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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 SHERWIN SIY
 FOR PUBLIC KNOWLEDGE 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, Sherwin Siy, hereby declare:

2 1. I am the Vice President of Legal Affairs of Public Knowledge. The facts contained in
3 the following affidavit are known to me of my own personal knowledge and if called upon to testify,
4 I could and would competently do so.

5 2. Our organization is a non-profit public interest advocacy organization based in
6 Washington, D.C. Public Knowledge is dedicated to preserving the openness of the Internet and the
7 public's access to knowledge, promoting creativity through the balanced application of copyright
8 laws, and upholding and protecting the rights of consumers to use innovative technology lawfully.

9 3. The collection of our phone records by the government has resulted in reduced
10 communications with our members, constituents, and allies, chilling their associational rights.

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

14 5. Moreover, the pattern of distortion and lawless conduct by the NSA, exacerbated by the
15 intense secrecy of its activities, have left us unable to reassure our members and associates that
16 additional forms of surveillance, as yet unconfirmed or actively denied by the government are not
17 also occurring, leaving us with no alternative forms of confidential communication.

18 6. Public Knowledge engages in public advocacy on matters of intellectual property and
19 telecommunications law. While not directly representing clients, we frequently receive calls from
20 constituents seeking advice on whether their activities comport with the law, which is often complex
21 and frequently misstated in the popular media. In recent years, government authorities, and not just
22 private parties, have increasingly used disproportionate measures to address instances of alleged
23 infringement, to the point of staging armed raids on alleged secondary infringers in cases that, in
24 prior years, would likely have merited a civil suit or service of a warrant or summons. The increasing
25 criminalization of copyright infringement, alongside a heightened rhetoric that frequently claims that
26 infringing copyrights on entertainment media is a national security issue, means that callers are less

1 likely to contact Public Knowledge's staff to ask for advice or share information.

2 I declare under penalty of perjury under the laws of the United States of America that
3 the foregoing is true and correct. Executed on October 31, 2013 at Washington, DC.

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/s/ Sherwin Siy

SHERWIN SIY

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