

JAN - 7 2015

UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

LeeAnn Flynn Hall, Clerk of Court

WASHINGTON, D.C.

IN RE: DIRECTIVES PURSUANT TO SECTION)
105B OF THE FOREIGN INTELLIGENCE) Docket No. 105B(g) 07-01
SURVEILLANCE ACT)
_____)

THE UNITED STATES' RESPONSE
TO THE COURT'S DECEMBER 23, 2014 ORDER

On December 17, 2014, Yahoo filed a response to the Government's proposal for completing the classification review of documents filed in the above-captioned matter. In its response, Yahoo argued inter alia that the Court's Memorandum Opinion of April 28, 2008 should be reviewed by the Government in its "original, unredacted form as part of this classification review." (emphasis in original).

After their December 17, 2014 filing, the Government clarified for Yahoo's counsel that the Government had in fact already reviewed the original, unredacted version of the Court's April 28, 2008 opinion as part of the review ordered by the FISC. Indeed, the Government reviewed both the redacted version of the Court's April 25, 2008 opinion and order (see FISC production, CR 550 – CR 652) and the original, unredacted version of the opinion (see id., CR 962 – CR 1059). The entire FISC production, including both of these documents, was provided to Yahoo's counsel on August 22, 2014. A comparison of CR 962 – CR 1059 with the version of the opinion redacted for Yahoo's counsel during the litigation confirms that the Government declassified substantial material from the Court's April 28, 2008 opinion that was originally redacted from the version of that opinion provided to Yahoo's counsel in 2008.

With regard to the material reviewed by the Government to date (i.e., documents listed in Group A and Group B of Appendix A), the Government has confirmed that the full text of each document was already reviewed. With regard to the documents listed in Group C of Revised Appendix A, the Government will continue to “review the full text of those documents as created or received by this Court,” Order at 1, as it has done throughout the parallel classification reviews ordered by the FISCR and this Court. The Government anticipates that it will be able to provide its proposed redactions to the remaining documents by the current deadline of January 30, 2015.

January 7, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the United States' Response to the Court's December 23, 2014 Order was served via electronic mail on this 7th day of January, 2015, addressed to:

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