

1 PETER D. KEISLER
 Assistant Attorney General, Civil Division
 2 CARL J. NICHOLS
 Deputy Assistant Attorney General
 3 DOUGLAS N. LETTER
 Terrorism Litigation Counsel
 4 JOSEPH H. HUNT
 Director, Federal Programs Branch
 5 ANTHONY J. COPPOLINO
 Special Litigation Counsel
 6 Email: tony.coppolino@usdoj.gov
 ANDREW H. TANNENBAUM
 7 Trial Attorney
 Email: andrew.tannenbaum@usdoj.gov
 8 U.S. Department of Justice
 Civil Division, Federal Programs Branch
 9 20 Massachusetts Avenue, NW, Rm. 6102
 Washington, D.C. 20001
 10 Phone: (202) 514-4782/(202) 514-4263
 Fax: (202) 616-8460

11 *Attorneys for Defendants*

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15) **No. M:06-cv-01791-VRW**
 16 IN RE NATIONAL SECURITY AGENCY)
 TELECOMMUNICATIONS RECORDS)
 17 LITIGATION) **DEFENDANTS' NOTICE OF PRIOR**
) **LODGING OF CLASSIFIED**
 18) **DECLARATION OF JOHN D.**
) **NEGROPONTE FOR *IN CAMERA*,**
) ***EX PARTE* REVIEW**

19 This Document Relates Only To:)
)
 20) Judge: Hon. Vaughn R. Walker
) Date: August 9, 2007
 21 *Center for Constitutional Rights v. Bush,*)
 (Case No. 07-1115)) Time: 2 p.m.
) Courtroom: 6, 17th Floor
 22)
 23)

24
 25
 26
 27
 28 **Defendants' Notice of Lodging**
Center for Constitutional Rights v. Bush (07-CV-1115 VRW)
 M:06-CV-1791-VRW

1 Defendants, through their undersigned counsel, hereby provide notice of the prior
2 submission, for the Court's *in camera, ex parte* consideration, of the following materials in
3 support of the United States' assertion of the military and state secrets privilege and motion to
4 dismiss or, in the alternative, for summary judgment in this action:

5 The *In Camera, Ex Parte* Classified Declaration of John D. Negroponte, (former)
6 Director of National Intelligence.¹

7 This classified declaration was lodged in this action on May 26, 2006, and a notice of
8 lodging was filed at that time on the public docket in the Southern District of New York, where
9 the case was pending. Because that notice of lodging may not have been transferred to this
10 Court when the case was transferred (the notice is missing from this Court's electronic docket),
11 we are providing the notice again in the interest of clarity. The declaration is available for the
12 Court's *in camera, ex parte* review upon the Court's request.

13 DATED: June 8, 2007

Respectfully Submitted,

14 PETER D. KEISLER
Assistant Attorney General, Civil Division

15 CARL J. NICHOLS
Deputy Assistant Attorney General

16 DOUGLAS N. LETTER
Terrorism Litigation Counsel

17 JOSEPH H. HUNT
Director, Federal Programs Branch

18
19
20 /s/ Anthony J. Coppolino
ANTHONY J. COPPOLINO
Special Litigation Counsel
tony.coppolino@usdoj.gov

21
22
23 /s/ Andrew H. Tannenbaum
ANDREW H. TANNENBAUM
Trial Attorney
andrew.tannenbaum@usdoj.gov

24
25
26
27 ¹ An unclassified version of this document has been filed on the public record.

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

U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, D.C. 20001
Phone: (202) 514-4782
(202) 514-4263
Fax: (202) 616-8460

Defendants' Notice of Lodging
Center for Constitutional Rights v. Bush (07-CV-1115 VRW)
M:06-CV-1791-VRW