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15 **Attorneys for Plaintiffs Al-Haramain Islamic Foundation, Inc., Wendell Belew and Asim
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16 **IN THE UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 **IN RE NATIONAL SECURITY**
18 **AGENCY TELECOMMUNICATIONS**) MDL Docket No. 06-1791 VRW
RECORDS LITIGATION)
19) **DECLARATION OF JON B. EISENBERG**
This Document Relates Solely To:) **IN SUPPORT OF PLAINTIFFS' MOTION**
20) **FOR PARTIAL SUMMARY JUDGMENT**

21 *Al-Haramain Islamic Foundation, Inc., et*)
al. v. Obama, et al. (C07-CV-0109-VRW)) Date: Tuesday, September 1, 2009
22 **AL-HARAMAIN ISLAMIC**) Time: 10:00 a.m.
FOUNDATION, INC., et al.,) Court: Courtroom 6, 17th Floor
23) Honorable Vaughn R. Walker

24 **Plaintiffs,**)
vs.)
25 **BARACK H. OBAMA, President of the**)
United States, et al.,)
26)
Defendants.)
27)

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' Motion For Partial Summary
4 Judgment.

5 The following exhibits A through AA attached to this declaration are true and correct
6 copies or transcripts of public statements or documents made and executed by the defendants or
7 their agents; exhibit BB is a copy of a brief in other litigation, attached hereto for the Court's
8 convenience:

9 **Exhibit Title/Description**

10 Exhibit A President's Radio Address, December 17, 2005

11 Exhibit B Excerpt from Press Conference of the President, December 19, 2005

12 Exhibit C Excerpts from Press Briefing by Attorney General Alberto Gonzales and General
13 Michael Hayden, December 19, 2005

14 Exhibit D Excerpts from Responses to Questions for Lt. General Keith B. Alexander from
Senate Judiciary Committee, December 19, 2006

15 Exhibit E Excerpts from U.S. Department of Justice, *Legal Authorities Supporting the*
16 *Activities of the National Security Agency Described by the President* (Jan. 19,
2006)

17 Exhibit F Excerpts from Interview with John Yoo, *Frontline*, July 5, 2008

18 Exhibit G Excerpts from transcript of testimony by Former Deputy Attorney General James B.
19 Comey, Senate Judiciary Committee, May 15, 2007

20 Exhibit H Answers to Written Questions to Former Deputy Attorney General James B. Comey
Submitted by Senator Patrick Leahy, May 22, 2007

21 Exhibit I Excerpts from transcript of testimony by FBI Director Robert Mueller, House
22 Judiciary Committee, July 26, 2007

23 Exhibit J Testimony of Gary M. Bald, Senate Caucus on International Narcotics Control,
March 4, 2004

24 Exhibit K Press Release, Treasury Department, February 19, 2004

25 Exhibit L Testimony of John S. Pistole, Senate Committee on Banking, Housing and Urban
26 Affairs, September 25, 2003

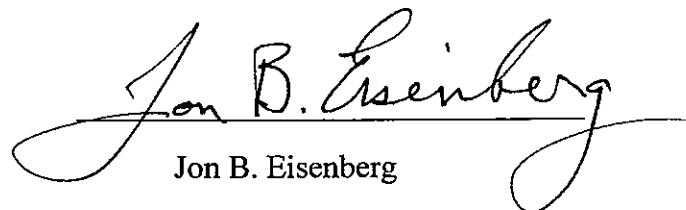
27 Exhibit M Excerpts from testimony of R. Richard Newcomb, House Financial Services
Subcommittee on Oversight and Investigations, June 16, 2004

28

- 1 Exhibit N Letter from R. Richard Newcomb to Lynne Bernabei, April 23, 2004
2 Exhibit O Letter from R. Richard Newcomb to Lynne Bernebei, July 23, 2004
3 Exhibit P Press Release, Treasury Department, September 9, 2004
4 Exhibit Q Supplemental Declaration of Frances R. Hourihan, May 10, 2006
5 Exhibit R Letter from Adam J. Szubin to Lynne Bernabei and Thomas Nelson, February 6,
6 2008
7 Exhibit S Speech by John S. Pistole to American Bankers Association/American Bar
8 Association Money Laundering Enforcement Conference, October 22, 2007
9 Exhibit T Excerpts from Brief for Appellants [defendants] in Ninth Circuit Court of Appeals,
10 June 6, 2007
11 Exhibit U Excerpts from Government's Memorandum In Support Of Pretrial Detention,
12 *United States v. Sedaghaty*, August 21, 2007
13 Exhibit V Testimony of General Michael V. Hayden, Senate Judiciary Committee, July 26,
14 2006
15 Exhibit W Excerpts from testimony of Mike McConnell, Senate Select Committee on
16 Intelligence, May 1, 2007
17 Exhibit X Excerpts from testimony of Mike McConnell and Kenneth Wainstein, House Select
18 Intelligence Committee, September 20, 2007
19 Exhibit Y Excerpts from transcript of hearing, *American Civil Liberties Union v. National
20 Security Agency*, June 12, 2006
21 Exhibit Z Excerpts from memorandum of Howard Mendelsohn to Adam J. Szubin regarding
22 redesignation of Al-Haramain Islamic Foundation, February 6, 2008
23 Exhibit AA Legal Authorities Supporting the Activities of the National Security Agency
24 Described by the President ("White Paper"), January 19, 2006
25 Exhibit BB Brief for Amici Curiae Center for National Security Studies and the Constitution
26 Project, *ACLU v. NSA*, 493 F.3d 644 (6th Cir. 2007), 2006 WL 4055623
27
28

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

Executed this 9th day of July, 2009


Jon B. Eisenberg