DANIEL J. BERNSTEIN
Department of Mathematics, Statistics, and Computer Science
University of Illinois at Chicago
Mail Code 249
Science and Engineering Offices, Room 322
851 S. Morgan Street
Chicago, IL 60607–7045
(312) 996–3041
Best address: djb-legal@cr.yp.to

Plaintiff *Pro Se*

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

DANIEL J. BERNSTEIN,	C 95–00582 MHP
Plaintiff,	**PLAINTIFF'S EVIDENTIARY OBJECTIONS TO GILES DECLARATION AND MOTION TO STRIKE**
v.	
UNITED STATES DEPARTMENT OF COMMERCE, et al.,	Date: October 7, 2002
Defendants.	Time: 2:00 p.m. Place: Courtroom 15, 18th Floor

Plaintiff Daniel J. Bernstein submits the following evidentiary objections to the Declaration of Louis F. Giles III (docket no. 191) filed by the Defendants on April 26, 2002. Plaintiff moves to strike the inadmissible portions of that declaration.

¶4, last sentence (certain information "has proven to be highly reliable and essential to the national defense, national security, and the conduct of the foreign affairs of the United States"):   Plaintiff objects to, and moves to strike, this sentence under Civil L.R. 7-5(b) as argumentative and conclusory; under Federal Rule of Evidence 602 as outside the declarant's personal knowledge; under Rule 701 as an inference not based on witness perception; and under Rule 802 as inadmissible hearsay.

¶7, last sentence ("Policies concerning the export of cryptographic products have developed from the fact that proliferation of such products makes it easier for foreign intelligence

targets to deny the United States Government access to information vital to national security interests."):   Plaintiff objects to, and moves to strike, this sentence under Civil L.R. 7-5(b) as argumentative and conclusory; under Rule 602 as outside the declarant's personal knowledge; under Rule 701 as an inference not based on witness perception; and under Rule 802 as inadmissible hearsay.

¶¶8–11:   Plaintiff objects to, and moves to strike, each of these paragraphs under Rule 602 as outside the declarant's personal knowledge; under Rule 701 as an inference not based on witness perception; under Rule 802 as inadmissible hearsay; and under Rule 701 as an inference based on specialized knowledge within the scope of Rule 702. The declarant is not an expert.

¶13, last sentence ("Notice of such exports is essential …"):   Plaintiff objects to, and moves to strike, this sentence under Civil L.R. 7-5(b) as argumentative and conclusory; under Rule 602 as outside the declarant's personal knowledge; under Rule 701 as an inference not based on witness perception; and under Rule 802 as inadmissible hearsay.

¶¶15–17:   Plaintiff objects to, and moves to strike, each of these paragraphs under Civil L.R. 7-5(b) as argumentative and conclusory; under Rule 602 as outside the declarant's personal knowledge; under Rule 701 as an inference not based on witness perception; and under Rule 802 as inadmissible hearsay.

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DANIEL J. BERNSTEIN