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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)	DECLARATION OF JON B.
24)	EISENBERG IN SUPPORT OF
25)	PLAINTIFFS' OPPOSITION TO
26)	DEFENDANTS' SECOND MOTION
27)	TO DISMISS OR, IN THE
28)	ALTERNATIVE, FOR SUMMARY
	JUDGMENT

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

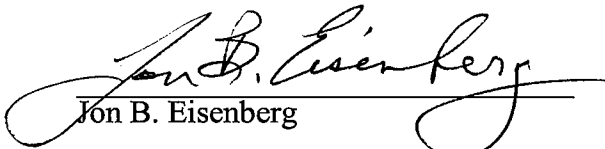
1 I, Jon B. Eisenberg, am one of the attorneys for plaintiffs in this action. I have personal
2 knowledge of the matters attested to in this declaration, and I am legally competent to testify to the
3 matters stated herein. I make this declaration in support of plaintiffs' opposition to Defendants'
4 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.
12 Exhibit C	Excerpts from transcript of testimony by FBI Director Robert Mueller, House Committee on the Judiciary, July 26, 2007.
13 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.
14 Exhibit E	Excerpts from H. REP. NO. 95-1283(I) (1978).
15 Exhibit F	Excerpts from S. REP. NO. 95-604(I) (1977).
16 Exhibit G	Excerpts from H. CONF. REP. NO. 95-1720 (1978).
17 Exhibit H	Excerpts from S. REP. 95-701 (1978).
18 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 .
19 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 .
20 Exhibit K	Letter from Attorney General Alberto R. Gonzales to Senator Patrick Leahy (Jan. 17, 2007).

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

22 DATED this 28th day of March, 2008.

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Jon B. Eisenberg