

2. For purposes of this declaration, I use “ACLU” to refer to both the American Civil Liberties Union and the American Civil Liberties Union Foundation. The American Civil Liberties Union is a 501(c)(4) nonprofit and nonpartisan organization with approximately 500,000 members nationwide dedicated to the principles of liberty and equality embodied in the Constitution and our nation’s civil-rights laws. It engages in legislative lobbying, public education, and public advocacy. The American Civil Liberties Union Foundation is a 501(c)(3) organization that provides legal representation free of charge to individuals and groups in civil-rights and civil-liberties cases. It also engages in public education and advocacy.

3. I have served as the ACLU’s legal director since 1993. In that capacity, I supervise over 100 lawyers, paralegals, and support personnel who work on a wide range of issues, including—to name just a few—national security, police accountability, reproductive rights, LGBT rights, and immigrants’ rights.

4. Given the controversial nature of much of the ACLU’s work, the organization has a strong interest in protecting not only the content of our communications with clients, sources, and allies, but often the very fact of those communications. M1(.) ra comomctscnd al[dl[d-2(onspe)(a)4(-)Tj 0

to our knowledge, there is no way to protect the identity of persons communicating by telephone with the ACLU through Verizon, even in circumstances where that information is especially sensitive, so long as the challenged surveillance program continues.

6. Since 2007, the ACLU has received its telephone service from Verizon Business Network Services, Inc. (“Verizon”). As of the filing of this declaration, the ACLU continues to receive its telephone service from Verizon.

7. Prior to the disclosures about the NSA’s call-tracking program, the ACLU had no knowledge that its telephony metadata was being acquired and retained for years by the government. The ACLU’s agreement with Verizon contains a paragraph that is labeled Customer Consent to Use of Customer Proprietary Network Information (“CPNI”), which defines CPNI to include, among other things, “information relating to the quantity, technical configuration, type, destination, location, and amount of use of the telecommunications services Customer purchases from Verizon, as well as related local and toll billing information, made available to Verizon solely by virtue of Customer’s relationship with Verizon.” That provision further states, “Verizon acknowledges that it has a duty, and Customer has a right, under federal and/or state law to protect the confidentiality of Customer’s CPNI.” Elsewhere, the ACLU’s agreement provides that “Verizon will protect the confidentiality of Customer CPNI in accordance with applicable laws, rules and regulations.”

8. The NSA program at issue in this case poses a real threat to the ability of the ACLU to do its work. In my opinion, there is a genuine risk that people who would otherwise speak on th

understand about the government's surveillance program, I know of nothing we can do to protect those persons from this risk short of ceasing to speak with them on the telephone.

Steven R. Shapiro

STEVEN R. SHAPIRO

Dated: August 26, 2013