

CINDY A. COHN, ESQ.; SBN 145997  
McGLASHAN & SARRAIL  
Professional Corporation  
177 Bovet Road, Sixth Floor  
San Mateo, CA 94402  
Tel: (415) 341-2585  
Fax: (415) 341-1395

LEE TIEN, ESQ.; SBN 148216  
1452 Curtis Street  
Berkeley, CA 94702  
Tel: (510) 525-0817

M. EDWARD ROSS, ESQ.; SBN 173048  
STEEFEL, LEVITT & WEISS  
A Professional Corporation  
One Embarcadero Center, 30th Floor  
San Francisco, CA 94111  
Tel: (415) 788-0900

JAMES WHEATON, ESQ.; SBN 115230  
ELIZABETH PRITZKER, ESQ.; SBN 146267  
FIRST AMENDMENT PROJECT  
1736 Franklin, 8th Floor  
Oakland, CA 94612  
Tel: (510) 208-7744

Attorneys for Plaintiff  
Daniel J. Bernstein

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL J. BERNSTEIN	)	
	)	C 95-00582 MHP
Plaintiff,	)	
	)	SECOND DECLARATION OF
v.	)	CINDY A. COHN IN OPPOSITION
	)	TO DEFENDANTS' MOTION FOR
	)	SUMMARY JUDGMENT
	)	
UNITED STATES DEPARTMENT OF	)	Date: September 20, 1996
STATE et al.,	)	Time: 12:00
	)	Judge: Hon. Marilyn Hall Patel
Defendants.	)	
	)	
	)	
	)	

---

I, CINDY A. COHN, hereby declare:

1. I am an attorney at law associated with the law firm of McGlashan & Sarraill, Professional Corporation, and duly admitted to practice law in the State of California in the Northern District of California, and am one of the Plaintiff's attorney-of-record in this current case. I have personal knowledge of the facts set forth herein, unless otherwise indicated, and if called upon as a witness could and would so testify.

2. Attached hereto as Exhibits are several press releases and documents which have been issued by Defendants to the general public over the past two years. These documents 1) assert that Defendants' purpose in enforcing the ITAR Scheme is not only to prevent "export" of strong

cryptography, but to control the domestic use of cryptography for domestic law enforcement purposes, and 2) indicate an ongoing policy of misusing the export restrictions to further this domestic goal by granting export preferences to the Government's preferred method of encryption called Key Escrow or GAK.

3. Attached hereto as Exhibit A is a true and correct copy of a document issued to the public by Defendants entitled "U.S. Cryptography Policy: Why We Are Taking the Current Approach" dated July 12, 1996.

4. Attached hereto as Exhibit B is a true and correct copy of a cover letter and Pages 1-7 of a draft "White Paper" published by the Interagency Working Group on Cryptography Policy on May 20, 1996. The document is entitled "Enabling Privacy, Commerce, Security and Public Safety in the Global Information Infrastructure."

5. Attached hereto as Exhibit C is a press release issued by the Department of State on February 4, 1994.

6. This misuse of the export controls has also raised concern in Congress, as seen in a recent press release issued by the Office of Senator Conrad Burns, dated May 20, 1996, attached hereto as Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: \_\_\_\_\_

---

CINDY A. COHN