



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 1, 2015

BY ECF

Hon. Colleen McMahon
United States District Judge
Daniel P. Moynihan United States Courthouse
500 Pearl Street, Room 1640
New York, NY 10007

Re: *ACLU v. Department of Justice*, 12 Civ. 794(CM)

Dear Judge McMahon:

We write respectfully on behalf of defendants (the “Government”) in the above-referenced case to advise the Court of the status of the Government’s classification and privilege review of the Court’s decision initially dated May 12, 2015, and revised on June 23, 2015 (the “June 23 Decision”).

The Government has made substantial progress on the review of the June 23 Decision. Although May 12 version of the decision had previously been reviewed to identify classified and privileged information for redaction, the revised June 23 version had to be re-reviewed line-by-line to identify any additional or different material. That has been a time-consuming task given that the decision, as revised, is 160 pages long and substantially longer than the May 12 version. The Government has completed an initial review of the June 23 Decision, but additional time is needed to complete the necessary consultations and finalize the review. We also note that the same individuals who are reviewing the June 23 Decision have also been responsible for meeting other court deadlines in this case, including the June 29, 2015 deadline for providing segregability certifications pursuant to the June 23 Decision and a July 6, 2015 deadline for reviewing a transcript of the *ex parte* oral argument session before the Second Circuit and filing a redacted version of that transcript on the public record.

We are cognizant of the Court’s statement in the Notice to the Parties filed on June 24, 2015, that the Court “would like to sign off on a final version with all security notations before the end of this month.” Given the length of the document and the need for line-by-line review, however, we respectfully request that the Court afford the Government until July 7, 2015, to complete the review and provide a proposed redacted version for filing on the public docket.

We thank the Court for its consideration of this request.

Respectfully,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

ELIZABETH J. SHAPIRO
AMY POWELL
STEPHEN ELLIOTT
Attorneys, Federal Programs Branch
Civil Division, U.S. Dept. of Justice

PREET BHARARA
United States Attorney for the
Southern District of New York

By: /s Sarah S. Normand
SARAH S. NORMAND
Assistant United States Attorney
Telephone: (212) 637-2709
sarah.normand@usdoj.gov

cc: Counsel of Record (by ECF)