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11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 ELECTRONIC FRONTIER FOUNDATION,)
16 Plaintiff,)
17 v.)
18 OFFICE OF THE DIRECTOR OF NATIONAL)
19 INTELLIGENCE)
20 and)
21 DEPARTMENT OF JUSTICE,)
22 Defendants.)

NO. 3:08-1023 JSW
**DECLARATION OF MARCIA
HOFMANN IN SUPPORT OF REPLY IN
SUPPORT OF MOTION FOR A
PRELIMINARY INJUNCTION**

Judge: The Hon. Jeffrey S. White
Date: April 4, 2008
Time: 9:00 a.m.
Courtroom: Courtroom 2, 17th Floor

1 1. I am an attorney of record for the plaintiff in this matter and a member in good
2 standing of the California State Bar, and am admitted to practice before this Court. I have personal
3 knowledge of the matters stated in this declaration. If called upon to do so, I am competent to
4 testify to all matters set forth herein.

5 2. Attached hereto as Exhibit A is a true and correct copy of a letter from GayLa D.
6 Sessoms, FOIA Coordinator, National Security Division, U.S. Department of Justice to Marcia
7 Hofmann, Staff Attorney, Electronic Frontier Foundation dated March 21, 2008.

8 3. Attached hereto as Exhibit B is a true and correct copy of a letter from Marcia
9 Hofmann, Staff Attorney, Electronic Frontier Foundation to Andrew I. Warden, Trial Attorney,
10 U.S. Department of Justice, dated March 24, 2008.

11 4. Attached hereto as Exhibit C is a true and correct copy of a letter from Attorney
12 General Michael B. Mukasey and Director of National Intelligence J.M. McConnell to the
13 Honorable Silvestre Reyes, Chairman House Permanent Select Committee on Intelligence, dated
14 February 22, 2008, available at [http://www.lifeandliberty.gov/docs/ag-dni-letter-to-chairman-](http://www.lifeandliberty.gov/docs/ag-dni-letter-to-chairman-reyes.pdf)
15 [reyes.pdf](http://www.lifeandliberty.gov/docs/ag-dni-letter-to-chairman-reyes.pdf).

16 5. Attached hereto as Exhibit D is a true and correct copy of a presidential statement
17 entitled President Bush Discusses FISA, March 13, 2008, available at
18 <http://www.whitehouse.gov/news/releases/2008/03/20080313.html>.

19 6. Attached hereto as Exhibit E is a true and correct copy a statement by White House
20 Press Secretary Dana Perino entitled Statement by the Press Secretary, March 11, 2008 available at
21 <http://www.whitehouse.gov/news/releases/2008/03/20080311-7.html>.

22 7. Attached hereto as Exhibit F is a true and correct copy of a letter from Senators
23 Patrick Leahy and Arlen Specter to Attorney General Alberto Gonzales, dated May 21, 2007,
24 available at <http://leahy.senate.gov/press/200705/5-21-07%20PJL%20AS%20ltr%20to%20AG.pdf>.

25 8. Attached hereto as Exhibit G is a true and correct copy of a letter from Senators
26 Patrick Leahy and Arlen Specter to Fred Fielding, Counsel to the President, dated October 22,
27 2007, available at <http://leahy.senate.gov/press/200710/10-22-07%20PJL->
28 [AS%20ltr%20to%20Fielding.pdf](http://leahy.senate.gov/press/200710/10-22-07%20PJL-AS%20ltr%20to%20Fielding.pdf).

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I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief. Executed March 25, 2008 in San Francisco, California.

/s/ Marcia Hofmann
Marcia Hofmann