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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.

Case No: 3:13-cv-03287 JSW  
**DECLARATION OF DALE  
 GIERINGER FOR THE  
 CALIFORNIA CHAPTER OF  
 NORML 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, DALE GIERINGER, hereby declare:

2 1. I am the Director of the California chapter of the National Organization for the  
3 Reform of Marijuana Laws (“NORML”). The facts contained in the following affidavit are known  
4 to me of my own personal knowledge and if called upon to testify, I could and would competently do  
5 so.

6 2. NORML advocates for the right of adults to use marijuana legally and assists users  
7 with legal and health issues related to marijuana use.

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

11 4. I say this because of the following facts:

12 5. Cal NORML routinely fields inquiries from countless individuals with legal concerns  
13 and questions about marijuana on our telephone hotline (Verizon # 415-563-5858). Included are  
14 many seriously ill individuals who use marijuana for medical purposes in accordance with California  
15 state law (Proposition 215), but whose activities remain subject to federal arrest and prosecution.  
16 Callers frequently express concern to us that their communications be held confidential out of fear of  
17 repercussions from law enforcement.

18 6. California NORML has always maintained a strict policy of not revealing the identity  
19 of our members or hotline callers. Our mailing list is held strictly confidential. For many years, we  
20 had caller ID blocked on our public hotline (415-563-5858) so as to assure callers that their calls  
21 wouldn’t be traced. The value of this service would have been rendered negligible had their IDs  
22 actually been tracked by NSA and federal enforcement officials. A few years ago, California  
23 NORML decided to abandon caller ID blocking because we were unable to return a growing number  
24 of calls that were coming from people who wrongly assumed that we knew their return phone  
25 number via caller ID, even though we didn’t have it. However, we have continued to maintain a  
26 policy of strict privacy in all communications.

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1 7. California NORML and its members are highly sensitive to the fact that numerous of  
2 our members and supporters have been arrested, prosecuted, or otherwise harassed for marijuana  
3 offenses by federal law enforcement authorities, even when their activities are specifically permitted  
4 under state or local law. Scores of such federal arrests are recorded on our website at:  
5 [http://www.canorml.org/costs/federal\\_medical\\_marijuana\\_prisoners\\_and\\_cases](http://www.canorml.org/costs/federal_medical_marijuana_prisoners_and_cases).

6 8. California NORML is further aware of press reports that the DEA has a Special  
7 Operations Division that partners with NSA and other federal agencies to maintain a secret massive  
8 database of telephone records to launch criminal investigations. The DEA has been reported to  
9 cover up its misuse of this secretly obtained data by a tactic known as “parallel construction,” in  
10 which a secret investigation is launched against a suspect in order to develop legal evidence for a  
11 search warrant, without divulging the secretly obtained phone records that were the original source  
12 of the tip (“Exclusive: U.S. directs agents to cover up program used to investigate Americans,”  
13 Reuters Aug. 5, 2013: [http://www.reuters.com/article/2013/08/05/us-dea-sod-](http://www.reuters.com/article/2013/08/05/us-dea-sod-idUSBRE97409R20130805)  
14 [idUSBRE97409R20130805](http://www.reuters.com/article/2013/08/05/us-dea-sod-idUSBRE97409R20130805)).

15 9. California NORML experienced an abrupt drop in the number of hotline calls we  
16 received after revelation of NSA’s phone surveillance program in late June. Prior to then, we  
17 received an average of about 15-20 calls daily on our hotline; afterwards, calls dropped to 5 -10 per  
18 day. This data supports our belief that the NSA program had a chilling effect on our constituents’  
19 willingness to communicate with us. Moreover, several of our members have expressed similar  
20 concerns in this regard.

21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct. Executed on October \_\_\_\_, 2013 at Oakland, California

23 \_\_\_\_\_  
24 DALE GIERINGER

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2 our members and supporters have been arrested, prosecuted, or otherwise harassed for marijuana  
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24   
25 DALE GIERINGER  
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