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17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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CAROLYN JEWEL, TASH HEPTING,
YOUNG BOON HICKS, as executrix of the
estate of GREGORY HICKS, ERIK KNUTZEN
and JOICE WALTON, on behalf of themselves
and all others similarly situated,
Plaintiffs,
v.
NATIONAL SECURITY AGENCY, *et al.*,
Defendants.

CASE NO. 08-CV-4373-JSW

**DECLARATION OF RICHARD R.
WIEBE IN OPPOSITION TO THE
GOVERNMENT DEFENDANTS' STAY
REQUEST**

Courtroom 11, 19th Floor
The Honorable Jeffrey S. White

1 I, Richard R. Wiebe, do hereby declare:

2 1. I am a member in good standing of the Bar of the State of California and the bar of
3 this Court. I am counsel to plaintiffs in this action. I certify that the exhibit attached hereto is a
4 true and correct copy of the document located at the indicated source.

5 2. As part of the FISA Amendments Act of 2008, Congress required the Inspectors
6 General of the National Department of Justice, the Office of the Director of National Intelligence,
7 the National Security Agency, the Department of Defense, and any other element of the
8 intelligence community that participated in the President's Surveillance Program to investigate and
9 report to Congress upon the Program. Section 301(b)(1) of the FISA Amendments Act of 2008
10 provides:

11 "The Inspectors General of the Department of Justice, the Office of the Director of National
12 Intelligence, the National Security Agency, the Department of Defense, and any other
13 element of the intelligence community that participated in the President's Surveillance
14 Program, shall complete a comprehensive review of, with respect to the oversight authority
15 and responsibility of each such Inspector General—

16 (A) all of the facts necessary to describe the establishment, implementation, product,
17 and use of the product of the Program;

18 (B) access to legal reviews of the Program and access to information about the
19 Program;

20 (C) communications with, and participation of, individuals and entities in the private
21 sector related to the Program;

22 (D) interaction with the Foreign Intelligence Surveillance Court and transition to
23 court orders related to the Program; and

24 (E) any other matters identified by any such Inspector General that would enable
25 that Inspector General to complete a review of the Program, with respect to such
26 Department or element."
27

28 FISA Amendments Act of 2008, Pub. L. 110-261, § 301(b)(1), 122 Stat. 2436, 2471-2472 (2008).

1 3. Plaintiffs have previously submitted to the Court the unclassified joint report of the
2 Inspectors General, which was released on July 10, 2009. Dkt. #35, Ex. A.

3 4. In addition to their joint report, each of the Inspectors General prepared an
4 individual report describing his or her agency’s participation in the President’s Surveillance
5 Program.

6 5. Attached hereto as **Exhibit A** is the March 24, 2009 “Working Draft” of the NSA
7 Inspector General’s individual report. Exhibit A was obtained from the website of the *Guardian*
8 newspaper, which published it June 27, 2013:

9 <http://www.guardian.co.uk/world/interactive/2013/jun/27/nsa-inspector-general-report-document->
10 [data-collection.](http://www.guardian.co.uk/world/interactive/2013/jun/27/nsa-inspector-general-report-document-)

11 6. Exhibit A states:

12 “This report provides the classified results of the NSA Office of the Inspector General
13 (OIG) review of the President’s Surveillance Program (PSP) as mandated in the FISA
14 Amendments Act (FAA) of 2008. It includes the facts necessary to describe from NSA’s
15 perspective:

- 16 establishment of the PSP (Section One)
- 17 implementation and product of the PSP (Section Two)
- 18 access to legal reviews of the PSP and access to information about the PSP
19 (Section Three)
- 20 interaction with the Foreign Intelligence Surveillance Court (FISC) and transition
21 to court orders related to the PSP (Section Four)
- 22 oversight of PSP activities at NSA (Section Five)”

23
24 Exhibit A at 1-2.

25 Exhibit A describes in detail all four aspects of the NSA’s communications surveillance and
26 collection program: Telephone metadata, telephone content, Internet metadata, and Internet
27 content.
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed at San Francisco, CA on July 2, 2013.

s/ Richard R. Wiebe
Richard R. Wiebe