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

**DECLARATION OF RABBI
 ARTHUR WASKOW FOR THE
 SHALOM CENTER 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, RABBI ARTHUR WASKOW, hereby declare:

2 1. I am the Director of The Shalom Center. The facts contained in the following
3 affidavit are known to me of my own personal knowledge and if called upon to testify, I could and
4 would competently do so.

5 2. Our organization draws on ancient and modern Jewish wisdom, teachings, and
6 practice to seek peace, pursue justice, and heal our wounded Earth. We especially address the power
7 configurations (in Jewish tradition, the “pharaohs”) that bring plagues upon human society and the
8 planet.

9 3. The Shalom Center receives its wired telephone service from Verizon Business
10 Services and its wireless services from Verizon Wireless.

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

14 5. I say this because of the following facts: I was personally subjected to
15 COINTELPRO activity (warrantless searches, theft, forgery) by the FBI between 1968 and 1974. I
16 took part along with other plaintiffs in a suit against the FBI and the Washington DC police (*Hobson*
17 *v. Wilson*) for deprivation of the “right of the people peaceably to assemble.” We won in DC
18 Federal District Court and the part of the suit that focused on the FBI was upheld in the DC Circuit
19 Court of Appeals. The result of this experience is that I have been very troubled and frightened by
20 the revelations of warrantless mass searches of telephone and Internet communications by the NSA.
21 For several weeks, as the revelations continued, I realized the likelihood that the organization I lead,
22 The Shalom Center, and I were under illegitimate surveillance and – because of our involvement in
23 legal and nonviolent opposition to US government policy in several fields – possibly worse. For
24 example, I delayed publication of some essays on bringing religious outlooks to bear on possible US
25 war in Syria; possible State Department collusion with major oil companies in certifying the Tar
26 Sands Pipeline; and on the NSA surveillance, a violation of Torah as well as of the Consitution.
27 These activities seemed especially likely to have called down NSA surveillance and possibly

1 additional attacks on our work.

2 6. This realization made me rethink whether I wanted to continue in sharp religiously
3 rooted prophetic criticism and action in regard to disastrous public policies. I had trouble sleeping,
4 delayed some essays and blogs I had been considering, and worried whether my actions
5 might make trouble for nonpolitical relatives. I certainly felt a chill fall across my work of peaceable
6 assembly, association, petition, and the free exercise of my religious convictions. Since as the
7 Rabbinic Director of The Shalom Center I am the chief spokesperson for its religious outlook and
8 religious work, this chilling effect has slowed down, inhibited, and distorted the expression of our
9 religious concerns.

10 7. Since the disclosure of the Associational Tracking Program, supporters and donors of
11 the Shalom Center have expressed concerns about the confidentiality of their communications.

12 8. Because the extent of the NSA's surveillance activities is unknown and because of the
13 secrecy of these activities, we have been unable to ensure that these supporters of the Shalom Center
14 can communicate with us in confidence. We have considered other means of communication with
15 these supporters, but many of them require technological acumen that our local partners simply do
16 not have.

17 I declare under penalty of perjury under the laws of the United States of America that
18 the foregoing is true and correct. Executed on October, __, 2013 at Philadelphia, PA.

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RABBI ARTHUR WASKOW

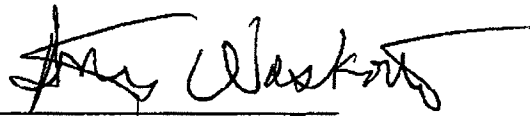
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