

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AMNESTY INTERNATIONAL USA; GLOBAL FUND FOR WOMEN; GLOBAL RIGHTS; HUMAN RIGHTS WATCH; INTERNATIONAL CRIMINAL DEFENSE ATTORNEYS ASSOCIATION; THE NATION MAGAZINE; PEN AMERICAN CENTER; SERVICE EMPLOYEES INTERNATIONAL UNION; WASHINGTON OFFICE ON LATIN AMERICA; DANIEL N. ARSHACK; DAVID NEVIN; SCOTT MCKAY; and SYLVIA ROYCE,

Plaintiffs,

v.

JOHN M. McCONNELL, in his official capacity as Director of National Intelligence; LT. GEN. KEITH B. ALEXANDER, in his official capacity as Director of the National Security Agency and Chief of the Central Security Service; and MICHAEL B. MUKASEY, in his official capacity as Attorney General of the United States,

Defendants.

**DECLARATION OF  
CHRISTOPHER L. HEDGES**

Case No. 08 Civ. 6259 (JGK)

**ECF CASE**

**DECLARATION OF CHRISTOPHER L. HEDGES**

I, Christopher L. Hedges, declare:

1. I am a resident of Princeton, New Jersey over the age of eighteen. I have personal knowledge of the facts stated in this declaration.

2. I am a journalist and author specializing in American and Middle Eastern politics and society. I contribute regularly to *The Nation Magazine* (“*The Nation*”), and I am a senior fellow at The Nation Institute. My reporting has also appeared in the *New York Times*, *Christian Science Monitor*, *National Public Radio*, *Dallas Morning News*, *Foreign Affairs*, *Harper’s Magazine*, *New York Review of Books*, *Granta*, *Mother Jones*, *New Humanist*, and *Truthdig*. I

am also the author of numerous books, including *American Fascists: The Christian Right and the War on America* (2007) and *I Don't Believe in Atheists* (2008). I was part of the *New York Times* team that won the 2002 Pulitzer Prize for the paper's coverage of global terrorism, and I received the 2002 Amnesty International Global Award for Human Rights Journalism. I graduated from Colgate University with a degree in English literature and received a Masters in Divinity from Harvard University. I have taught at Columbia University, Princeton University, and New York University. In addition to English, I speak Arabic, French, and Spanish, and I know Latin and ancient Greek.

3. I have been reporting on topics involving international and civil conflict since 1983. In my work as a reporter, I have spent significant time in Latin America, the Middle East, and Europe, including four years as the Middle East Bureau Chief for the *New York Times*. In all, I have reported from more than fifty countries.

4. In connection with my reporting and writing, I maintain regular contact with individuals around the world, including contacts in Iran, Syria, Libya, Kosovo, Bosnia, Sudan, and Palestine. I communicate with a wide range of individuals, including academics, journalists, and political leaders. Such contacts are vital to my work: in order report to on areas of ongoing conflict, I must receive information from individuals with firsthand knowledge of unfolding events. Typically, these communications occur over e-mail.

5. I understand that the FISA Amendments Act ("FAA") allows the U.S. government to acquire my international communications without a warrant so long as the surveillance is directed at people outside the United States. My understanding is that the new law permits the government to acquire my international communications even if there is no reason to believe that I am, or the people with whom I communicate are, engaged in criminal

activity or espionage. I also understand that the law permits the government to engage in “dragnet” surveillance—that is, to conduct surveillance that is directed not at specific individuals or telephone numbers or e-mail addresses but at specific regions or countries.

6. My work as a journalist covering foreign affairs exposed me to some risk of government surveillance even before passage of the FAA. But the FAA increases this risk dramatically because it permits dragnet, suspicionless surveillance rather than surveillance that is directed at individuals suspected of wrongdoing. Before passage of the FAA, I operated according to the belief that any potential surveillance would be subject to strict limitations, including judicial supervision, individualized suspicion and probable cause, and judicially approved procedures to minimize unjustified invasion into my correspondences. Now I have no choice but to assume that *any* of my international communications may be subject to government surveillance, and I have to make decisions about whether and how to engage in particular communications in light of that assumption.

7. I believe that at least some of my international communications are likely to be collected by the government under the new law. My work requires me to follow closely events in many of the world’s conflict zones. Many of the topics, regions, and individuals I report on are of demonstrated interest to the U.S. government. For example, I report extensively on the plight of Palestinians, and in doing so I maintain contact with some individuals – including journalists, political activists, and representatives of civil society organizations – who I believe are of interest to the U.S. government. This is not to say that these individuals are suspected of criminal activity; they are not. But they have information in which the U.S. would be interested (for example, information about positions taken by various political factions in Palestine), and in the past they have shared information with me.

8. My ability to gather information from sources in conflict zones is severely impaired if I cannot guarantee confidentiality. The FAA severely limits my ability to communicate by phone and e-mail with foreign sources. Many substantive areas of discussion are curtailed due to my concerns that my international communications will be intercepted by the U.S. government, and in some cases I must refrain from discussions about the location or contact information of my sources. Many of my sources communicate with me at great peril. They often criticize the organizations or groups they are affiliated with or pass on information which challenges official narratives of events. If the information they provide is handed to governments or organizations they are affiliated with, or who have control over them, they could suffer interrogation, imprisonment and even death. Fear of surveillance by the U.S. government has a profound impact on much of the work that I do as an author, journalist, and professor.

9. The financial cost and time required to speak with many of my contacts is now immense. In many instances I can, at this point, communicate with them only in person. No other form of communication can be trusted. This has made my work very difficult and often requires me to travel to see those who have information. When I do communicate by e-mail or telephone, I am forced to keep the discussion away from topics that could jeopardize the person with whom I'm communicating. I have to assume that any international communication could be acquired by the U.S. government and perhaps passed on to foreign governments or foreign intelligence services. This limits my ability to gather information in the first place. The FAA has far-reaching consequences for my work, just as it does for other journalists who do the kind of work I do.

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

  
CHRISTOPHER L. HEDGES

Executed at Princeton, NJ, on December 11, 2008.