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6 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
7 AT YAKIMA

8 MUHAMMAD ZAHID
CHAUDHRY,

9 Petitioner,

10 v.

11 JANET NAPOLITANO, ET AL,

12 Respondents.

NO. 09-3097-LRS
A. No. 78-490-278

DECLARATION OF
FIRST SERGEANT JAMES
BLACKHART

13 I, James Blackhart, do declare:

14 1. My name is James Blackhart. I am First Sergeant of the Watercraft
15 unit of the Tacoma US Army Reserve. I am the highest ranking Non-
16 Commissioned officer in my unit.

17 2. I clearly recall preparing enlistment forms for Muhammad Zahid
18 Chaudhry at the Yakima recruiting office in March of 2001. I remember Zahid
19 coming into the office and asking for information about the National Guard. He
20 asked a lot of good questions. He asked about the different jobs that were

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1 available. He wanted to understand the structures, the pay and progression and
2 about how one gets promoted. It seemed to me like he was looking to plan his
3 career in the military.

4 3. Zahid was a good candidate for the National Guard. I was very
5 impressed with his volunteer work in the community. Based on his history of
6 service, it seemed like the next logical step for Zahid was to join the military.

7 4. Zahid was inquisitive, but not overly enthusiastic. Sometimes people
8 come in to the recruitment office and they are so enthusiastic about joining that
9 they don't care what forms they are signing. The people that want to enlist
10 without asking questions raise all kinds of red flags. There's typically something
11 wrong with them. They have background issues, mental health issues. None of
12 that was a concern with Zahid.

13 5. I did not notice anything out of the ordinary with Zahid. Pakistan
14 was not on our radar at the time as a place of concern. He was not looking to
15 work with chemicals or weapons. As a matter of fact, he asked about being a
16 mental health specialist.

17 6. I filled out all the forms that were in Zahid's enlistment packet. I
18 clearly remember filling out the documents pertaining to his educational
19 credentials, and I remember the supporting documentation he provided as well.
20 As I recall, he presented degrees in mathematics and chemistry from University

1 of Punjab in Lahore, Pakistan. I believe that he may have provided some other
2 credentials from Australia as well.

3 7. Unfortunately, the enlistment forms were so very generic that they
4 didn't have a place to list universities from outside of the United States. I believe
5 that I left question marks in the spaces where you are supposed to list the name of
6 the colleges or universities attended. The software was not user friendly, so you
7 could not continue the enlistment process if all the blank spaces were not filled
8 out. MEPS presumably entered the names of the schools that appear on the final
9 form. When MEPS reviews an enlistment packet, they have to verify all
10 credentials. They would have had to verify his educational background, which is
11 when they would have probably filled in the names of the schools that are listed
12 on the form.

13 8. From a recruiter's standpoint, I would see similar situations from
14 time to time. Sometimes, you would see people who were homeschooled or that
15 attended trade schools. I would want to list their schools on the forms, but we
16 didn't have options for these schools either. The best you could do is to see if they
17 were accredited institutions and then list an equivalent school on the form.
18 However, there was no place for an addendum to outline the discrepancy. There
19 was no policy in place to resolve this type of problem. You either filled out the
20 form, or you couldn't get that person enlisted. When we had done this for other

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1 recruits, we would simply tell them to take their supporting documentation to the
2 MEPS office along with their enlistment packet. When Zahid went to the MEPS
3 office to complete the enlistment process, we had him bring all of his educational
4 documents along with him.

5 9. The entire purpose of MEPS is to ensure quality control. They put
6 the final stamp of approval on all recruits' paperwork. They are the last officials
7 to make sure that everything is in place. They can't enlist somebody without them
8 visually seeing and verifying the supporting documentation. I believe that those in
9 charge at the MEPS office were Sergeant First Class Bill Braid and Sergeant First
10 Class Mike Mulvaney.

11 10. I would also like to clarify that throughout this whole process, there
12 is no way for Zahid, or any recruit, to effect any change. Zahid himself is solely
13 responsible for providing the right documentation. He gave the info to the
14 recruiter and the MEPS guidance counselor, but it's the recruiter and the guidance
15 counselor that are responsible for making sure the forms are filled out correctly.

16 11. If the forms were not filled out correctly, or if the credentials did not
17 meet the requirements, it would be impossible for the recruit to be enlisted. Many
18 people are turned away at the MEPS office. MEPS officials are the ones that pull
19 background checks and verify all of the information on the forms. They turn away
20 many people because they do not meet the requirements. Zahid and his paperwork

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1 would have undergone the same level of scrutiny as everyone else, and possibly
2 even more due to his country of origin. He would not have made it past MEPS if
3 there were any questions about his educational background or validity of his
4 information.

