

1 MICHAEL F. HERTZ
 Acting Assistant Attorney General
 2 DOUGLAS N. LETTER
 Terrorism Litigation Counsel
 3 JOSEPH H. HUNT
 Director, Federal Programs Branch
 4 ANTHONY J. COPPOLINO
 Special Litigation Counsel
 5 ALEXANDER K. HAAS
 Trial Attorney
 6 U.S. Department of Justice
 Civil Division, Federal Programs Branch
 7 20 Massachusetts Avenue, NW, Rm. 6102
 Washington, D.C. 20001
 8 Phone: (202) 514-4782—Fax: (202) 616-8460

9 *Attorneys for the Government Defendants*

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

12)	No. M:06-CV-01791-VRW
13	IN RE NATIONAL SECURITY AGENCY)	
14	TELECOMMUNICATIONS RECORDS)	GOVERNMENT DEFENDANTS'
15	LITIGATION)	REPORT ON DECLASSIFICATION
16	<u>This Document Solely Relates To:</u>)	REVIEW
17	<i>Al-Haramain Islamic Foundation et al.</i>)	
18	<i>v. Obama, et al.</i> (07-CV-109-VRW))	Honorable Vaughn R. Walker
19)	
20)	
21)	
22)	
23)	
24)	
25)	
26)	
27)	

20 In its Order of January 5, 2009, the Court directed the Government Defendants to
 21 “review the Sealed Document and their classified submissions to date in this litigation and
 22 determine whether the Sealed Document and/or any of defendants’ classified submissions may
 23 be declassified, take all necessary steps to declassify those that they have determined may be
 24 declassified and, no later than forty-five (45) days from the date of this order, serve and file a
 25

1 report of the outcome of that review.” *See* Dkt. 57 at 24-25.¹ The Government hereby reports,
2 as set forth in the attached public declarations, that the classified information at issue in this case
3 remains classified and is not subject to declassification under Executive Order (“E.O.”) 12,958,
4 60 Fed. Reg. 19,825 (Apr. 17, 1995), as amended by E. O. 13,292, 68 Fed. Reg. 15,315 (Mar. 25,
5 2003). *See* Declaration of John F. Hackett, Office of the Director of National Intelligence;
6 Declaration of Joseph J. Brand, National Security Agency. The Government has also lodged
7 classified declarations, solely for *in camera*, *ex parte* review, from these declarants and from
8 Government counsel further addressing this declassification review. *See* Notices of Lodging
9 Classified Declarations for *In Camera*, *Ex Parte* review of (i) John F. Hackett, Office of the
10 Director of National Intelligence; (ii) Joseph J. Brand, National Security Agency; (iii) Anthony
11 J. Coppolino, Department of Justice, Civil Division; (iv) Andrea M. Gacki, Department of the
12 Treasury, Office of Foreign Assets Control. The Government’s *ex parte*, *in camera* classified
13 submissions also address an inaccuracy contained in a prior submission by the Government, the
14 details of which involve classified information that cannot be set forth on the public record. The
15 matter does not alter the current classification determination submitted herewith.

16 Dated: February 27, 2009

Respectfully Submitted,

17 MICHAEL F. HERTZ
Acting Assistant Attorney General

18 DOUGLAS N. LETTER
Terrorism Litigation Counsel

19 JOSEPH H. HUNT
Director, Federal Programs Branch

20 *s/ Anthony J. Coppolino*
21 ANTHONY J. COPPOLINO
Special Litigation Counsel

22 ALEXANDER K. HAAS
23 Trial Attorney
24 U.S. Department of Justice
25 Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW, Rm. 6102

26
27 ¹ The Court granted a one week extension by Order dated February 20, 2009. *See* Dkt.
28 76.

Washington, D.C. 20001
Phone: (202) 514-4782—Fax: (202) 616-8460

Attorneys for the Government Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28