

1 CINDY COHN (SBN 145997)
 cindy@eff.org
 2 LEE TIEN (SBN 148216)
 KURT OPSAHL (SBN 191303)
 3 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)
 tmoore@rroyselaw.com
 9 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.
 23

Case No: 3:13-cv-03287 JSW

**DECLARATION OF BRANDON
 COMBS FOR CALIFORNIA
 ASSOCIATION OF FEDERAL
 FIREARMS LICENSEES
 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, BRANDON COMBS, hereby declare:

2 1. I am the President of California Association of Federal Firearms Licensees (CAL-
3 FFL). The facts contained in the following affidavit are known to me of my own personal
4 knowledge and if called upon to testify, I could and would competently do so.

5 2. Our organization advocates for the interests of its members and the general public
6 through strategic litigation, legislative efforts, and education. CAL-FFL expends financial and
7 other resources in both litigation and non-litigation projects to protect the interests of its
8 members and the public at large.

9 3. The collection of our phone records by the government has resulted in
10 (1) harassment, membership withdrawal, and/or discouragement of new members, and (2) other
11 consequences which objectively suggest an impact on, or ‘chilling’ of, the members’
12 associational rights. I say this because of the following facts:

13 4. Some people, including both current and prospective CAL-FFL members, do not
14 wish to have the calls to the Association tracked, monitored, or otherwise recorded by the
15 government due to the often sensitive nature of the communications.

16 5. The Associational Tracking Program activities have harmed us because we have
17 experienced a decrease in communications from members and constituents who had desired the
18 fact of their communication to Plaintiff to remain secret.

19 6. We have experienced an increase in people, both members and non-members,
20 expressing concern about the confidentiality of their communications.

21 7. Since the disclosure of the Associational Tracking Program, we have lost the
22 ability to assure our members and constituents, as well as all others who seek to communicate
23 with use, that the fact of their communications to and with us will be kept confidential.

24 8. We made assurances of confidentiality prior to the disclosures, but now we are
25 concerned that were based not based in fact.

26 9. Moreover, we remain unable to assure confidentiality to our members because we
27 are unable to have confidence that the governmental surveillance is limited to just what is now
28

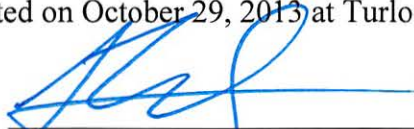
1 publicly available. We fear that other forms of surveillance may reach communications that our
2 members make with us through means other than the telephone, leaving us with no reasonable
3 suggestion for our members who wish to communicate with us confidentially.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct. Executed on October 29, 2013 at Turlock, California.

6
7 _____
8 BRANDON COMBS
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 publicly available. We fear that other forms of surveillance may reach communications that our
2 members make with us through means other than the telephone, leaving us with no reasonable
3 suggestion for our members who wish to communicate with us confidentially.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct. Executed on October 29, 2013 at Turlock, California.

6
7 
8 _____
9 BRANDON COMBS
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28