

1 David L. Sobel (*pro hac vice*)  
sobel@eff.org  
2 ELECTRONIC FRONTIER FOUNDATION  
1875 Connecticut Ave. NW  
3 Suite 650  
Washington, DC 20009  
4 Telephone: (202) 797-9009 x104  
Facsimile: (202) 707-9066

5 Kurt Opsahl (SBN 191303)  
kurt@eff.org  
6 Marcia Hofmann (SBN 250087)  
marcia@eff.org  
7 ELECTRONIC FRONTIER FOUNDATION  
8 454 Shotwell Street  
San Francisco, CA 94110  
9 Telephone: (415) 436-9333 x116  
Facsimile: (415) 436-9993

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11 Attorneys for Plaintiff  
ELECTRONIC FRONTIER FOUNDATION  
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13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

16 ELECTRONIC FRONTIER FOUNDATION, ) NO. 3:07-CV-5278-SI  
17 )  
Plaintiff, ) **DECLARATION OF DAVID L. SOBEL**  
18 ) **IN SUPPORT OF REPLY TO**  
v. ) **PRELIMINARY INJUNCTION**  
19 )  
OFFICE OF THE DIRECTOR OF NATIONAL )  
20 INTELLIGENCE, )  
21 )  
Defendant. )  
22 )  
23 )

Judge: The Hon. Susan Illston  
Date: November 30, 2007  
Time: 9:00 a.m.  
Courtroom: Courtroom 10, 19th Floor

24  
25 **DECLARATION OF DAVID L. SOBEL IN SUPPORT OF**  
**REPLY TO PRELIMINARY INJUNCTION**

26 I, David L. Sobel, declare under penalty of perjury:

27 1. I am an attorney of record for the plaintiff in this matter and a member in good  
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1 standing of the District of Columbia Bar, and have been admitted *pro hac vice* to appear before this  
2 Court in this action. I have personal knowledge of the matters stated in this declaration. If called  
3 upon to do so, I am competent to testify to all matters set forth herein.

4 2. Attached hereto as Exhibit A is a true and correct copy of a letter from Sens. Patrick  
5 Leahy and Arlen Specter to Attorney General Alberto Gonzales, dated May 21, 2007, available at  
6 [http://leahy.senate.gov/press/200705/5-21\\_07%20PJL%20AS%20ltr%20to%20AG.pdf](http://leahy.senate.gov/press/200705/5-21_07%20PJL%20AS%20ltr%20to%20AG.pdf).

7 3. Attached hereto as Exhibit B is a true and correct copy of a letter from Sens. Patrick  
8 Leahy and Arlen Specter to Fred Fielding, Counsel to the President, dated October 22, 2007,  
9 available at <http://leahy.senate.gov/press/200710/10-22-07%20PJL-AS%20ltr%20to%20Fielding.pdf>.

11 I declare under penalty of perjury of the laws of the State of California that the foregoing is  
12 true and correct to the best of my knowledge and belief. Executed November 16, 2007 in  
13 Washington, DC.

14  
15 By \_\_\_\_\_ /s/  
David L. Sobel (admitted *pro hac vice*)