

UNITED STATES  
FOREIGN INTELLIGENCE SURVEILLANCE COURT  
WASHINGTON, D.C.

U.S. FOREIGN  
INTELLIGENCE  
SURVEILLANCE COURT

2013 SEP 12 PM 4:43

LEEANN FLYNN HALL  
CLERK OF COURT

IN RE: DIRECTIVES PURSUANT TO SECTION )  
105B OF THE FOREIGN INTELLIGENCE )  
SURVEILLANCE ACT )  
\_\_\_\_\_ )

Docket No. 105B(g) 07-01

**THE UNITED STATES' SECOND RESPONSE**  
**TO THIS COURT'S JULY 15, 2013 ORDER**

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In its Order of July 15, 2013, this Court directed the Government to “conduct a declassification review” of the Court’s April 25, 2008 Memorandum Opinion in this case and the “legal briefs submitted by the parties to this Court in this matter.” Order at 3. The Court further directed the Government to “report to the Court by July 29, 2013, with estimated dates by which it will be able to complete its review of the two categories of documents.” *Id.* As background, the U.S. Foreign Intelligence Surveillance Court of Review issued an Order on January 12, 2009, in this case which placed under seal all classified information in this matter and defined “classified information” as “any information, document, or portion of a document, not included in the published, redacted opinion, that has been and remains classified by an Executive Branch agency or official pursuant to applicable Executive Orders.” *In re Directives Pursuant to Section 105B of the Foreign Intelligence Surveillance Act*, 551 F.3d 1004, 1017 (Foreign Intel. Surv. Ct. of Rev. 2008)).

On July 29, 2013, the Government estimated that it would be able to complete its review of the April 25, Memorandum Opinion by Thursday, September 12, 2013. After careful review of the Court’s opinion and an accompanying order by senior intelligence officials and the U.S. Department of Justice, the Executive Branch has decided that it would be appropriate to declassify certain information in these documents—making possible the publication of much of the Court’s opinion and order. The opinion and order, however, still contain information that remains classified. Thus, the public versions of the opinion and order must remain redacted in part.<sup>1</sup>

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<sup>1</sup> In addition, the Government has redacted the names of certain government employees appearing in these documents.

All of the text that the Government has determined remains classified in these documents is contained in text boxes. Upon completion of the Court's review, the Director of National Intelligence will formally declassify the redacted versions provided to the Court. The Government then will provide the Court with redacted versions of the opinion and order, appropriate for publication, that black out the information currently contained in the text boxes and strike through any classification markings that are no longer valid.

September 12, 2013

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the United States' Second Response to this Court's July 15, 2013 Order and classified attachments were served by hand-delivery on this 12th day of September, 2013, to the Litigation Security Officer, Christine Gunning, or her delegate, for forwarding to the Court. Additionally, a copy of the response, without attachments, was served by the Government via Federal Express overnight delivery on this 12th day of September, 2013, addressed to:

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Nicholas J. Patterson