

1 GREGORY G. KATSAS
 Assistant Attorney General, Civil Division
 CARL J. NICHOLS
 2 Principal Deputy Associate Attorney General
 JOHN C. O'QUINN
 3 Deputy Assistant Attorney General
 DOUGLAS N. LETTER
 4 Terrorism Litigation Counsel
 JOSEPH H. HUNT
 5 Director, Federal Programs Branch
 ANTHONY J. COPPOLINO
 6 Special Litigation Counsel
 ALEXANDER K. HAAS
 7 Trial Attorney
 U.S. Department of Justice
 8 Civil Division, Federal Programs Branch
 20 Massachusetts Avenue, NW, Rm. 6102
 9 Washington, D.C. 20001
 Phone: (202) 514-4782—Fax: (202) 616-8460
 10 *Attorneys for the Government Defendants*

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

14	IN RE NATIONAL SECURITY AGENCY	)	No. M:06-CV-01791-VRW
15	TELECOMMUNICATIONS RECORDS	)	DEFENDANTS' INDEX OF EXHIBITS
16	LITIGATION	)	FOR THE THIRD MOTION TO
17	<u>This Document Solely Relates To:</u>	)	DISMISS OR, IN THE ALTERNATIVE,
18	<i>Al-Haramain Islamic Foundation et al.</i>	)	FOR SUMMARY JUDGMENT IN
19	<i>v. Bush, et al.</i> (07-CV-109-VRW)	)	<i>Al-Haramain Islamic Foundation et al.</i>
20		)	<i>v. Bush et al.</i>
21		)	Date: December 2, 2008
22		)	Time: 10:00 a.m.
23		)	Courtroom: 6, 17 th Floor
24		)	Honorable Vaughn R. Walker

- 21 Exhibit 1 — Excerpts of Testimony at May 15, 2007 Hearing and Written Responses of
- 22 James Comey, Deputy Attorney General (Referenced in Plaintiffs' FAC
- 23 ¶ 19)
- 24 Exhibit 2 — Excerpts of Testimony at July 26, 2007 Hearing of Robert Mueller,
- 25 Director of the Federal Bureau of Investigation (Referenced in Plaintiffs'
- 26 FAC ¶¶ 20, 29)
- 27 Exhibit 3 — January 17, 2007 Letter of Attorney General Gonzales (Referenced in
- 28 Plaintiffs' FAC ¶ 21)
- Exhibit 4 — Testimony at May 1, 2007 Hearing of J. Michael McConnell, Director of
- National Intelligence (Referenced in Plaintiffs' FAC ¶¶ 22, 48b)

- 1 Exhibit 5 — Testimony at August 1, 2002 Hearing of Kenneth Dam, Deputy Secretary
of Treasury (Referenced in Plaintiffs' FAC ¶ 24)
- 2 Exhibit 6 — Testimony at March 4, 2004 Hearing of Gary M. Bald, Acting Assistant
3 Director of FBI Counterterrorism Division (Referenced in Plaintiffs' FAC
¶ 25)
- 4 Exhibit 7 — Testimony at September 25, 2003 Hearing of John S. Pistole then FBI
5 Counterterrorism Division Assistant Director (Referenced in Plaintiffs'
FAC ¶ 27)
- 6 Exhibit 8 — Testimony at June 16, 2004 Hearing of R. Richard Newcomb then Director
7 of the Office of Foreign Assets Control (Referenced in Plaintiffs' FAC
¶ 28)
- 8 Exhibit 9 — February 19, 2004, Press Release, Office of Foreign Assets Control
(Referenced in Plaintiffs' FAC ¶ 30)
- 9 Exhibit 10 — April 23, 2004, Letter from Office of Foreign Assets Control to Plaintiffs'
10 Counsel (Referenced in Plaintiffs' FAC ¶ 36)
- 11 Exhibit 11 — July 23, 2004, Letter from Office of Foreign Assets Control to Plaintiffs'
12 Counsel (Referenced in Plaintiffs' FAC ¶ 37)
- 13 Exhibit 12 — September 9, 2004, Press Release, Office of Foreign Assets Control
(Referenced in Plaintiffs' FAC ¶ 38)
- 14 Exhibit 13 — Speech at October 22, 2007 Conference of American Bankers Association
by John S. Pistole, Deputy Director of FBI (Referenced in Plaintiffs' FAC
¶ 42)
- 15 Exhibit 14 — February 6, 2008, Letter from Office of Foreign Assets Control to
16 Plaintiffs' Counsel (Referenced in Plaintiffs' FAC ¶ 47)
- 17 Exhibit 15 — Testimony at July 26, 2006 Hearing of Keith B. Alexander, Director of the
National Security Agency and Michael Hayden, Director of the Central
18 Intelligence Agency (Referenced in Plaintiffs' FAC ¶ 48a)
- 19 Exhibit 16 — Statement at September 20, 2007 Hearing of J. Michael McConnell,
Director of National Intelligence (Referenced in Plaintiffs' FAC ¶ 48c)
(Transcript is at Exhibit 17, following Statement of Mr. Wainstein)
- 20 Exhibit 17 — Statement and Testimony at September 20, 2007 Hearing of Kenneth
21 Wainstein, Assistant Attorney General, National Security Division of the
Department of Justice (Referenced in Plaintiffs' FAC ¶ 48d)
- 22 Exhibit 18 — Excerpts of Transcript of July 12, 2006 Oral Argument in *ACLU v. NSA*
(E.D. Mich.) (Referenced in Plaintiffs' FAC ¶ 49)
- 23 Exhibit 19 — February 6, 2008, Memorandum of the Office of Foreign Assets Control
24 (Referenced in Plaintiffs' FAC ¶ 51)
- 25
- 26
- 27
- 28