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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 ZAHRA
 BILLOO FOR THE COUNCIL ON
 AMERICAN-ISLAMIC RELATIONS
 CALIFORNIA 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, Zahra Billoo, hereby declare:

2 1. I am the Executive Director of the San Francisco Bay Area office of the Council on
3 American-Islamic Relations, California chapter. The facts contained in the following affidavit are
4 known to me of my own personal knowledge and if called upon to testify, I could and would
5 competently do so.

6 2. CAIR-CA is a chapter of CAIR, America's largest Muslim civil liberties and
7 advocacy organization. Its mission is to enhance the understanding of Islam, encourage dialogue,
8 protect civil liberties, empower American Muslims, and build coalitions that promote justice and
9 mutual understanding. Each year we provide direct and free legal services to hundreds of California
10 Muslims complaining of discrimination and targeting based on their religious beliefs. We reach
11 thousands more through our "know your rights" workshops at campuses, community centers, and
12 mosques across the state.

13 3. The compelled disclosure of our phone records to the government has resulted in an
14 inability to assure our constituency that the fact of their communication with us is, indeed,
15 confidential, leading to an increased reticence on the part of the California Muslim community to
16 seek our organization's assistance. This reticence, in turn, undermines our ability to effectively
17 advance and advocate CAIR's mission: enhancing the understanding of Islam and protecting the
18 civil liberties of our constituents.

19 4. I say this based on the following facts:

20 5. CAIR provides legal services and advice to individuals unjustly targeted by
21 government surveillance and investigations. Of the hundreds of individuals we represent and serve,
22 many call with complaints of FBI visits and other law enforcement harassment. These individuals
23 are overwhelmingly innocent Americans who are being contacted by federal law enforcement to be
24 "voluntarily" questioned about their religious beliefs and political activities.

25 6. For example: in *Islamic Shura Council v. FBI*, 11 plaintiffs including CAIR-CA and
26 CAIR-CA's Greater Los Angeles Area Executive Director Hussam Ayloush, learned that the FBI
27 had been monitoring them for an extended period of time, had kept extensive records of this

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1 surveillance and had then misrepresented having any documents about it in response to a FOIA
2 request filed by plaintiffs

3 7. To provide another example, between 2011 and 2012, CAIR-CA's attorneys have
4 assisted over 170 Californians complaining of FBI visits and harassment. In the overwhelming
5 majority of these cases, the complainants were never charged with any crime. In instances where the
6 complainants did not assert their right to counsel immediately and did agree to speak with law
7 enforcement, they were then surprised to be questioned about their religious beliefs and practices.

8 8. Many members of the Muslim community are afraid of upsetting law enforcement by
9 asserting their rights. They often believe the promises and threats made by FBI agents to
10 "complicate" or escalate things, talk to their neighbors and employers, or even assist with or harm
11 immigration applications. Further, many members of the community are even unaware of their rights
12 and so cooperate from a broader place of fear and a general sense of unawareness of the
13 unconstitutional nature of the interaction. Because of these concerns, our clients and constituents
14 often ask for the utmost confidentiality when seeking our help.

15 6. Further, many members of the California Muslim community fear their
16 communications are being surveilled by law enforcement. These fears are not speculative.

17 7. For example, CAIR-CA represents Yasir Afifi. In 2010, Afifi discovered what he later
18 learned was a GPS tracking device under his car during a routine oil change. He took pictures of the
19 device, placed them on the internet to attempt to learn what it was, and just a couple of days later was
20 visited by FBI agents outside his apartment. The agents identified themselves and in no uncertain
21 terms asked for the device to be returned. They threatened him, if he didn't return the device. When
22 he did, the agents questioned him about his family and community members. FOIA documents
23 obtained on his behalf, as well as conversations with one of the FBI agents and the mechanic who
24 performed the oil change confirmed Afifi's account of what happened.

25 8. Similarly, the ACLU and Advancing Justice-Asian Law Caucus obtained thousands of
26 pages of documents revealing the FBI's "outreach" efforts in Northern California mosques. The
27 documents showed that for several years agents had visited dozens of Bay Area Muslim houses of
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1 worship under the guise of conducting outreach but instead had been gathering information, which
2 would be filed as intelligence. While many community leaders had for so long been receptive to law
3 enforcement attempts to build relationships, learning later that outreach was never the primary
4 objective confirmed the fears of many.

5 9. CAIR was able to make assurances of confidentiality prior to the disclosure of the
6 Associational Tracking Program and attempt to continue to do so. However, since the disclosure, we
7 cannot assure our clients and constituents, as well as all others who seek to communicate with us, that
8 the fact of their communications to and with us are confidential.

9 10. Further, we can no longer assure our constituents that their communications with us
10 will not, in the eyes of the federal government, implicate them or otherwise create a relationship with
11 another individual who has also contacted CAIR to seek assistance.

12 11. To illustrate, CAIR-CA's four offices manage intake lines that allow the general
13 public, and, more specifically, members of the American Muslim community, to call to seek help if
14 they are contacted by law enforcement or if they have concerns about law enforcement, surveillance,
15 or travel abroad. Some callers explain that they are afraid to speak over the phone for fear of
16 monitoring, and will either withhold all identifying information in conversations or will insist on
17 meeting in person.

18 12. The overwhelming majority of people who contact us are never indicted or otherwise
19 formally accused of any crime.

20 13. Nevertheless, CAIR-CA's work does involve cases (some high profile) involving
21 individuals who have been charged with aiding terrorism or who have been monitored by the FBI and
22 Joint Terrorism Task Forces for their religious and political activism.

23 14. It is my understanding that the government uses the Associational Tracking Program
24 to investigate the contacts and relationships between those suspected of terrorism-related activities
25 and crimes.

26 15. It is also my understanding that, when using the Associational Tracking Program, the
27 government often examines multiple "degrees" of relationships between individuals, or "hops" of

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1 associations. This means the government can examine the contact patterns and relationships between
2 an individual and their contacts; their contacts' contacts; and the contacts of their contacts' contacts. I
3 understand that these webs of associations can expand to include many thousands, if not millions, of
4 people.

5 16. By virtue of this "guilt by association" form of analysis, large swaths of the California
6 Muslim community may be subject to government scrutiny, simply by virtue of having contacted
7 CAIR and because of CAIR's advocacy efforts on behalf of those wrongly accused. That is, if a
8 CAIR client accused of a terrorism-related crime contacts us, all those who contact CAIR may
9 subsequently be put at risk of government scrutiny, solely through their shared "association" with
10 CAIR.

11 17. Since the disclosure of the Associational Tracking Program, we have lost the ability to
12 confidently assure American Muslim community members, as well as all others who seek to
13 communicate with us, that the fact of their communications to and with us will be kept confidential.

14 18. When the very act of communicating by phone with those we aim to serve puts our
15 constituents at risk for further government scrutiny, our organizational mission is essentially
16 undermined. The Associational Tracking Program undermines CAIR's ability to effectively
17 accomplish its mission of defending the civil liberties of American Muslims.

18 I declare under penalty of perjury under the laws of the United States of America that
19 the foregoing is true and correct. Executed on _____, 2013 at _____, California.

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21 _____
22 ZAHRA BILLOO
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19 the foregoing is true and correct. Executed on November 1, 2013 at Santa Clara California.

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