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19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

21 **IN RE NATIONAL SECURITY AGENCY) MDL Docket No. 06-1791 VRW**
22 **TELECOMMUNICATIONS RECORDS)**
23 **LITIGATION)**
24 This Document Relates Solely To:) **DECLARATION OF JON B.**
25 *Al-Haramain Islamic Foundation, Inc., et al. v.*) **EISENBERG IN SUPPORT OF**
26 *Bush, et al. (C07-CV-0109-VRW)*) **PLAINTIFFS' OPPOSITION TO**
27) **DEFENDANTS' SECOND MOTION**
28) **TO DISMISS OR, IN THE**
) **ALTERNATIVE, FOR SUMMARY**
) **JUDGMENT**

*Al-Haramain Islamic Foundation, Inc.,
et al., v. Bush, et al.*

1 I, Jon B. Eisenberg, am one of the attorneys for plaintiffs in this action. I have personal
2 knowledge of the matters attested to in this declaration, and I am legally competent to testify to the
3 matters stated herein. I make this declaration in support of plaintiffs' opposition to Defendants'
4 Second Motion To Dismiss Or, In The Alternative, For Summary Judgment.

5 The following exhibits A through D and I through K attached to this declaration are statements
6 of the defendants, or their agents, set forth in public documents; the following Exhibits E through H
7 attached to this declaration are excerpts from Senate and House reports on the Foreign Intelligence
8 Surveillance Act (FISA):

9	Exhibit	Title/Description
10	Exhibit A	Excerpts from transcript of testimony by Former Deputy Attorney General James B. Comey, Senate Judiciary Committee, May 15, 2007.
11	Exhibit B	Written Questions to Former Deputy Attorney General James B. Comey Submitted by Senator Patrick Leahy, May 22, 2007.
13	Exhibit C	Excerpts from transcript of testimony by FBI Director Robert Mueller, House Committee on the Judiciary, July 26, 2007.
14	Exhibit D	Excerpts from transcript of testimony by Director of National Intelligence Mike McConnell and Director of National Security Agency Keith Alexander, Senate Select Committee on Intelligence, May 1, 2007.
16	Exhibit E	Excerpts from H. REP. NO. 95-1283(I) (1978).
17	Exhibit F	Excerpts from S. REP. NO. 95-604(I) (1977).
18	Exhibit G	Excerpts from H. CONF. REP. NO. 95-1720 (1978).
19	Exhibit H	Excerpts from S. REP. 95-701 (1978).
20	Exhibit I	U.S. Department of Justice, <i>Legal Authorities Supporting the Activities of the National Security Agency Described by the President</i> (Jan. 19, 2006), available at http://www.usdoj.gov/opa/whitepaperonnsalegalauthorities.pdf .
22	Exhibit J	Excerpt from Press Conference of the President (Dec. 19, 2005), available at http://www.whitehouse.gov/news/releases/2005/12/20051219-2.html .
23	Exhibit K	Letter from Attorney General Alberto R. Gonzales to Senator Patrick Leahy (Jan. 17, 2007).

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

26 DATED this 28th day of March, 2008.

27
28 
Jon B. Eisenberg