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14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN FRANCISCO DIVISION**

17 FIRST UNITARIAN CHURCH OF LOS  
 18 ANGELES, *et al.*

19 Plaintiffs,

20 v.

21 NATIONAL SECURITY AGENCY, *et al.*,

22 Defendants.

Case No: 3:13-cv-03287 JSW

**DECLARATION OF SHAHID  
 BUTTAR ON BEHALF OF THE BILL  
 OF RIGHTS DEFENSE  
 COMMITTEE IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 PARTIAL SUMMARY JUDGMENT**

Date: February 7, 2014  
 Time: 9:00 A.M.  
 Hon. Jeffrey S. White  
 Courtroom 11 - 19th Floor

1 I, SHADID BUTTAR, hereby declare:

2 1. I am the Executive Director of The Bill Of Rights Defense Committee. The facts  
3 contained in the following affidavit are the products of my own personal knowledge and if called  
4 upon to testify, I can and will competently do so.

5 2. Our organization builds grassroots coalitions at the local, statewide and national  
6 levels for the purpose of advancing the civil liberties guaranteed under the Bill of Rights.

7 3. Until 2013, we were a telecommunications customer of Verizon.

8 4. The collection of our phone records by the government has resulted in (1) harassment,  
9 withdrawal of constituent partners, and/or the suppression of engagement by new constituent  
10 partners out of fear that their association with an organization like the Bill of Rights Defense  
11 Committee that advocates for individual civil liberties will expose them to governmental scrutiny,  
12 and (2) other consequences which include, but are not limited to, an objective impact on, or  
13 ‘chilling’ of, the members’ associational rights, the narrowing of speech by members in civil  
14 discourse, the suppression of member’s civic participation in demonstrations protected by the First  
15 Amendment, the cancelation of receipt of informational literature such as email listservs and  
16 physical mailings and the muting and/or suppression of the scope and quality of political speech to  
17 such an extent that it occurs in the capacity that the member remains connected with the  
18 organization.

19 4. The Associational Tracking Program activities have harmed us because they have  
20 diminished our member engagement. Prior to the disclosures, our supporters were generally eager to  
21 engage in activism promoting individual civil liberties. Following the disclosures, many individuals  
22 have expressed to us a declining willingness to engage grassroots organizing out of concern that it  
23 will make them a target of government harassment. This has caused them to become less involved in  
24 our work where they otherwise would have maintained their involvement. Our organization’s  
25 programs and funding have both suffered as a result.

26 5. Since the disclosure of the Associational Tracking Program, we have lost the ability  
27 to assure our members and constituents, as well as all others who seek to communicate with us, that  
28

1 the fact of their communications to and with us will be kept confidential.

2 6. Since the disclosure, it has become clear that our previous assurances of confidentiality  
3 to our supporters were in fact not true.

4 7. As a result, we can no longer promise our supporters that we will treat their  
5 communications as confidential. Because the NSA's secret activities have been revealed only in part,  
6 and because the government has not fully described the extent of the surveillance, we cannot be sure  
7 that alternative modes of communication will be confidential.

8 8. Specifically, we have experienced the following:

9 (a) A supporter of the Bill Of Rights Defense Committee who currently lives in  
10 Washington, D.C. and works as an artist has confirmed that NSA data collection chilled his personal  
11 willingness to engage in political speech and activism. This person's fears are based on prior  
12 incidents, rather than conjecture: he has previously endured police violence and misconduct in the  
13 context of prior restraints on First Amendment activity, for which he has been awarded a favorable  
14 court judgment.

15 (b) Across our network are thousands of grassroots activists who have proactively  
16 challenged government spying in a variety of capacities, including by organizing marches, rallies,  
17 protests, and other grassroots coalition activities. Each of these supporters has reasons to be  
18 particularly concerned about NSA spying, and several have indicated feeling personally intimidated  
19 by the prospect of government agencies monitoring their correspondence and telecommunications.

20 I declare under penalty of perjury under the laws of the United States of America that  
21 the foregoing is true and correct. Executed on October \_\_, 2013 at Washington, DC.

22  
23  
24 \_\_\_\_\_  
SHADID BUTTAR

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20 I declare under penalty of perjury under the laws of the United States of America that  
21 the foregoing is true and correct. Executed on October 30, 2013 in Washington, DC.

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23   
24 **SHAHID BUTTAR**