

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION and
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, CENTRAL
INTELLIGENCE AGENCY, DEPARTMENT
OF JUSTICE, and DEPARTMENT OF
STATE,

Defendants.

17 Civ. 3391 (PAE)

ECF CASE

SECOND DECLARATION OF ANNA DIAKUN

I, Anna Diakun, pursuant to 28 U.S.C. § 1746, hereby declare and state under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I am an attorney at the American Civil Liberties Union Foundation and co-counsel for Plaintiffs the American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the "ACLU") in the above-numbered action.
2. I submit this declaration in further support of Plaintiffs' Motion for Partial Summary Judgment.
3. Attached hereto as Exhibit 1 is a true and correct copy of Matt Spetalnick, *Trump: Yemen Raid Was Success, Gathered Vital Intelligence*, Reuters, Feb. 28, 2017, <http://reut.rs/2m61L1m>.

4. Attached hereto as Exhibit 2 is a true and correct copy of John Brennan, Director, CIA, Speech at the Council on Foreign Relations (Mar. 13, 2015), <https://www.cia.gov/news-information/speeches-testimony/2015-speeches-testimony/director-brennan-speaks-at-the-council-on-foreign-relations.html>.

5. Attached hereto as Exhibit 3 is a true and correct copy of John Brennan, Director, CIA, Remarks at the President's Associates Dinner at the University of Oklahoma (Feb. 26, 2014), <https://www.cia.gov/news-information/speeches-testimony/2014-speeches-testimony/remarks-by-cia-director-john-brennan-as-prepared-for-delivery-at-the-presidents-associates-dinner-at-the-university-of-oklahoma.html>.

6. Attached hereto as Exhibit 4 is a true and correct copy of David H. Petraeus, Director, CIA, Statement on the Terrorist Threat Ten Years After 9/11 (Sept. 13, 2011), <https://www.cia.gov/news-information/speeches-testimony/speeches-testimony-archive-2011/statement-on-the-terrorist-threat-after-9-11.html>.

7. Attached hereto as Exhibit 5 is a true and correct copy of Request Under Freedom of Information Act by Jonathan Manes, ACLU, Jan. 13, 2009, <https://www.aclu.org/files/assets/2010-1-13-PredatorDroneFOIARrequest.pdf>.

8. Attached hereto as Exhibit 6 is a true and correct copy of Press Release, Dep't of Defense, U.S. Service Member Killed in Raid on Terrorists in Yemen (Jan. 29, 2017), <https://www.defense.gov/News/Article/Article/1063593/us-forces-kill-14-al-qaida-in-the-arabian-peninsula-terrorists-in-yemen>.

9. Attached hereto as Exhibit 7 is a true and correct copy of Michael Pompeo, Director, CIA, Aspen Security Forum 2017: The View from Langley (July 20, 2017), <https://aspensecurityforum.org/wp-content/uploads/2017/07/The-View-from-Langley.pdf>.

10. Attached hereto as Exhibit 8 is a true and correct copy of *About CIA: What We Do*, CIA, <https://www.cia.gov/about-cia/todays-cia/what-we-do> (last visited Nov. 28, 2017).

Dated: November 28, 2017
New York, New York



Anna Diakun
American Civil Liberties Union Foundation
125 Broad Street—18th Floor
New York, New York 10004
T: 212.549.2500
F: 212.549.2654
adiakun@aclu.org