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18 UNITED STATES DISTRICT COURT
 19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20	IN RE NATIONAL SECURITY AGENCY	)	MDL Docket No 06-1791 VRW
	TELECOMMUNICATIONS RECORDS)	
21	LITIGATION, MDL No. 1791	)	DECLARATION OF JENNIFER L.
		)	KELLY IN SUPPORT OF
22	This Document Relates To:	)	AMICI CURIAE MEMORANDUM OF
		)	MDL PLAINTIFFS ADDRESSING THE
23	Al-Haramain Islamic Foundation, et al.,	)	APPLICATION OF THE PROTOCOL OF
		)	SECTION 1806(F), TITLE 50 U.S.C., TO
24	v.	)	CIVIL ACTIONS FOR UNLAWFUL
		)	ELECTRONIC SURVEILLANCE
25	Bush, et al. (07-CV-109-VRW))	
		)	Date: April 23, 2008
26		)	Time: 10:00 a.m.
		)	Courtroom: 6, 17th Floor
27		)	Judge: The Hon. Vaughn R. Walker
28	_____)	

1 I, JENNIFER L. KELLY, declare and state:

2 1. I am a member in good standing of the State Bar of California, and admitted to
3 practice in this District. I am an associate in the law firm of Fenwick & West LLP, which
4 represents Plaintiffs in *Riordan v. Verizon Commc'ns Inc.*, No. 3:06-cv-3574 (N.D. Cal.) and
5 *Campbell v. AT&T*, No. 3:06-cv-03596 (N.D. Cal). I have personal knowledge of the matters set
6 forth herein, and could and would testify competently thereto if called upon to do so.

7 2. Attached hereto are true and correct copies of the following documents:

No.	Exhibit
1	Christopher H. Pyle, <i>CONUS Intelligence: The Army Watches Civilian Politics</i> , Wash. Monthly, January 1970, at 4, <i>reprinted in</i> 116 Cong. Rec. 2227 (1970)
2	116 Cong. Rec. 26329 (1970) (Statement of Sen. Sam Ervin, Chairman Subcomm. on Constitutional Rights, S. Comm. on the Judiciary)
3	Memorandum for the File: CIA Matters, James A. Wilderotter, Assoc. Dep. Atty. Gen. (Jan. 3, 1975)
4	Seymour Hersh, <i>Huge C.I.A. Operation Reported in U.S. Against Antiwar Forces, Other Dissidents in Nixon Years</i> , N.Y. Times, Dec. 21, 1974, at 1
5	S. Select Comm. to Study Governmental Operations with Respect to Intelligence Activities, Book II: <i>Intelligence Activities and the Rights of Americans</i> , S. Rep. No. 94-755 (1976) (excerpts)
6	S. Select Comm. to Study Governmental Operations with Respect to Intelligence Activities, Book III: <i>Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans</i> , S. Rep. No. 94-755 (1976) (excerpts)
7	S. Rep. No. 95-604(I) (1978), <i>reprinted in</i> 1978 U.S.C.C.A.N. 3904 (excerpts)
8	Brief of <i>Amicus Curiae</i> of People for the American Way Foundation in Support of Plaintiffs-Appellees, <i>Hepting v. AT&T</i> , Nos. 06-17132, 06-17137 (9th Cir., filed May 3, 2007)
9	S. Rep. No. 94-1035 (1976) (excerpts)
10	Peter Swire, <i>The System of Foreign Intelligence Surveillance Law</i> , 72 Geo Wash. L. Rev. 306 (2004)
11	<i>Electronic Surveillance for National Security Purposes, Hearings Before the Subcomm. on Criminal Laws and Procedures and Constitutional Rights of the S. Comm. on the Judiciary</i> , 93rd Cong. (1974) (excerpts)
12	H.R. Rep. No. 95-1283 (1978) (excerpts)
13	<i>Foreign Intelligence Surveillance Act of 1977, Hearings on S. 1566 Before the Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary 95th Cong.</i> (1977)
14	H.R. Rep. No. 95-1720 (1978) (Conf. Rep.), <i>reprinted in</i> 1978 U.S.C.C.A.N. 4048 (excerpts)
15	S. Rep. No. 95-701 (1978), <i>reprinted in</i> 1978 U.S.C.C.A.N. 3973 (excerpts)

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No.	Exhibit
16	S. 1566, 95th Cong. (as reported by S. Select Comm. on Intelligence, Mar. 14, 1978)
17	124 Cong. Rec. 28427-28432 (1978) (S. 1566, as reported by House, September 7, 1978)
18	S. Rep. No. 110-209 (2007) (excerpts)
19	Siobhan Gorman, <i>NSA's Domestic Spying Grows as Agency Sweeps Up Data</i> , Wall St. J., Mar. 10, 2008, p. A1

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 7th day of April, 2008, at San Francisco, California.

/s/ JENNIFER L. KELLY
JENNIFER L. KELLY

Counsel for Amici and
Counsel for *Riordan* and *Campbell* Plaintiffs