



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D. C. 20535-0001

April 22, 2008

Mr. Kurt Opsahl  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, CA 94110

Re: Internet Archive, et al. v. Michael B. Mukasey, et al.; 07-6346 (N.D. Cal.)

Dear Mr. Opsahl:

This letter confirms, on behalf of the Federal Bureau of Investigation (the "FBI"), that the FBI will and hereby does withdraw the National Security Letter delivered to your client, Internet Archive, by FBI personnel on or about November 26, 2007 (the "NSL"), and will not seek to enforce such NSL. The NSL has been challenged by your client in the above-referenced litigation, currently pending in the United States District Court for the Northern District of California. In connection with its decision not to seek enforcement of the demand for information stated in the NSL, the FBI also will not seek to enforce non-disclosure pursuant to 18 U.S.C. § 2709(c)(1) with regard to the contents of that letter, but rather non-disclosure obligations are governed by the terms of the settlement agreement to this case.

As part of the settlement of the case, the parties have agreed to keep confidential and not disclose certain portions of the NSL and Attachment, as well as portions of other documents, as set forth in the parties' settlement agreement dated April 22, 2008.

Should you have any questions in this regard, please contact the FBI's litigation counsel at the U.S. Department of Justice, Trial Attorney Steven Bressler, at (202) 514-4781.

Sincerely,

James W. McJunkin  
Deputy Assistant Director  
Counterterrorism Division  
Federal Bureau of Investigation