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14 *Counsel for Petitioner*

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

18) Case No. 13-cv-1165 SI
19) Related Case No. 11-cv-2173 SI
20)
21) **CORRECTED DECLARATION OF**
22) **[REDACTED] IN SUPPORT OF**
23) **RENEWED PETITION TO SET ASIDE**
24) **NATIONAL SECURITY LETTERS AND**
25) **MOTION FOR PRELIMINARY**
26) **INJUNCTION**
27)
28) **LODGED UNDER SEAL**
Date: December 18, 2015
Time: 9:00 a.m.
Judge: Hon. Susan Illston
Place: Courtroom 10, 19th Floor

1 **DECLARATION OF** [REDACTED]

2 I, [REDACTED] declare as follows:

3 1. I am [REDACTED] for Petitioner [REDACTED]. If called
4 upon as a witness, I could and would testify competently to the matters stated herein of my own
5 personal knowledge.

6 2. I submit this declaration in support of [REDACTED] Renewed Petition to Set Aside
7 National Security Letters and Motion for Preliminary Injunction.

8 3. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 4. [REDACTED] business is based upon trust. This includes the trust of customers, of
14 our employees, of our investors, of our partners and suppliers, and the trust of governments around
15 the world with which we do business. [REDACTED] has been involved in discussion of
16 public policy related to the Internet and matters of electronic communications both in Congress and
17 in the public sphere more broadly since the early days of the company.

18 5. In [REDACTED] 2013, [REDACTED] received two national security letters (NSLs), [REDACTED]
19 [REDACTED] and [REDACTED] that contained nondisclosure provisions. The FBI withdrew the
20 information requests contained in one NSL in [REDACTED] [REDACTED] pursuant to this Court's
21 order, [REDACTED] provided the information requested in the second NSL. Even though the
22 information requests in both NSLs are no longer at issue, the NSLs' nondisclosure provisions
23 remain.

24 6. In late 2013 and early 2014, I was tasked by [REDACTED] with setting up our
25 corporate capabilities for public policy and government relations [REDACTED]

26 [REDACTED]

27 [REDACTED] I made periodic trips to Washington, DC to provide policymakers with information we
28 [REDACTED]

1 had learned in building the company and to learn more about current legislative efforts that might
2 affect our growing business.

3 7. While the nondisclosure provisions of the NSLs remained in effect, I made my first
4 trip to Washington, DC as part of these governmental outreach efforts. [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 8. [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 9. Given that the administrative gag orders contained in [REDACTED] and [REDACTED]
19 [REDACTED] prohibit [REDACTED] from disclosing information about the NSLs to anyone other than our
20 attorneys and a limited number of our staff, I was unsure how to respond to [REDACTED]. I wanted to
21 inform [REDACTED] that because [REDACTED] had in fact received two NSLs, the FBI's interpretation of the
22 statute diverged from [REDACTED]. For fear of mootng this case or the possibility of criminal sanctions
23 against me personally for violating the NSLs' nondisclosure provisions, I was unable to respond.
24 Professionally, it was quite embarrassing to be painted as a dilettante and to not be able to respond
25 to defend my client's argument. In addition, the inability to speak about [REDACTED] experiences
26 receiving NSLs drastically limited my ability to effectively advocate on behalf of the company.

27 10. [REDACTED]

28 [REDACTED]

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[REDACTED]

has not publicly weighed in on the merits of the USA FREEDOM Act's provisions regarding NSLs, much less explained that its direct experience with them is the basis for its position, for fear of violating the nondisclosure provisions of the NSLs it has received. For the same reason, I also forbade the rest of [REDACTED] policy team from speaking publicly about NSL-related issues.

11. Because of the continuing gag the government has imposed through the NSLs, both [REDACTED] and I personally have had and continue to have our speech on matters of public policy to the legislative branch, as well as to the general public, silenced. So long as the gag continues in effect, we will continue to be silenced in the political arena on this important issue. But for the gag, we would have and would continue to participate fully in the debate on this issue.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this ___ day of February, 2016, at _____, _____.

[REDACTED]

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[REDACTED]

has not publicly weighed in on the merits of the USA FREEDOM Act's provisions regarding NSLs, much less explained that its direct experience with them is the basis for its position, for fear of violating the nondisclosure provisions of the NSLs it has received. For the same reason, I also forbade the rest of [REDACTED] policy team from speaking publicly about NSL-related issues.

11. Because of the continuing gag the government has imposed through the NSLs, both [REDACTED] and I personally have had and continue to have our speech on matters of public policy to the legislative branch, as well as to the general public, silenced. So long as the gag continues in effect, we will continue to be silenced in the political arena on this important issue. But for the gag, we would have and would continue to participate fully in the debate on this issue.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1 day of February, 2016, at [REDACTED]

[REDACTED]

CERTIFICATE OF SERVICE

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I, Cynthia Dominguez, certify that on February 2, 2016, pursuant to prior agreement of the parties, I caused the foregoing to be served electronically on the government's counsel, Steven Y. Bressler, Steven.Bressler@usdoj.gov.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 2, 2016, at San Francisco, California.


Cynthia Dominguez

