

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

_____)	
In re: NATIONAL SECURITY LETTER)	
)	
-----)	
)	
UNDER SEAL,)	
)	
Petitioner – Appellant)	UNDER SEAL
)	
v.)	No. 13-16732
)	
ERIC H. HOLDER, Jr., Attorney General;)	
UNITED STATES DEPARTMENT OF)	
JUSTICE; FEDERAL BUREAU OF)	
INVESTIGATION,)	
)	
Respondents – Appellees)	
_____)	

RESPONSE TO MOTION TO UNSEAL AMICUS BRIEF

Amicus Reporters Committee for Freedom of the Press and other amici have filed a motion to unseal their amicus brief in this case and to unseal the motion itself. For the reasons that follow, the Government consents to the unsealing of the motion, but requests that the Court defer any further action on the request to unseal the amicus brief until May 11, 2014.

1. With the consent of the parties, the Reporters Committee amici filed an amicus brief in the above-captioned consolidated appeals. Under procedures established by the Court in this case, that brief was filed under seal.

Simultaneously, Reporters Committee filed a motion to unseal its brief. That motion was similarly filed under seal, pursuant to the Court's procedures, and Reporters Committee also asks that the motion be unsealed.

2. The Government consents to the unsealing of the motion to unseal and to the unsealing of this response thereto.

3. The Government is not yet in a position to respond to the request to unseal the amicus brief. The Government will support the unsealing of the amicus brief if it does not contain any material that should remain under seal. The Government is currently reviewing the brief to determine whether it contains any such material. The Government anticipates the filing of similar motions to unseal other amicus briefs in this case, which will require a similar review process for each such brief. This process may take up to three weeks. Once this process is complete, the Government will either consent to the requested unsealing or negotiate with Reporter's Committee regarding the need for any redactions. This is essentially the process that the Government and the petitioner have followed with respect to the parties' briefs.

4. Following the procedure outlined above, the Government will provide notice to the Court on or before May 11, 2014 (30 days from the filing of the motion) of the need, if any, to redact the amicus brief. The Government respectfully requests that the Court defer any action with respect to the unsealing

of the amicus brief until after that date.

5. No other amicus has filed a motion to unseal, but the Government will follow a similar procedure with respect to the remaining amicus briefs, starting today. With respect to those briefs, the Government will provide notice to the Court on or before May 21, 2014 (30 days from today) of the need, if any, to redact any of the remaining amicus briefs filed under seal.

Respectfully submitted,

/s/ Jonathan H. Levy
SCOTT R. MCINTOSH
JONATHAN H. LEVY
(202) 353-0169
Attorneys, Appellate Staff
Civil Division, Room 7231
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

APRIL 2014

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2014, I filed the foregoing Response to Motion to Unseal Amicus Brief using the Court's ECF system.

Parties to the case who are registered CM/ECF users will be served by the appellate CM/ECF. The amicus whose motion is at issue was served by email.

/s/ Jonathan H. Levy
JONATHAN H. LEVY