5 12. Zahid qualified as having a four year degree. I remember personally
6 communicating with MEPS about his accreditation and equivalency verification,
7 as well as Zahid having to go to great lengths to provide the relevant
8 documentation to MEPS.

9 13. MEPS did whatever they had to do to satisfy the blocks on the
10 electronic forms in their limited capacity in order to enlist Zahid. He provided the
11 documentation, but MEPS certified it and they enlisted him. If there are any
12 problems that have arisen from the filling out of these forms, it is not Zahid's
13 fault at all.

14 14. I have been out of recruiting since 2003, so I am unaware if the
15 software has changed to allow foreign or obscure schools. Things have changed
16 significantly with regards to technology since then, so I can only imagine that
17 the software has changed. I can verify, however, that at the time I filled out the
18 recruitment forms for Zahid, the system wasn't equipped to add data for schools
19 from every country in the world, including Pakistan.

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1 15. I was once asked by a Federal Investigator if I would trust Zahid. I
2 answered "you mean would I trust him to housesit my family home and watch all
3 my belongings while I was gone? If that's what you're asking, then yes. I trust
4 him." I think Zahid is of strong moral character. His involvement and generosity
5 in giving of his time as an EMT, volunteer firefighter, and as a volunteer with the
6 police department, especially serving the National Guard in a time of war, is
7 proof of that. There is no bigger sacrifice one can make for their country other
8 than serving in time of war.

9 16. I witnessed first hand his dedication during our National Guard drill
10 weekends. He was a strong team player, he followed chain of command, and was
11 an all-around model soldier. He trained other soldiers and showed a lot of great
12 leadership potential. He was very involved in his unit. He was also very helpful in
13 directing people who were interested in learning about the National Guard to our
14 recruiting office. He would at times go with us and be supportive in our recruiting
15 role in the field as well.

16 17. It is my opinion that it is embarrassing and potentially fraudulent if
17 the United States Government FAILS to grant Zahid citizenship when he has
18 risked his life in service to the U.S. To deny Zahid citizenship would be a crime.

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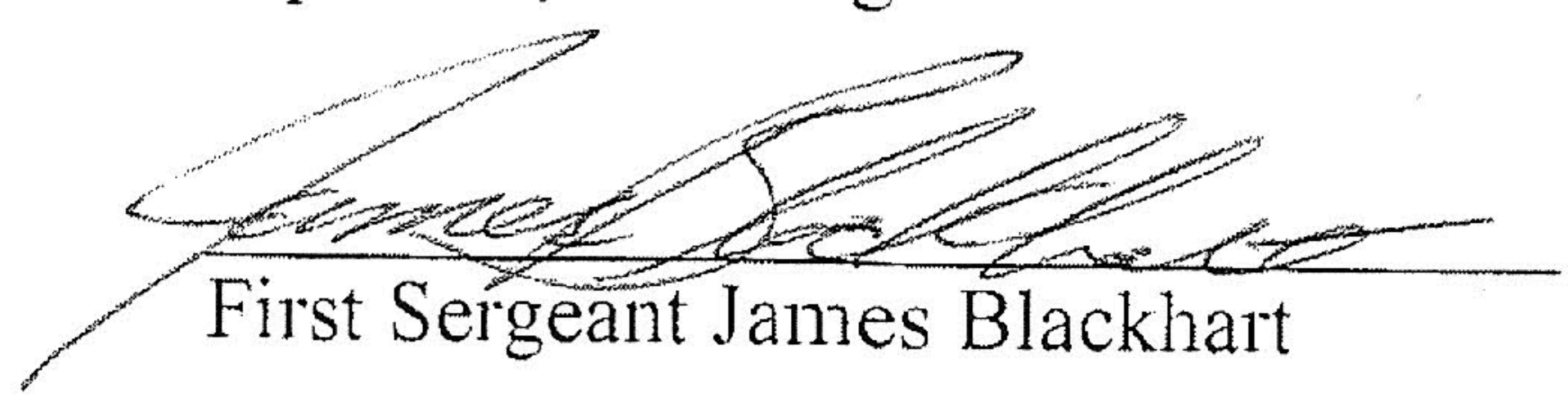
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information and belief.

Signed this ___ day of June, 2010 in Spokane, Washington.


First Sergeant James Blackhart