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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 THE
 REVEREND RICK HOYT FOR THE
 FIRST UNITARIAN CHURCH OF
 LOS ANGELES 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, THE REVEREND RICK HOYT, hereby declare:

2 1. I am the Minister of the First Unitarian Church of Los Angeles. The Minister is the
3 senior staff position of the organization which is owned by the church members through a Board of
4 Trustees. The facts contained in the following affidavit are known to me of my own personal
5 knowledge and if called upon to testify, I could and would competently do so.

6 2. Our organization does charitable work as a non-profit religious organization. We
7 serve our church members and their families (about 100 persons/week) with programs of worship,
8 religious education, fellowship, pastoral care, social justice, evangelism, and connection to the
9 Unitarian Universalist tradition. And we serve the neighbors of the church (about 1,000
10 persons/week) with programs of education, health, social service and community activity.

11 3. 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 4. I say this because of the following facts:

15 a) Government surveillance is not a paranoid fantasy for First Church but a
16 historical fact. In the 1950s some members of First Church and our minister, Rev. Stephen
17 Fritchman, were subpoenaed by the House Un-American Activities Committee. Our minister was
18 required to testify before the committee on three separate occasions. Rev. Fritchman writes in his
19 autobiography (*Heretic*, Skinner House, pubs., 1977; pp.122-123) that “My new congregation [First
20 Church] had members who had repeatedly been visited by the F.B.I. to know whether they were
21 ready to talk about their past associations... old sins or new ones; were they ready to talk and name
22 their friends. I was told again and again of these merciless house calls by the pair of crew-cut, well-
23 dressed, deadpan visitors – what we came to know as the ‘Brooks Brothers,’ boys from J. Edgar
24 Hoover’s local branch of the Federal monitors of our words and deeds.” Plainclothes government
25 agents regularly attended church services at this time to hear what was preached and see who
26 attended. First Church discontinued keeping a membership list during this time to avoid implicating
27 our members. Some of our current members have been with the church long enough to remember

1 government surveillance of the church; and we have all heard the stories. After his retirement Rev.
2 Fritchman received a copy of his FBI file through a freedom of information request. We keep it in
3 our archives.

4 b) In the 1980s, First Church responded to the pleas of our neighbors, many of
5 whom are immigrants from Central America, to provide sanctuary from the civil wars they had fled
6 in their home countries. US policy at the time put them in danger of deportation. First Church
7 resisted US policy by offering sanctuary to our neighbors in our church building and some of these
8 refugees are now church members. Some of these First Church members have personal stories of
9 being physically tortured at the hands of their government. They understand the real possibility and
10 danger of coming to the attention of the government for political action, and they bring this
11 perspective to their current lives in the US. They are understandably wary of government
12 surveillance as they continue to speak out on issues and advocate for public policies that run counter
13 to current US positions.

14 c) Our church continues to be a fierce advocate for justice for the oppressed and
15 marginalized in Los Angeles, the United States and worldwide, including advocating for change to
16 existing US policy such as around immigration laws, rights for gays and lesbians, or military action.
17 This work is directly tied to our Unitarian Universalist faith principle of the power of individuals to
18 amplify their voices through collective organizations to change society. Although some church
19 members may welcome the public attention this advocacy work brings, others may choose, and
20 should be allowed to choose, to remain private and to speak out only through the voice of the church
21 organization. The threat of exposure has caused potential visitors to stay away, and members to
22 withdraw from the community, resulting in the church losing its voice and damaging our faith and
23 our organization. Even more damaging is the effect on our neighbors, many of whom depend on the
24 church for basic necessities such as our weekly food distribution, and life-enhancing programs such
25 as exercise classes, and math tutoring for children. Our neighbors now fear that a simple contact
26 with the church inquiring about a church program will bring scrutiny upon other aspects of their
27 lives, or bring their persons to the attention of a government that they may have reason to fear.

1 5. The Associational Tracking Program activities have harmed us because we have
2 experienced a decrease in communications from members and constituents who had desired the fact
3 of their communication to Plaintiff to remain secret.

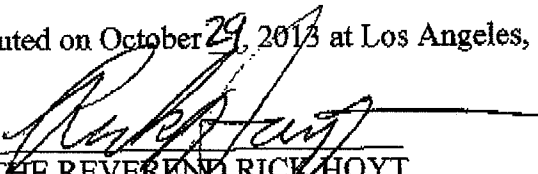
4 6. Many members of our larger community have expressed concern about the
5 confidentiality of the fact of their telephone communications with us. First Church members have
6 expressed anxiety to me about which sorts of communication might be looked at by the NSA
7 program.

8 7. Since the disclosure of the Associational Tracking Program, we have lost the ability
9 to assure our members and constituents, as well as all others who seek to communicate with us, that
10 the fact of their communications to and with us will be kept confidential. We made assurances of
11 confidentiality prior to the disclosure, but we now know that we were mistaken.

12 8. As noted above, the principles of its faith often require the church to take bold stands
13 on controversial issues. Church members and neighbors who come to the church for help should not
14 fear that their participation in the church might have consequences for themselves or their families.
15 This spying makes people afraid to belong to the church community.

16 9. The telephone provider for the church is Intermedia using voice-over-internet. Our
17 internet provider is AT&T. At least one member of our Board of Trustees has Verizon as a
18 telephone provider.

19 I declare under penalty of perjury under the laws of the United States of America that
20 the foregoing is true and correct. Executed on October 29, 2013 at Los Angeles, California.

21
22 
23 THE REVEREND RICK HOYT