

1 CINDY COHN (SBN 145997)
 cindy@eff.org
 2 LEE TIEN (SBN 148216)
 3 KURT OPSAHL (SBN 191303)
 MATTHEW ZIMMERMAN (SBN 212423)
 4 MARK RUMOLD (SBN 279060)
 DAVID GREENE (SBN 160107)
 5 JAMES S. TYRE (SBN 083117)
 ELECTRONIC FRONTIER FOUNDATION
 6 815 Eddy Street
 San Francisco, CA 94109
 7 Tel.: (415) 436-9333; Fax: (415) 436-9993
 8 THOMAS E. MOORE III (SBN 115107)
 9 tmoore@rroyselaw.com
 ROYSE LAW FIRM, PC
 10 1717 Embarcadero Road
 Palo Alto, CA 94303
 11 Tel.: 650-813-9700; Fax: 650-813-9777

12 Attorneys for Plaintiffs

RACHAEL E. MENY (SBN 178514)
 rmeny@kvn.com
 MICHAEL S. KWUN (SBN 198945)
 BENJAMIN W. BERKOWITZ (SBN 244441)
 KEKER & VAN NEST, LLP
 633 Battery Street
 San Francisco, California 94111
 Tel.: (415) 391-5400; Fax: (415) 397-7188
 RICHARD R. WIEBE (SBN 121156)
 wiebe@pacbell.net
 LAW OFFICE OF RICHARD R. WIEBE
 One California Street, Suite 900
 San Francisco, CA 94111
 Tel.: (415) 433-3200; Fax: (415) 433-6382
 ARAM ANTARAMIAN (SBN 239070)
 aram@eff.org
 LAW OFFICE OF ARAM ANTARAMIAN
 1714 Blake Street
 Berkeley, CA 94703
 Telephone: (510) 289-1626

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 FIRST UNITARIAN CHURCH OF LOS
 18 ANGELES, *et al.*

19 Plaintiffs,

20 v.

21 NATIONAL SECURITY AGENCY, *et al.*,

22 Defendants.
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Case No: 3:13-cv-03287 JSW

**DECLARATION OF SASCHA
 MEINRATH FOR ACORN ACTIVE
 MEDIA IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 PARTIAL SUMMARY JUDGMENT**

Date: February 7, 2014
 Time: 9:00 A.M.
 Hon. Jeffrey S. White
 Courtroom 11 - 19th Floor

1 I, SASCHA MEINRATH, hereby declare:

2 1. I am the Co-founder and President of the Acorn Active Media Foundation. The facts
3 contained in the following affidavit are known to me of my own personal knowledge and if called
4 upon to testify, I could and would competently do so.

5 2. Our organization engages in software, website, and technical development in support
6 of the global justice movement.

7 3. The Acorn Active Media Foundation is an outlet for technically skilled members to
8 build technical resources for groups, non-profits, and individuals who otherwise do not have the
9 capacity or would not be able to afford these services. Since Acorn's inception in January 2004, it
10 has engaged in website design, web application development, general technical consulting and
11 hardware support, and organizational database development for a diverse array of groups,
12 individuals, and organizations from around the globe. Acorn members have supported democracy
13 advocates and independent media outlets worldwide, often working directly with communities
14 laboring under hostile and oppressive regimes.

15 4. In addition, members of the Acorn Active Media Foundation work directly on several
16 U.S. Government-funded initiatives to help bring free, safe communications to people living under
17 some of the most repressive regimes on the planet. The security of the communications with these
18 individuals and communities often is a matter of life and death for our local partners and the active
19 surveillance of these communications certainly raises profound risks for our local partners. Thus, it
20 would be an unfortunate reality that one arm of the US Government is actively undermining the
21 work of the US State Department, USAID, and the Broadcasting Board of Governors by surveilling
22 our work.

23 5. The collection of our phone records by the government has resulted in (1) harassment,
24 membership withdrawal, and/or discouragement of new members, and (2) other consequences which
25 objectively suggest an impact on, or 'chilling' of, the members' associational rights. I say this
26 because of the following facts:

27 6. The Acorn Active Media Foundation was previously involved with a similar case
28

1 whereby an entire server that Acorn helped maintain and that hosted the websites and other materials
2 of multiple organizations was improperly seized by the government based on an investigation into
3 one of the organizations. The result was substantial harm to the news-gathering activities of
4 organizations Acorn supported. The ensuing technical recovery and lawsuit required substantial
5 time from Acorn members and lead to active concerns about ongoing surveillance of our work.

6 7. When the news of the government's collection of phone records and other
7 communications-related information became public, numerous members of the Acorn Active Media
8 Foundation became increasingly concerned that our initiatives are once again being swept up into
9 surveillance, including surveillance that is targeted at others. In particular, this is because Acorn's
10 members work daily with human rights workers and democracy advocates around the globe on
11 highly sensitive initiatives. This is true even though some of those initiatives are directly funded by
12 other portions of the U.S. Government.

13 8. This fear of collection in general, and of the possible targeting of our associates, has
14 had a chilling effect on communications. Our work is predicated upon the trust of the individuals
15 and communities we interact with, and as more information is gleaned about the nature of the NSA's
16 surveillance, local partners around the globe have been increasingly hesitant about communicating
17 with our team.

18 9. The Associational Tracking Program activities have harmed us because we have
19 experienced a decrease in communications from associates, especially human rights workers and
20 democracy advocates in the U.S. and around the world. While we have worked diligently to ensure
21 PGP encryption of critical communications, concerns have already been raised by human rights
22 advocates in Syria, Turkey, and Cuba about the security of their communications with Acorn
23 members.

24 10. Prior to the disclosure of the Associational Tracking Program, we tried to assure our
25 partners about the security and confidentiality of their communications with Acorn members, but it
26 seems that those assurances were not well founded. Since the disclosure of the program, we can no
27 longer provide those assurances.

1 11. Moreover, the ongoing revelations, the government's unclear and changing responses
2 and public misdirection have left us unable to reassure our members and associates that additional
3 forms of surveillance, as yet unconfirmed or actively denied by the government are not also
4 occurring, leaving us scrambling to implement alternative forms of confidential communication --
5 many of which require technological acumen that our local partners simply do not have.

6 I declare under penalty of perjury under the laws of the United States of America that
7 the foregoing is true and correct. Executed on November 1, 2013 at San Francisco, California.

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SASCHA MEINRATH