



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd Floor
New York, New York 10007*

September 12, 2013

BY ECF

The Honorable William H. Pauley, III
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *ACLU et al. v. FBI et al.*, 11 Civ. 07562 (WHP)

Dear Judge Pauley:

In accordance with the Court's August 2, 2013, Order, the Government is providing the Court, via hand delivery, a compact disc containing copies of documents that are responsive to the ACLU's Freedom of Information Act ("FOIA") request in the above-referenced case. The Government has completed its declassification review of these documents. Pursuant to the scheduling order established on consent and issued by the Court on August 16, 2013, the Government released these documents to the ACLU on September 10, 2013. In addition, these documents have been made available to the public on the Director of National Intelligence's ("DNI") new website "IC on the Record" at <http://icontherecord.tumblr.com/>.

In June 2013, the President directed the United States Intelligence Community to declassify and make public as much information as possible about certain sensitive United States Government surveillance programs while being mindful of the need to protect national security. Consistent with this directive and in the interest of increased transparency, the DNI has exercised his discretion under Executive Order 13,526 to declassify certain information that otherwise would have remained properly classified under that Executive Order, including information related to the Government's collection of telephony metadata under the supervision of the Foreign Intelligence Surveillance Court ("FISC") and pursuant to Section 215 of the USA PATRIOT ACT, as amended.

Pursuant the Court's Order of August 16, the Government has completed its review of the FISC opinions that are at issue in this case. In addition, the Government has completed its review of several other documents that are also at issue in this case. The Government previously withheld these records in full because they were properly classified. However, the Government has determined that some portions of these records are no longer classified given the DNI's decisions to declassify certain information over the past three months. In addition, the Government is further declassifying, in its discretion under Executive Order 13,526 § 3.1, additional information contained in these records that would otherwise have remained properly classified. Some information in these records, however, remains currently and properly

classified and is therefore exempt from disclosure under FOIA. Accordingly, the records have been released with redactions. Information has been redacted pursuant to 5 U.S.C. §§ 552(b)(1), (b)(3), (b)(7)(A), and (b)(6). Each document released that contains redactions has been marked with the applicable FOIA exemption or exemptions.

If you have any questions, please do not hesitate to contact us.

Respectfully,

PREET BHARARA
United States Attorney

By: /s/ Emily E. Daughtry
JOHN D. CLOPPER
EMILY E. DAUGHTRY
Assistant United States Attorneys
Telephone: (212) 637-2716 (Clopper)
Telephone: (212) 637-2777 (Daughtry)
Facsimile: (212) 637-0033
john.clopper@usdoj.gov
emily.daughtry@usdoj.gov

cc: (via ECF) Alexander Abdo, Esq.