our members' clients employ, teach, or provide legal services to significant numbers of legal permanent residents, some of whom originate from one of the seven countries targeted by the Executive Order. Those institutions have an interest in protecting against the economic disruption caused when their faculty, students, employees, clients and their family members are detained or prevented from reentering the United States in order to resume work or studies in Massachusetts.

6. Finally, the BBA is also concerned that the Executive Order promotes invidious forms of discrimination among members of our community. The BBA has a long history of strong opposition to proposals which would use national origin, race, ethnicity, religion, gender, gender identity, sexual orientation, or other integral individual traits as the basis for discrimination in any form.

7. The Executive Order is contrary to the longstanding core values of the BBA of access to justice and diversity and inclusion, and to stand in defense of the United States Constitution, its sacred promises, and the rule of law that it established, all of which apply to citizens and non-citizens alike.

8. The BBA supports the petitioners' efforts to subject the Executive Order to serious constitutional scrutiny, as well as the efforts of Massachusetts Attorney General Maura Healey to intervene in this action on behalf of the Commonwealth of Massachusetts.

Signed under the pains and penalties of perjury this 2 day of February, 2017.

/s/ Carol A. Starkey
Carol A. Starkey
President, Boston Bar Association

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