

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

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LARRY KLAYMAN, <i>et al.</i> ,)	
)	
	Plaintiffs,)	Civil Action No.
)	1:13-cv-00851-RJL
	v.)	
)	
BARACK OBAMA, President of the)	
United States, <i>et al.</i> ,)	
)	
	Defendants.)	
<hr/>)	
LARRY KLAYMAN, <i>et al.</i> ,)	
)	
	Plaintiffs,)	Civil Action No.
)	1:13-cv-00881-RJL
	v.)	
)	
BARACK OBAMA, President of the)	
United States, <i>et al.</i> ,)	
)	
	Defendants.)	
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**DECLARATION OF JAMES J. GILLIGAN IN SUPPORT
OF GOVERNMENT DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTIONS**

I, James J. Gilligan, for my declaration pursuant to 28 U.S.C. § 1746, depose and say as follows:

1. I am the Special Litigation Counsel for the Federal Programs Branch, Civil Division, of the United States Department of Justice, and attorney of record for the Government Defendants in the above-captioned cases. The statements made herein are based on my personal knowledge, and on information made available to me in the course of my duties and responsibilities as counsel for the Government Defendants in these cases.

2. Filed with this declaration, as Exhibits A through T in support of the Government Defendants' Opposition to Plaintiffs' Motions for Preliminary Injunctions, are true and correct copies of the following documents:

- a. Exhibit A, Amended Memorandum Opinion, *In re Application of the FBI for an Order Requiring the Production of Tangible Things from [Redacted]*, Dkt. No. BR13-109, Foreign Intelligence Surveillance Court, dated Aug. 29, 2013;
- b. Exhibit B, Memorandum Opinion, *In re Application of the FBI for an Order Requiring the Production of Tangible Things from [Redacted]*, Dkt. No. BR13-158, Foreign Intelligence Surveillance Court, dated Oct. 11, 2013;
- c. Exhibit C, Declaration of Teresa H. Shea, Signals Intelligence Director, National Security Agency, dated Oct. 1, 2013 (as filed in *ACLU, et al. v. Clapper, et al.*, Case No. 13-cv-3994 (S.D.N.Y.));
- d. Exhibit D, Declaration of Robert J. Holley, Acting Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, dated Oct. 1, 2013 (as filed in *ACLU, et al. v. Clapper, et al.*, Case No. 13-cv-3994 (S.D.N.Y.));
- e. Exhibit E, Primary Order, *In re Application of the FBI for an Order Requiring the Production of Tangible Things From [Redacted]*, Dkt. No. BR13-80, Foreign Intelligence Surveillance Court, dated Apr. 25, 2013 ("Primary Order");
- f. Exhibit F, Secondary Order, *In re Application of the FBI for an Order Requiring the Production of Tangible Things [etc.]*, Dkt. No. BR13-80, Foreign Intelligence Surveillance Court, dated Apr. 25, 2013 ("Secondary Order");

- g. Exhibit G, Facts on the Collection of Intelligence Pursuant to Section 702 of the Foreign Intelligence Surveillance Act, Office of the Director of National Intelligence, dated June 8, 2013 (“ODNI Fact Sheet”);
- h. Exhibit H, The Intelligence Community’s Collection Programs Under Title VII of the Foreign Intelligence Surveillance Act;
- i. Exhibit I, Report on the National Security Agency’s Bulk Collection Programs for USA PATRIOT Act Reauthorization;
- j. Exhibit J, Letter from James R. Clapper to Sen. Ron Wyden, dated July 25, 2013;
- k. Exhibit K, Letter from Ronald Weich to Rep. Silvestre Reyes, dated Dec. 14, 2009;
- l. Exhibit L, Report on the National Security Agency’s Bulk Collection Programs for USA PATRIOT Act Reauthorization;
- m. Exhibit M, Letter from Sens. Diane Feinstein and Kit Bond to Colleagues, dated Feb. 23, 2010;
- n. Exhibit N, Letter from Rep. Silvestre Reyes to Colleagues, dated Feb. 24, 2010;
- o. Exhibit O, Letter from Ronald Weich to Sens. Diane Feinstein and Saxby Chambliss, dated Feb. 2, 2011;
- p. Exhibit P, Letter from Ronald Weich to Reps. Mike Rogers and C.A. Dutch Ruppersberger, dated Feb. 2, 2011;
- q. Exhibit Q, Letter from Sens. Feinstein and Chambliss to Colleagues, dated Feb. 8, 2011;
- r. Exhibit R, Press Release of Senate Select Committee on Intelligence, dated June 6, 2013;

- s. Exhibit S, *How Disclosed NSA Programs Protect Americans, and Why Disclosure Aids Our Adversaries: Hearing Before the House Perm. Select Comm. on Intelligence*, 113th Cong., 1st Sess. (2013) (statements of Reps. Rogers, Langevin, and Pompeo), dated June 18, 2013; and
- t. Exhibit T, Letter from James R. Clapper and Eric Holder to Rep. John Boehner, Sen. Harry Reid, Rep. Nancy Pelosi, and Sen. Mitch McConnell, dated Feb. 8, 2012.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 12, 2013, at Washington, D.C.

/s/ James J. Gilligan
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