



U.S. Department of Justice

Civil Division

---

Washington, DC 20530

August 21, 2013

VIA OVERNIGHT COURIER AND ELECTRONIC MAIL

David Sobel, Esq.  
Electronic Frontier Foundation  
1818 N Street, N.W., Suite 410  
Washington, DC 20036

Re: *EFF v. Department of Justice*, Case No. 12-1441-ABJ

Dear David,

The government re-processed the documents at issue in this lawsuit in light of the recent declassification of information related to the government's collection of intelligence pursuant to the Foreign Intelligence Surveillance Act ("FISA"), including Section 702 of the FISA Amendments Act of 2008. We now enclose redacted copies of the following:

1. An October 3, 2011 Memorandum Opinion and Order of the Foreign Intelligence Surveillance Court ("FISC");
2. A copy of the October 3, 2011 Memorandum Opinion that was provided to Congress. The redactions that are not accompanied by exemption markings reflect pre-existing redactions on the original document;
3. An undated, classified white paper prepared by the Department of Justice for Congress, one paragraph of which is responsive to EFF's FOIA request dated July 26, 2012 ("white paper"). Although the remaining portions of the white paper are not responsive to your request, the government has declassified some of the non-responsive portions, which are also reflected in the attached document. No information was redacted from the one responsive paragraph;
4. The responsive section of the Joint Statement of Lisa Monaco, Assistant Attorney General for the National Security Division, U.S. Department of Justice; John C. (Chris) Inglis, Deputy Director for the National Security Agency, Robert Litt, General Counsel, Office of the Director of National Intelligence before the Permanent Select Committee on Intelligence, United States House of Representatives at a Hearing

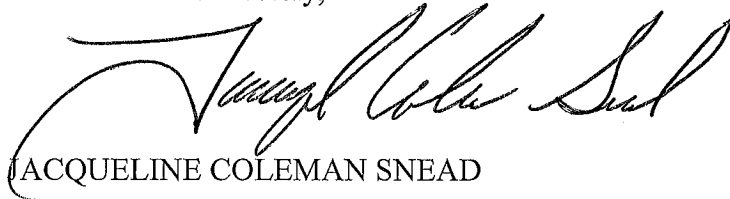
Concerning "FISA Amendments Act Reauthorization" presented on December 8, 2011 ("December 8, 2011 Joint Statement"); and

5. The responsive section of the Joint Statement of Lisa Monaco, Assistant Attorney General for the National Security Division, U.S. Department of Justice; John C. (Chris) Inglis, Deputy Director for the National Security Agency, Robert Litt, General Counsel, Office of the Director of National Intelligence before the Senate Select Committee on Intelligence, United States Senate at a Hearing Concerning "FISA Amendments Act Reauthorization" presented on February 9, 2012 ("February 9, 2012 Joint Statement").

As part of the ongoing declassification review, additional documents, not responsive to your request, have also been redacted in part and posted on the ODNI's website. You can find those documents, as well as the ones we have provided to you, at [www.dni.gov](http://www.dni.gov).

Please advise in writing whether EFF intends to challenge the government's continued withholding of responsive information from the October 3, 2011 opinion, the white paper, the December 8, 2011 Joint Statement, and the February 9, 2012 Joint Statement pursuant to FOIA exemptions (b)(1), (b)(3), and (b)(6). If you have any questions about the enclosed information, please do not hesitate to contact me at (202) 514-3418. I look forward to hearing from you soon.

Sincerely,



JACQUELINE COLEMAN SNEAD  
Senior Counsel  
Federal Programs Branch  
Civil Division

Enclosures