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7 Attorneys for Plaintiffs,
8 **AMERICAN FREEDOM ALLIANCE**

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

SEP 21 2010

John A. Clarke, Executive Officer/Clerk
BY Raul Sanchez Deputy

9 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

11 **AMERICAN FREEDOM ALLIANCE**, a
12 nonprofit corporation;

13 Plaintiff,

14 vs.

15 **CALIFORNIA SCIENCE CENTER**, a legal
16 entity of the State of California;
17 **CALIFORNIA SCIENCE CENTER**
18 **FOUNDATION**, a nonprofit corporation;
19 **JEFFREY RUDOLPH**, an Individual, and
20 **DOES 1 through 50**, inclusive;

21 Defendants.

Case No. BC423687

D-14

**DECLARATION OF BRUCE CHAPMAN
IN SUPPORT OF PLAINTIFF AMERICA
FREEDOM ALLIANCE'S OPPOSITION
TO MOTION TO COMPEL ATTORNEY-
CLIENT CONFIDENTIAL
COMMUNICATIONS AND ATTORNEY
WORK PRODUCT**

BY FAX

22 Bruce K. Chapman, being duly sworn upon oath, deposes and says:

23 1. I have personal knowledge of the following information and am competent to tes-
24 tify to them. This declaration is submitted in support of Plaintiff American Freedom Alliance's
25 ("AFA") opposition to Defendant California Science Center Foundation's, et al., motion to com-
26 pel further production of documents. Pursuant to the Court's Order of August 5, 2010, I am
27 submitting this Declaration on behalf of the Discovery Institute and asserting the attorney-client
28 privilege between Discovery Institute and William J. Becker Jr./The Becker Law Firm.

1 2. I am the founder and president of the Discovery Institute ("DI"), a public policy
2 think tank on national and international affairs. The DI, founded in 1990, develops public policy
3 proposals that strive to make a positive vision of the future practical, addressing issues relating to
4 science and culture, regionalism in "Cascadia," technology and national security. I am a special-
5 ist in public policy development with a career in government service at local, state, and national
6 levels, as well as a private career as an editorial writer, publisher and public policy fellow.

7 3. Between 1981 and 1983, I served as Director of the United States Census Bureau.
8 From 1983 to 1985, I served as Deputy Assistant to President Ronald Reagan and simultaneously
9 held the position of Director of White House Office of Planning and Evaluation. In 1985, I was
10 appointed United States Ambassador to the United Nations Organizations in Vienna, Austria,
11 serving through 1988, and am the recipient of the State Department's Superior Honor Award. My
12 responsibilities included attention to issues as diverse as nuclear proliferation, refugees, econom-
13 ic development and narcotics control. For two years, I was a fellow of the Hudson Institute.

14 4. From 1960 to 1964, and from 1965 to 1966, I was an editorial writer for the New
15 York Herald Tribune. In 1971, I was elected to the Seattle City Council. In 1975, I was ap-
16 pointed and later elected twice to the position of Secretary of State for Washington State.

17 5. A major focus of DI's public policy work is to defend freedom of speech and First
18 Amendment rights for individuals and groups who dissent from the Darwinian evolutionary con-
19 sensus and/or support the theory of intelligent design. DI staff – including staff attorneys – regu-
20 larly provide consulting advice and attorney work product assistance to outside attorneys
21 representing clients who have experienced discrimination due to their views on intelligent design
22 and evolution. Historical examples of the discrimination occurring in academia and scientific
23 institutions were chronicled in *Expelled: No Intelligence Allowed*, a 2008 theatrical documentary
24 film starring Ben Stein. It is a major part of DI's mission to advocate on behalf of intellectual
25 and academic freedom, supporting those who have faced or suffered discrimination due to their
26 interest in intelligent design.

27 6. Mr. Becker has served in his professional capacity as an attorney providing DI
28 with advice relating to the speech rights of individuals to discuss intelligent design since at least

1 April 2009. He has communicated primarily with Casey Luskin, Esq., Program Officer for Pub-
2 lic Policy and Legal Affairs for the Center for Science and Culture at the DI.

