

1 **Jon B. Eisenberg, California Bar No. 88278** (jon@eandhlaw.com)
 2 **William N. Hancock, California Bar No. 104501** (bill@eandhlaw.com)
 3 **Eisenberg & Hancock LLP**
 4 1970 Broadway, Suite 1200 • Oakland, CA 94612
 510.452.2581 – Fax 510.452.3277

5 **Steven Goldberg, Oregon Bar No. 75134** (steven@stevengoldberglaw.com)
 6 River Park Center, Suite 300 • 205 SE Spokane St. • Portland, OR 97202
 7503.445-4622 – Fax 503.238.7501

7 **Thomas H. Nelson, Oregon Bar No. 78315** (nelson@thnelson.com)
 8 P.O. Box 1211, 24525 E. Welches Road • Welches, OR 97067
 9503.622.3123 - Fax: 503.622.1438

9 **Zaha S. Hassan, California Bar No. 184696** (zahahassan@comcast.net)
 10 8101 N.E. Parkway Drive, Suite F-2. • Vancouver, WA 98662
 11 360.213.9737 - Fax 866.399.5575

12 **J. Ashlee Albies, Oregon Bar No. 05184** (ashlee@sstcr.com)
 13 **Stenson, Schumann, Tewksbury, Creighton and Rose, PC**
 14 815 S.W. Second Ave., Suite 500 • Portland, OR 97204
 15503.221.1792 – Fax 503.223.1516

15 **Lisa R. Jaskol, California Bar No. 138769** (ljaskol@earthlink.net)
 16 610 S. Ardmore Ave. • Los Angeles, CA 90005
 17 213.385.2977 – Fax 213.385.9089

18 **Attorneys for Plaintiffs Al-Haramain Islamic Foundation, Inc., Wendell Belew and Asim
 19 Ghafour**

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

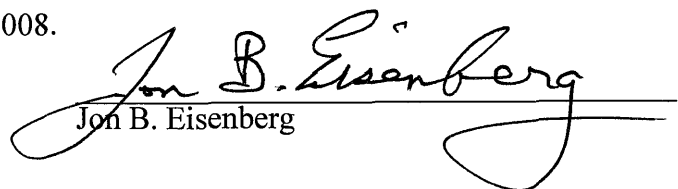
21 **IN RE NATIONAL SECURITY**) MDL Docket No. 06-1791 VRW
 22 **AGENCY TELECOMMUNICATIONS**)
 23 **RECORDS LITIGATION**) **DECLARATION OF JON B. EISENBERG**
 24 This Document Relates Solely To:) **IN SUPPORT OF MOTION PURSUANT**
 25 *Al-Haramain Islamic Foundation, Inc., et*) **TO 50 U.S.C. § 1806(f) TO DISCOVER**
 26 *al. v. Bush, et al. (C07-CV-0109-VRW)*) **OR OBTAIN MATERIAL RELATING**
 27) **TO ELECTRONIC SURVEILLANCE**

28) Date: Tuesday, December 2, 2008
) Time: 10:00 a.m.
) Court: Courtroom 6, 17th Floor
) Honorable Vaughn R. Walker

- 1 Exhibit L Testimony of John S. Pistole, Senate Committee on Banking, Housing and Urban
Affairs, September 25, 2003
- 2 Exhibit M Excerpts from testimony of R. Richard Newcomb, House Financial Services
3 Subcommittee on Oversight and Investigations, June 16, 2004
- 4 Exhibit N Letter from R. Richard Newcomb to Lynne Bernabei, April 23, 2004
- 5 Exhibit O Letter from R. Richard Newcomb to Lynne Bernebei, July 23, 2004
- 6 Exhibit P Press Release, Treasury Department, September 9, 2004
- 7 Exhibit Q Supplemental Declaration of Frances R. Hourihan, May 10, 2006
- 8 Exhibit R Letter from Adam J. Szubin to Lynne Bernabei and Thomas Nelson, February 6, 2008
- 9 Exhibit S Speech by John S. Pistole to American Bankers Association/American Bar Association
Money Laundering Enforcement Conference, October 22, 2007
- 10 Exhibit T Excerpts from Brief for Appellants [defendants] in Ninth Circuit Court of Appeals,
11 June 6, 2007
- 12 Exhibit U Excerpts from Government's Memorandum In Support Of Pretrial Detention, *United*
States v. Sedaghaty, August 21, 2007
- 13 Exhibit V Testimony of General Michael V. Hayden, Senate Judiciary Committee, July 26, 2006
- 14 Exhibit W Excerpts from testimony of Mike McConnell, Senate Select Committee on Intelligence,
15 May 1, 2007
- 16 Exhibit X Excerpts from testimony of Mike McConnell and Kenneth Wainstein, House Select
Intelligence Committee, September 20, 2007
- 17 Exhibit Y Excerpts from transcript of hearing, *American Civil Liberties Union v. National*
18 *Security Agency*, June 12, 2006
- 19 Exhibit Z Excerpts from memorandum of Howard Mendelsohn to Adam J. Szubin regarding
redesignation of Al-Haramain Islamic Foundation, February 6, 2008
- 20 Exhibit AA Excerpts from transcript of Amerithrax Investigation Press Conference, August 6, 2008
- 21 Exhibit BB FBI statement regarding Anthrax Investigation, August 6, 2008
- 22 Exhibit CC Excerpts from Brief for the Respondents in Opposition to Petition for Writ of
23 Certiorari, *American Civil Liberties Union v. National Security Agency*, December
2007

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

25 Executed this 30th day of September, 2008.

26 
27 Jon B. Eisenberg
28