UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

AMERICAN CIVIL LIBERTIES UNION;
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION; AMERICAN CIVIL LIBERTIES
UNION OF MICHIGAN; COUNCIL ON
AMERICAN-ISLAMIC RELATIONS; COUNCIL
ON AMERICAN-ISLAMIC RELATIONS
MICHIGAN; GREENPEACE, INC.; NATIONAL
ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS; JAMES BAMFORD; LARRY
DIAMOND; CHRISTOPHER HITCHENS; TARA
MCKELVEY; and BARNETT R. RUBIN,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY / CENTRAL SECURITY SERVICE; and LIEUTENANT GENERAL KEITH B. ALEXANDER, in his official capacity as Director of the National Security Agency and Chief of the Central Security Service,

Defendants.

ANN BEESON, Attorney of Record
JAMEEL JAFFER
MELISSA GOODMAN (admission pending)
SCOTT MICHELMAN (admission pending)
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MICHAEL J. STEINBERG KARY L. MOSS American Civil Liberties Union Fund of Michigan 60 West Hancock Street Detroit, MI 48201-1343 (313) 578-6814 DECLARATION OF NAZIH HASSAN

Case No. 2:06-cv-10204-ADT-RSW

Hon. Anna Diggs Taylor and R. Steven Whalen

I, Nazih Hassan, declare:

- 1. I am a member of the Council on Arab and Islamic Relations of Michigan ("CAIR"). I reside in Washtenaw County, Michigan. I was born in Lebanon in 1969 and became a legal permanent resident of the United States in 2001. From 2002 to 2003, I served as the president of the Muslim Community Association of Ann Arbor ("MCA"). I have served on MCA's Board of Directors from mid-2005 to the present. I work as a technology consultant. I have personal knowledge of the facts stated in this declaration.
- 2. I have friends and family in Lebanon, Saudi Arabia, France, Australia and Canada with whom I frequently communicate by telephone and e-mail. Among the people with whom I communicate by phone and e-mail are my friends Islam Almurabit and Rabih Haddad.
- 3. Mr. Haddad is a native of Lebanon who was educated in the United States and lived in Ann Arbor, Michigan for more than three years. Mr. Haddad was an active member and popular volunteer teacher at the mosque to which I belong. He co-founded Global Relief Foundation ("GRF") in 1993, a humanitarian organization that the federal government accused of providing material support to terrorists. In December 2001, Mr. Haddad was arrested for an immigration violation on the same day that the offices of GRF were raided. Mr. Haddad was held for approximately a year before he was deported to Lebanon. As one of the two media coordinators for the Free Rabih Haddad Committee, I drafted press releases, spoke to the media and organized public demonstrations against the detention of Mr. Haddad. I visit Rabih Haddad when I return to Lebanon for vacations.
- 4. Islam Almurabit, the former executive director of Islamic Assembly of North America ("IANA"), lived in Ann Arbor for approximately seven or eight years. In 2003, after

the IANA offices were raided in Ypsilanti, Mr. Almurabit was visited by the FBI and accused of supporting extremism. Rather than face continual harassment by the FBI, Mr. Almurabit left the United States in 2004 or 2005 and moved to Saudi Arabia.

- 5. Before I became aware of the NSA Program described in the Complaint is this case, I spoke on international telephone calls and communicated by e-mail with family members in Lebanon about various political topics and their opinions on current events, including Islam, the war in Iraq, Islamic fundamentalists, terrorism, Osama bin Laden, al Qaeda, the war in Afghanistan, and the riots in France and Australia. I also participated in online discussion groups or bulletin boards hosted on foreign websites about the war in Afghanistan to learn what people from other countries were writing and to voice objections to those who favored extremism.
- 6. Because of my activism in the United States, my friendship with Islam Almurabit and Rabih Haddad, and my frequent communications with numerous people in the Middle East and other foreign countries about topics described in paragraph five, I believe that my international communications are currently being intercepted and monitored by the NSA as part of the Program.
- 7. The likelihood that my international communications are being intercepted and monitored by the NSA under the Program prevents me from communicating candidly in my international calls and e-mails. Since I learned of the NSA Program in news reports in December 2005, I have refrained from talking during international telephone calls about topics such as those described in paragraph five above, which I believe will trigger interception and monitoring by the NSA pursuant to the Program. I have similarly stopped e-mailing friends and

family abroad about such topics. I have not called my friends Islam Almurabit in Saudi Arabia or Rabih Haddad in Lebanon, or engaged in e-mail communications with them about anything political because I believe such communications will be intercepted and monitored by pursuant to the NSA Program and my comments may be taken out of context or misconstrued by United States officials as supposedly showing that I support extremism when, in fact, I oppose it. Finally, I no longer visit online bulletin boards or participate in online discussion groups in which some people advocate extremism, though my purpose in visiting such websites and participating in such discussion groups in the past was to write posts that oppose extremism.

8. The NSA Program also interferes with my efforts to promote peace and justice in this country. Before I became aware of the NSA Program, I felt free to communicate with people in other countries about critical issues of the day. I gained unique insight from those communications about United States foreign policy that I could not gain from the media in this country. I used such communications in my political work in the United States to educate Americans about the consequences of United States policy abroad. Because of the Program, I no longer engage in substantive discussions with people abroad and therefore I am not able to gain these unique insights and share them with others.

I declare under penalty of perjury under the laws of the United States and of the State of Michigan that the foregoing is true and correct.

AFA

Nazih Hassan

Executed at Ypsilanti, Michigan this fourth day of June, 2006.