3 7. DI sought out Mr. Becker due to his professional work on behalf of prominent
4 public figures in matters relating to academic and intellectual freedom. In light of the controver-
5 sy concerning intelligent design and DI's role in advocating on behalf of intelligent design, DI's
6 communications with him were always understood to be confidential. At all times since April
7 2009, DI has sought out Mr. Becker's advice concerning various matters involving DI's partici-
8 pation in and/or support for litigation based in California, the state where Mr. Becker is licensed
9 to practice law. Mr. Becker has volunteered his services to DI. During the course of the rela-
10 tionship, confidential information has been disclosed bilaterally. DI's staff, fellows and other
11 personnel believed that they were consulting with Mr. Becker in his official capacity. Mr.
12 Becker acted as though he was representing DI at all times. The contact with Mr. Becker has
13 been almost a weekly, and often a daily, occurrence. This included phone and e-mail contact, as
14 well as occasional in-person meetings. Before representing DI in connection with the instant
15 matter, he had provided DI with legal advice on other matters, and continues to advise DI regard-

16 8. In light of our preexisting and ongoing relationship with Mr. Becker, we con-
17 tacted him in October 2009 to advise him that AFA's event at the California Science Center had
18 been cancelled. Our purpose in communicating with him in this instance was consistent with the
19 prior nature of our attorney-client relationship: to seek his advice on matters involving the dis-
20 ruption of speech activities relating to intelligent design. It is my understanding that the docu-
21 ments the Court has reviewed *in camera* support this fact and serve as the basis of the Court's
22 request that this relationship be affirmed by way of the instant declaration. Prior to referring the
23 matter to him, Mr. Becker did not have a co-existing professional relationship with AFA. Be-
24 cause of DI's experience with discrimination relating to discussion of intelligent design, we
25 wished to bring the matter to his attention. As the case has progressed, we have sought Mr.
26 Becker's advice regarding DI's rights in relationship to Defendants' allegations.

27 9. DI staff – including staff attorneys at Discovery Institute – also provided Mr.
28 Becker with consulting advice and attorney work product assistance to enhance the effectiveness
of his representation of clients who experienced discrimination due to their views on intelligent

1 design and evolution. Mr. Becker is a solo practitioner who operates his practice without staff
2 support. DI provided legal assistance to him in lieu of financial compensation. As such, all
3 communications were believed to be made in the strictest confidence.

4 I declare under penalty of perjury under the laws of the State of Washington that the
5 foregoing is true and correct to the best of my knowledge.

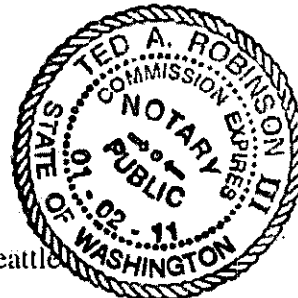
6 Dated this 15 day of SEPT, 2010.

7 
8 Bruce K. Chapman

9
10 SUBSCRIBED AND SWORN to before me this 15 day of SEPT, 2010.

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12 

13
14 TED A. ROBINSON III



15 Notary Public in and for the State of Washington, residing in Seattle

16
17
18 My Commission expires 1-2-11.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA**)
3 **COUNTY OF LOS ANGELES**) **SS:**

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
5 and not a party to the within action; my business address is: 11500 Olympic Blvd., Suite 400,
6 Los Angeles, California 90064. On September 16, 2010, I served the foregoing documents:

7 **NOTICE OF ASSERTION OF ATTORNEY-CLIENT
8 PRIVILEGE BY DISCOVERY INSTITUTE**

8 The above-referenced document was served on:

9 Allan S. Ono, Esq.
10 Deputy Attorney General
11 Natural Resources Law Section
12 OFFICE OF THE ATTORNEY GENERAL
13 300 S. Spring Street, 11th Floor
14 North Tower
15 Los Angeles, CA 90013
16 E-mail: allan.ono@doj.ca.gov

Attorneys for Defendants, **California Sci-
ence Center and Jeffrey Rudolph in his
official capacity as president and CEO of
the California Science Center**

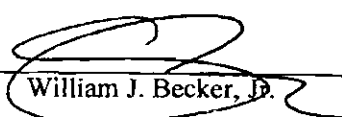
14 Patrick W. Dennis, Esq.
15 James Zelaney, Esq.
16 GIBSON, DUNN & CRUTCHER
17 Los Angeles Office
18 333 South Grand Avenue
19 Los Angeles, CA 90071-3197
20 E-mails: PDennis@gibsondunn.com;
21 JZelanay@gibsondunn.com

Attorneys for Defendants, **California Sci-
ence Center Foundation and Jeffrey Ru-
dolph in his official capacity as President
of the California Science Center Founda-
tion**

20 ☒ **BY U.S. MAIL:** As follows: I am "readily familiar" with the firm's practice of collection
21 and processing correspondence for mailing. Under that practice it would be deposited with U.S.
22 postal service on that same day with postage thereon fully prepaid at Los Angeles, California, in
the ordinary course of business. I am aware that on motion of the party served, service is pre-
sumed invalid if postal cancellation date or postage meter date is more than one day after date of
deposit for mailing in affidavit.

23 ☒ (State) I declare under penalty of perjury under the laws of the State of California that
24 the above is true and correct.

25 Executed on September 16, 2010, at Los Angeles, California.

26
27 
28 William J. Becker, Jr.