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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 KAY GUINANE
 FOR CHARITY & SECURITY
 NETWORK IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 PARTIAL SUMMARY JUDGEMENT**

Date: February 7, 2014
 Time: 9:00 A.M.
 Hon. Jeffrey S. White
 Courtroom 11 - 19th Floor

1 I, KAY GUINANE, hereby declare:

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

5 2. Our organization works to protect civil society's ability to carry out effective
6 peacebuilding projects, humanitarian aid, development and other public benefit work in a manner
7 consistent with human rights principles and democratic values. To accomplish this, the Charity &
8 Security Network focuses on convening stakeholders and sponsoring dialog; raising awareness,
9 dispelling myths and promoting a framework based on protecting the positive contribution civil
10 society makes to human security; and coordinating advocacy by engaging the nonprofit sector with
11 to support needed changes in national security rules.

12 3. The collection of our phone records by the government has resulted in other
13 consequences which objectively suggest an impact on, or 'chilling' of, the members' associational
14 rights.

15 4. I say this because: 1.) the issues we address are sensitive, involving the nexus of
16 national security, human rights and humanitarian law. To do our work effectively we must be able to
17 share information among members and between staff and membership. The Associational Tracking
18 Program has inhibited our ability to share information as needed. 2.) One of our core functions is to
19 facilitate dialog between civil society and government to address the problems humanitarian,
20 peacebuilding, human rights defenders and others have in carrying out their missions due to overly
21 broad national security rules. Our ability to plan, facilitate and develop strategy for such dialog has
22 been inhibited by the knowledge that our communications information is collected and retained by
23 the government.

24 5. We have experienced an increase in members expressing concern about the
25 confidentiality of the fact of their communications, among each other and with staff. Because our
26 members are located in many different places, it is necessary to use conference calls and email
27 listservs for ongoing communications. This includes conducting meetings of our Advisory

1 Board as well as topical working groups that collect and assess information and develop strategies.
2 Some members have declined to discuss certain issues over the phone, making it necessary to plan
3 in-person meetings that will incur extra time and travel costs. Other members have declined to hold
4 some discussions by email.

5 6. Since the disclosure of the Associational Tracking Program, we have lost the ability
6 to assure our members and constituents, as well as all others who seek to communicate with us, that
7 the fact of their communications to and with us will be kept confidential. We have had to develop
8 factual materials to share to explain the scope of the program and its impact on our operations.

9 7. We assumed that, we had confidentiality in our communications with us prior to the
10 current revelations, but we've since learned that we did not actually have confidentiality.

11 8. Our concerns about lack of confidentiality have become more acute because of the
12 government's ongoing refusal to give a clear answer about the extent to which organizations like
13 ours are subject to surveillance.

14 9. We have been forced to expend time and resources on exploring new technologies
15 that may protect the privacy of our communications, although we cannot be sure they will actual
16 ensure confidentiality. Some activities are delayed until in-person meetings can be arranged. On an
17 ongoing basis, the surveillance program inhibits the ability of staff and membership to communicate
18 about sensitive factual and strategic issues. This hampers our ability to effectively carry out our
19 work.

20 I declare under penalty of perjury under the laws of the United States of America that
21 the foregoing is true and correct. Executed on October ____, 2013 at _____, _____.
22 [City] [State]

23
24 _____
KAY GUINANE

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18 about sensitive factual and strategic issues. This hampers our ability to effectively carry out our
19 work.

20 I declare under penalty of perjury under the laws of the United States of America that
21 the foregoing is true and correct. Executed on October 29, 2013 at Washington, D.C.
22 [City] [State]

23 
24 KAY GUINANE