

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN, *et. al*

Plaintiffs,

v.

BARACK HUSSEIN OBAMA II, *et. al*

Defendants.

Civil Action Nos. 13-cv-851
13-cv-881

SUPPLEMENTAL AFFIDAVIT OF LARRY KLAYMAN

1. My name is Larry Klayman, I am over 18 years old. I am an adult citizen of the United States and I am the Plaintiff in the above styled case. I have personal knowledge of the facts stated in this declaration.
2. I am an attorney licensed to practice in Florida and in the District of Columbia. I am also the Founder, Chairman and General Counsel of Freedom Watch, a public interest organization dedicated to preserving civil and individual liberties and freedoms. Such advocacy includes pursuing matters related to national security, government transparency, addressing constitutional violations by the government including issues related to freedom of speech, freedom of religion, voting rights, due process rights, and other protected liberties.
3. I have been a subscriber and user of Verizon Wireless for my cellular phone service for many years and have been a subscriber and user of Verizon Wireless at all material times. I am also a user of internet services by Apple, Microsoft, YouTube, Yahoo, Google, Facebook, AT&T, and Skype and have been users of these services at all material times. I routinely

communicate with members of the public as well as journalists and associates by telephonic communications and electronic messages through Facebook, Google, Apple, and Skype.

4. I have gained public exposure and recognition through bringing numerous high profile lawsuits and strong public advocacy in matters involving public concern and public interests.

See www.freedomwatchusa.org.

5. As part of my work, and as part of Freedom Watch, I routinely communicate by telephone with existing and potential clients, whistleblowers, and other confidential sources of government abuse and corruption about their legal and other representation and discuss confidential issues, which constitute legally privileged attorney-client and other privileged communications regarding ongoing legal and other proceedings and potential proceedings.

6. I have filed the first two lawsuits against the National Security Agency, seeking to prevent them from pursuing their unconstitutional surveillance of the American people.

7. Because of my filing of these lawsuits, I have become a prime target for the NSA as I am now of the leaders of the opposition to their unconstitutional surveillance programs.

8. I am also an organizer of the growing “Reclaim America Now” movement, to stop the growing train of government abuses and usurpation by President Barack Obama and others. See www.reclaimamericanow.net. We are currently planning to hold a large-scale demonstration at Lafayette Park in Washington, D.C. on November 19, 2013, where thousands if not millions will demand the resignation of Obama and high government officials who have failed to consider and take into account the grievances of the people.

9. The NSA program at issue in this case poses a substantial threat to my ability as well as the ability of Freedom Watch to do its work, which includes legal advocacy on controversial issues.

10. Defendants' mass call-tracking surveillance program has directly and significantly impacted me and my ability to communicate via telephone, email, and otherwise, given the concern that confidential, private, and legally privileged communications will be overheard or obtained by the NSA's surveillance program, and used against me, my clients, whistleblowers, and contacts concerning government abuses and corruption.

11. In fact, increasingly concerning and illegal is the fact that various contacts of mine have received text messages generated by the Defendants of this case that purport to have been sent from my cell phone number, even though I had never sent these messages.

12. These coercive tactics are designed to compromise me, my family, and friends' security and relationships with clients, whistleblowers, and other sources of government abuse and corruption, and silence me and my legal advocacy and put me in fear of the government and its unconstitutional surveillance program that I am trying to stop.

13. As a result of the above, I am unable to talk on the telephone with clients, friends, and other relationships for fear that attorney/client communications and work product and other legal privileges and rights will be breached and compromised and disclosed to a government which I am adverse to and which has the potential to hostile towards me, my clients and relationships. I am a public advocate who sues the government routinely and in the course of my legal representation and personal life, I have been threatened by the government.

14. As a further result, I am forced to travel to potential clients' and current clients' locations knowing that the NSA and other government agencies with whom it collaborates are surveying me. Moreover, because of the nature of my work, potential clients' are hesitant to contact me and are therefore not able to receive the help they deserve. Not only is traveling to this extent costly, it consumes much of my time and does not allow me to focus on pending litigation and other

matters. As a direct result of the government's actions, I am unable to fully do my job and this is causing me irreparable harm. The National Security Agency's spy program has been a deprivation of my liberty and will continue in the future if it is not enjoined.

15. As just one example upon many, on November 11, 2013, I received an anonymous letter, simply signed by "Fed Up American" with no return address, that states, ". . . I think there is something you should know about the attack on the helicopter in August 2011 that killed 20 [sic] Americans including many from our elite Seal Team. It was not shot down, it was blown up from the inside. One of the Afghans on board was strapped with explosives and ordered to blow up the helicopter in direct response to Obama bragging about the killing of bin Laden. I am not asking you to believe me on this, I am asking you to check it out for yourself . . ." (Attached). Plaintiff Charles Strange's son, Michael, a cryptologist who worked with the National Security Agency and member of SEAL Team VI personnel, perished on that Chinook 47-D. "Fed Up American" is an example of a scared American who is fearful of providing his name or address. This is a direct result of the government's unlawful and overbroad surveillance program for fear that he will be harmed by the government.

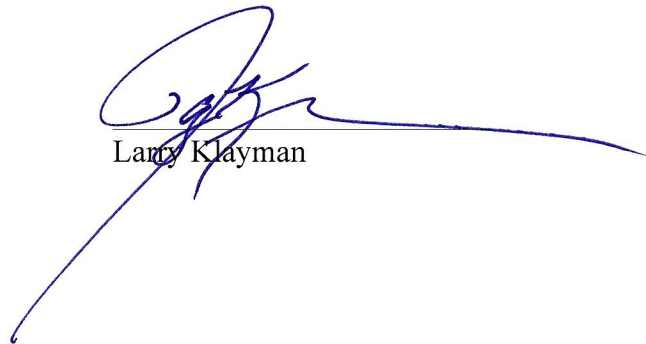
16. I am contacted almost daily by people who do not want to discuss with me their sources and other sensitive information candidly because they say have reason to believe that the National Security Agency is storing and monitoring their conversations, internet communications, and social media.

17. As a result, I have no way, as the attorney for Charles Strange, of contacting this source for my lawsuits and other legal actions on behalf of Mr. Strange. This irreparably harm's Mr. Strange's rights and my rights as his attorney.

18. Furthermore, even though I have set forth irreparable harm, it has been long established that the loss of constitutional freedoms, “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

Sworn under penalty of perjury

Dated: November 13, 2013



Larry Klayman