



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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

November 26, 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 courtesy 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 Court's Orders dated August 2 and August 16, 2013, as modified by the Standing Order Regarding a Stay of Certain Cases Pending the Restoration of Department of Justice Funding (the "Standing Order"), dated October 1, 2013, the Government released these documents to the ACLU. The enclosed compact disc includes documents from two recent productions to the ACLU, one release occurring on October 28, 2013, and an additional release occurring on November 18, 2013. Information has been redacted from these documents pursuant to 5 U.S.C. §§ 552(b)(1), (b)(3), (b)(6), and (b)(7)(E). A number of additional documents are being withheld in full pursuant to 5 U.S.C. §§ 552(b)(1), (b)(3), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). Each redacted document being released has been marked with the applicable FOIA exemption or exemptions. Most of these documents are also being made available to the public on the Director of National Intelligence's ("DNI") website, "IC on the Record," at <http://icontherecord.tumblr.com/>, as well as at www.dni.gov.

As the Government explained in its September 12, 2013, letter to the Court, 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 consistent with the need to protect national security. In accordance 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.

Thank you for your attention to this matter.

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

Encls.

cc: (via ECF) Alexander Abdo, Esq.