UNITED STATES FOREIGN INTELLIGENCE SURVEILLANCE COURT 9, 11:01 P.M. 7 WASHINGTON, D.C. LEEANIN FLYINN HALL CLERK OF COURT

IN RE APPLICATION OF THE FEDERAL BUREAU OF INVESTIGATION FOR AN ORDER REQUIRING THE PRODUCTION OF TANGIBLE THINGS^{51, 53} (50 USC 3024(i))

Docket Number b1, b3 [50

U.S. FORE

REPLY MEMORANDUM OF AMICUS CURIAE TO THE UNITED STATES RESPONSE TO OCTOBER 30, 2015, MEMORANDUM OF LAW

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Undersigned, as Amicus Curiae, respectfully submits this reply to the government's

November 6, 2015, Response to undersigned's October 30, 2015, Memorandum of Law.

Amicus and the government agree that the USA FREEDOM Act of 2015 (USFA) does not

categorically preclude the retention and use of the previously produced bb1, b3 [50 USC

that the Act permits the Court to impose particularized minimization procedures regarding such use and retention, including procedures addressing the destruction of such material. *Id* at 9, 20.

The government urges the Court to endorse the procedures it proposed in its Application. *Id.* at 2-3. Its Response provides additional information for the Court's consideration in support of that Application. Nonetheless, its Response to several of Amicus's suggested inquiries fails to provide the Court with meaningful information.

b1, b3 [50 USC 3024(i)]

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b1, b3 [50 USC 3024(i)] See Gov. Response at 10-11, 14. ¹
As to the former, the government's position is conclusory and simply recites the analytical
process without explaining b1, b3 [50 USC 3024(i)] will frustrate that process. See Gov.
Response at 11-14. As to the latter objection, the Court [b1, b3 [50 USC 3024(i)]
and is well able to assess whether that process is unnecessary
here or whether the increased burden conjured by the government is incompatible with the
Court's fulfillment of its oversight obligationsthe government's argument that it will cause too
much work for the Court seems a rather convenient theoretical burden to invoke in order to deter
otherwise appropriate oversight.
61, 63 [50 USC 3024(i)]
Gov.
Response at 20 (citing U.S.C. § 1861(c)(F)(2)). b1, b3 [50 USC 3024(i)]
Id. at 20-21 b1, b3 [50 USC 3024(i)]
Finally, the government fails to respond clearly to the suggested inquiry regarding
whether b1, b3 [50 USC 3024(i)]
whether bit, bit [50 bits 5024(f)]
1, b3 [50 USC 3024(i)]

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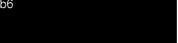
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b1, b3 [50 USC 3024(i)]	
See Gov. Response at 23. b1, b3	[50 USC 3024(i)]
	See Gov. Response at 22-23. [bb1, b3 [50 USC 3024(i)]
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November 9, 2015

Respectfully submitted.



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Amicus counsel

FISC, certify that this document is a true and correct certy of the original

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2015, I filed a true and correct copy of the foregoing Reply Memorandum with the Clerk of Court who will transmit a true copy via appropriate secure means to:

> Stuart J. Evans Deputy Assistant Attorney General National Security Division United States Department of Justice 950 Pennsylvania Avenue, N.W. Room 7300 Washington, DC 20530



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I. b6 Chief Deputy Clerk. FISC, centity that this document is a true and correct copy of the original b6

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