

FILED [REDACTED]



JUN 13 2014

U.S. Department of Justice
Civil Division

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Marcia Berman
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June 12, 2014

Filed with Classified
Information Security Officer

CISO

Date

[Signature]

6/12/14

LODGED THROUGH CISO, VIA EMAIL
SUBMITTED FOR EX PARTE, IN CAMERA REVIEW

The Honorable Jeffrey S. White
United States District Court
for the Northern District of California
United States Courthouse, Courtroom 5 – 2d Floor
1301 Clay Street
Oakland, California 94612

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Re: *Jewel v. National Security Agency*, Case No. 4:08-cv-4373-JSW

Dear Judge White:

I write in reference to the emergency telephonic hearing the Court held on June 6, 2014, on Plaintiffs' Application to Enforce the Court's Temporary Restraining Order in the above-captioned case. Counsel for the Government Defendants, Anthony J. Coppolino, inadvertently made a statement during the hearing that we believe is classified. The National Security Agency has asked us to contact the Court to explore ways to determine whether the transcript in fact reveals classified information and, if it does, to attempt to remove it from the public record of the hearing.

Accordingly, we request that an advance copy of the transcript be provided to the Government through the Court's Classified Information Security Officer (CISO) Scooter Slade, to be used to make a determination as to whether the transcript in fact contains classified information. If it does, we would then request an opportunity to remove any classified material by revising the transcript before it is provided to any of the parties or made publicly available. We believe the statement was made only once during the hearing, and thus we should be able to quickly determine whether the transcript in fact contains classified information.

Because this request involves classified information, we request that it be maintained *ex parte, in camera*, to avoid public speculation as to what statement in the transcript may contain classified information. Thank you for considering this request, and please let us know if you have any questions.



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Respectfully,

A handwritten signature in cursive script that reads "Marcia Berman".

Marcia Berman
Senior Trial Counsel

cc: CISO Scooter Slade