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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 HEIDI  
 BOGHOSIAN FOR THE NATIONAL  
 LAWYERS GUILD 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, HEIDI BOGHOSIAN, hereby declare:

2 1. I am the Executive Director of the National Lawyers Guild. The facts contained in  
3 the following affidavit are known to me of my own personal knowledge and if called upon to testify,  
4 I could and would competently do so.

5 2. Our organization provides legal services, through our approximately 4,000 members,  
6 for individuals involved in legal cases where civil and constitutional rights are often in jeopardy. Our  
7 National Office functions as a hub for the coordination and organization of legal defense and issue-  
8 related advocacy on a broad range of topics often deemed controversial by several U.S. government  
9 agencies. We have represented animal rights, environmental and information activists and others  
10 targeted by the FBI and local law enforcement agencies.

11 3. The collection of our phone records by the government has resulted in (1) diminished  
12 membership participation, (2) withdrawal or discouragement of new members joining, (3) other  
13 consequences which objectively suggest an impact on, or “chilling” of, the members’ associational  
14 rights. Most notably, we believe young attorneys refraining from taking on certain cases out of fear  
15 of government surveillance and retaliation.

16 4. I say this because of the following facts: All of our National Office telephone lines  
17 and web services are provided by Verizon. Upon hearing news reports that Verizon was under FISA  
18 court order to turn over vast troves of customer data to the NSA, Guild members working on  
19 initiatives to support the Petition for Compassionate Release of Lynne Stewart and the civil matter  
20 *Panagacos v. Towery* (a case involving U.S. Army surveillance, infiltration, and the disruption of  
21 peace groups in Washington state) altered their mode of communication due to concerns about  
22 increased government surveillance of communication between lawyers, lawyers and their clients,  
23 and lawyers and members of the media. Staff working in the National Office are curtailing the  
24 duration and content of electronic communications that we deem privileged in nature.

25 The Associational Tracking Program activities have harmed us because we have experienced  
26 a decrease in communications from members and constituents who had desired the fact of their  
27 communication to Plaintiff to remain secret. Revelations of NSA surveillance in the press has caused  
28

1 NLG members working on litigation and advocacy to restrict discussion of legal strategy, case  
2 updates and confidential information to in-person meetings or to written correspondence sent by  
3 mail. Practical restraints on the frequency of these meetings results in less robust information to pass  
4 between attorneys and has potentially hindered Guild members from providing as vigorous a legal  
5 representation as would have otherwise been possible with secure electronic communication  
6 channels.

7 5. We also have experienced an increase in persons expressing concern to us about the  
8 confidentiality of the fact of their communications.

9 6. Since the disclosure of the Associational Tracking Program, we have lost the ability  
10 to assure our members and constituents, as well as all others who seek to communicate with us, that  
11 the fact of their communications to and with us will be kept confidential.

12 7. Moreover, the pattern of distortion and lawless conduct by the NSA, exacerbated by  
13 the intense secrecy of its activities, have left us unable to reassure our members and associates  
14 that additional forms of surveillance, as yet unconfirmed or actively denied by the government are  
15 not also occurring, leaving us with no alternative forms of confidential communication.

16 8. I declare under penalty of perjury under the laws of the United States of America that  
17 the foregoing is true and correct. Executed on October \_\_, 2013 at New York, New York.

18  
19 \_\_\_\_\_  
HEIDI BOGHOSIAN

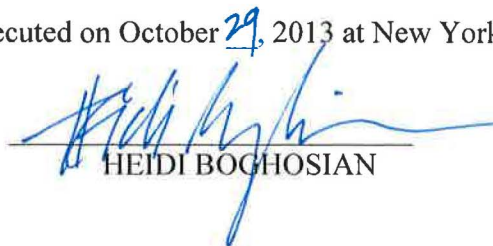
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16 8. I declare under penalty of perjury under the laws of the United States of America that  
17 the foregoing is true and correct. Executed on October 29, 2013 at New York, New York.

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19 HEIDI BOGHOSIAN  
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