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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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[REDACTED] AMERICAN CIVIL : **FILED UNDER SEAL**
LIBERTIES UNION; and AMERICAN CIVIL :
LIBERTIES UNION FOUNDATION, :
 : 04 Civ. 2614 (VM)
Plaintiffs, :
 :
v. : **DECLARATION OF**
 : **JEFFREY OESTERICH**
ALBERTO R. GONZALES, in his official capacity :
as Attorney General of the United States; ROBERT :
MUELLER, in his official capacity as director of :
the FBI; and VALERIE CAPRONI, in her :
official capacity as General Counsel of the FBI, :
 :
Defendants. :
-----X

JEFFREY OESTERICH, pursuant to the provisions of 28 U.S.C. § 1746,
declares as follows:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia,
United States Attorney for the Southern District of New York, attorney for defendants in the
above-captioned matter. I am one of the attorneys responsible for representing defendants in this
action. As such, I am familiar with the proceedings in this case to date.

2. Annexed hereto as Exhibit A is the Certification of Robert S. Mueller III, Director, Federal Bureau of Investigation, dated October 30, 2006, executed in connection with this case.

3. I have been informed that the FBI is no longer demanding that [REDACTED] [REDACTED] comply with the National Security Letter served on [REDACTED] on or about February 10, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: New York, New York
November 7, 2006


JEFFREY OESTERICHER

Exhibit 1

CERTIFICATION

I, the Director of the FBI, and an official authorized to certify as to the necessity for the non-disclosure provision, do hereby certify that disclosure that the FBI has sought or obtained access to information or records through the National Security Letter issued on or about February 10, 2004 to the plaintiff John Doe in John Doe v. John Ashcroft, et al., No. 1:04-cv-02614 (U.S.D.C., S.D.N.Y.), including, but not limited to, the disclosure of the NSL itself or its contents, may endanger the national security of the United States.

10/3/06

Date

Robert S. Mueller III

Robert S. Mueller III
Director
Federal Bureau of
Investigation