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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL J. BERNSTEIN,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF COMMERCE, et al.,

Defendants.

C 95-00582 MHP

**DECLARATION OF
DANIEL J. BERNSTEIN
RE GOVERNMENT POLICY**

Date: October 7, 2002

Time: 2:00 p.m.

Place: Courtroom 15, 18th Floor

I, DANIEL J. BERNSTEIN, hereby declare:

1. I am the plaintiff in the above-entitled action. I currently reside in Berkeley, California. Except as expressly stated below, I have personal knowledge of the facts stated herein. If called upon to testify, I would competently testify to these facts.

Current Prior-Review Policy

2. The defendants have published a document dated June 6, 2002, titled "U.S. Encryption Export Control Policy Frequently Asked Questions." I saw this document on the defendants' web page http://www.bis.doc.gov/Encryption/EncFAQs6_17_02.html. Exhibit A is a true and correct printout of that web page as downloaded on 29 August 2002.

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10. I believe that the Court can deny the defendants' motions, and grant my motion for summary judgment, without further evidence. However, if my belief turns out to be incorrect, I will request discovery.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on this 3rd day of September, 2002.

DANIEL J. BERNSTEIN