

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

to any other person that the FBI sought or obtained information from them.

2. An agent of defendant FBI served an NSL on plaintiff [REDACTED] in [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PARTIES

5. Plaintiff [REDACTED] is an Internet access and consulting business incorporated and located in [REDACTED] President and [REDACTED] The FBI served [REDACTED] on [REDACTED]

6. Plaintiff ACLU is a nationwide, non-profit, non-partisan organization with more than 400,000 members dedicated to the constitutional principles of liberty and equality. The ACLU is a 501(c)(4) organization. The ACLU's activities include lobbying Congress on [REDACTED] effects civil liberties, analyzing and educating the public about such legislation, [REDACTED]

9. Defendant Robert Mueller is the Director of the FBI and is responsible for supervising all of that agency's operations. The FBI is the agency authorized to use the law challenged in this case.

10. Defendant Marion E. Bowman is Senior Counsel, National Security Affairs, in the FBI's Office of the General Counsel. Defendant Marion E. Bowman signed the [REDACTED] NSL.

#### STATUTORY LANGUAGE AT ISSUE

11. Section 2709 is part of the Electronic Communications Privacy Act (ECPA), which Congress enacted in 1986. *See* Pub. L. 99-508, Title II, § 201[a], 100 Stat. 1867 (Oct. 21, 1986) (codified as 18 U.S.C. § 2510, *et seq.*).

12. In its current form, Section 2709 authorizes the FBI to issue NSLs ordering

[REDACTED]

issuing an NSL.

17. Section 2709 does not specify any means by which the recipient of an NSL can challenge the letter's validity.

18. Section 2709 does not require the FBI to provide prior, contemporaneous, or post-deprivation notice to an individual whose information is demanded pursuant to an NSL served on [redacted] if the information is constitutionally protected.

[redacted]

investigation; and (ii) there were specific and articulable facts giving reason to believe that the

is a CIA agent or foreign agent. See 18 U.S.C. § 2709 (1988).

[REDACTED]

29. A variety of for-profit and not-for-profit entities enable individuals to access and communicate over the Internet. Such entities are "electronic communication service providers" because they provide individuals with the ability to send or receive electronic communications. Such entities include not only what are commonly known as "Internet service providers," but also universities, businesses, public interest organizations, and libraries.

subscribers and clients. Such records may include the date the subscriber's account was opened

\_\_\_\_\_ associated with the subscriber's account; records relating to \_\_\_\_\_

otherwise dismiss their speech because of their race or religion or because of some other reason



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

... send the records through the mail nor disclose the

[REDACTED]

substance of this request in any telephone conversation." (Emphasis in original.)

50.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

105-24-1026/0001 - FBI response to list the ECDA NCI issued between October 26.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

prohibiting any person from disclosing to any other person that the FBI has sought or obtained information with an NSL.

... the FBI to order the

Respectfully submitted,

JAMEEL JAFFER (JJ-4653)

ANN BEEBON (AB-2082)

SHARON MCGOWAN (SM-5846)

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