

PARTIES

	5, -	Plaintiff	is an Internet	access and cons	mining prismes	s incorporated	and
	located in		President and			The FB	I served
	<u></u>			، سعد . 	es III i		rion on
	_						
•							
		46.					
<i>j.</i> ,							
	_						
3-		<u>-</u>					
·	<u> </u>						
e de la constante de la consta		*				-	7-
* ** <u></u>			**				· ·
	-		**			-	7.
Assess	16						•
Assess	14.						
Assess	14.						
Assess	14						
Assess	14						
Assess	16						
Assess	6.						

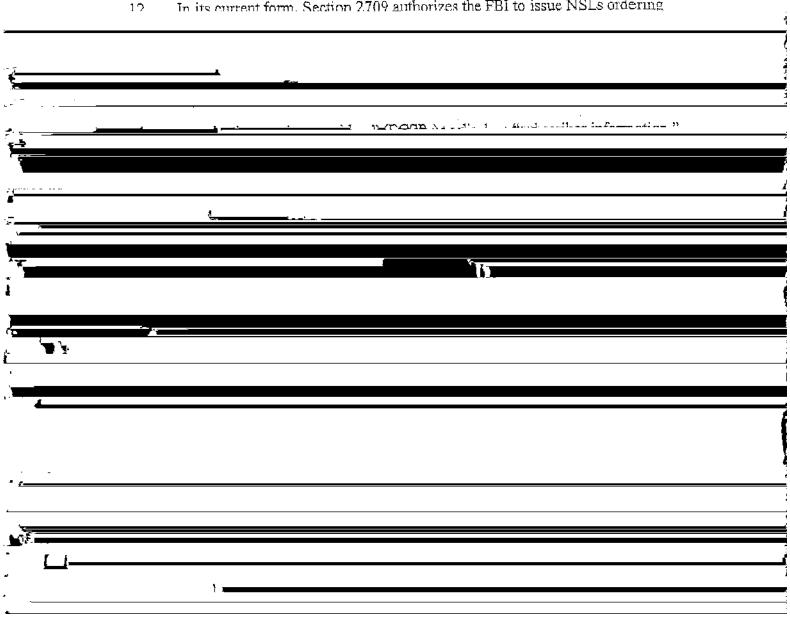
ACLU is a 501(c)(4) organization. The ACLU's activities include lobbying Congress on

41-1- Frank airil liberties analyzing and educating the public about such legislation,

- Defendant Robert Mueller is the Director of the FBI and is responsible for 9. supervising all of that agency's operations. The FBI is the agency authorized to use the law challenged in this case.
- Defendant Marion E. Bowman Senior Counsel, National Security Affairs, in the 10. FBI's Office of the General Counsel. Defendant Marion E. Bowman signed the NSL.

STATUTORY LANGUAGE AT ISSUE

- Section 2709 is part of the Electronic Communications Privacy Act (ECPA), 11. 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.).
 - In its current form. Section 2709 authorizes the FBI to issue NSLs ordering



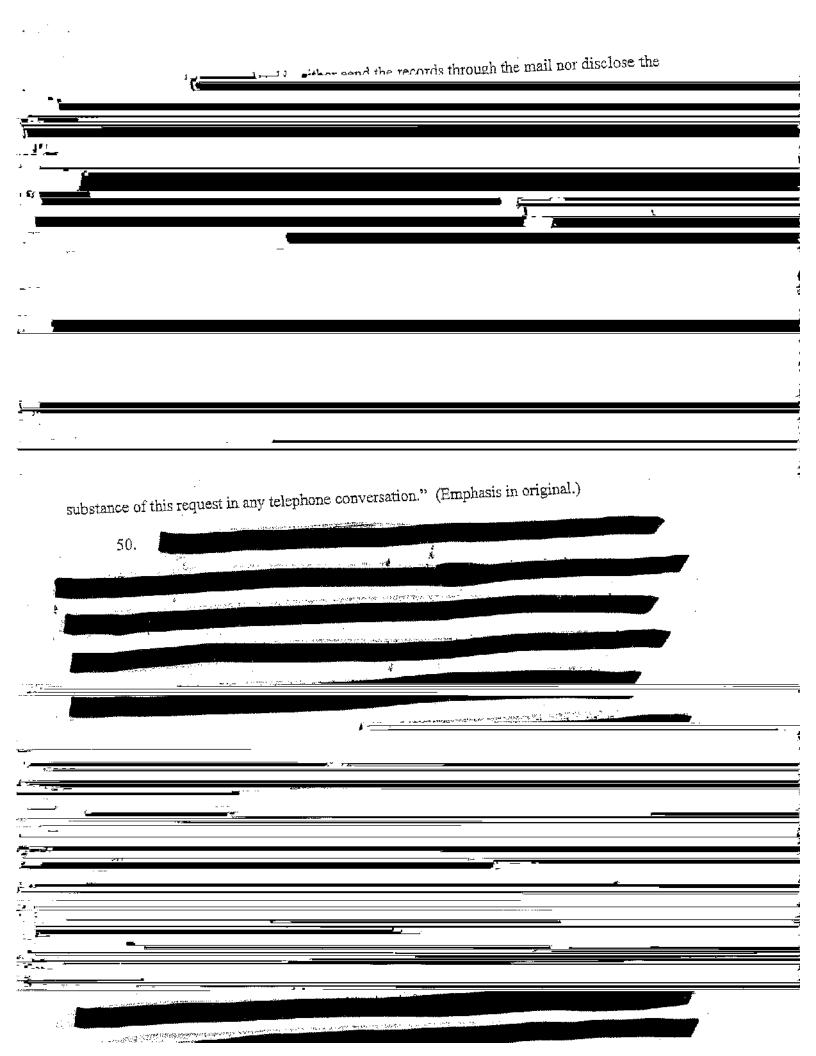
L =	v a specific v a v a v a v a v a v a v a v a v a v
<u> </u>	
· <u>' </u>	
<u></u>	
m	
·	
`	
L	
•	
*	
issuing an N	SL.
17.	Section 2709 does not specify any means by which the recipient of an NSL can
challenge th	e letter's validity.
18.	Section 2709 does not require the FBI to provide prior, contemporaneous, or post-
	notice to an individual whose information is demanded pursuant to an NSL served on
•	:fthe information is constitutionally protected.
¥ <u>-</u>	

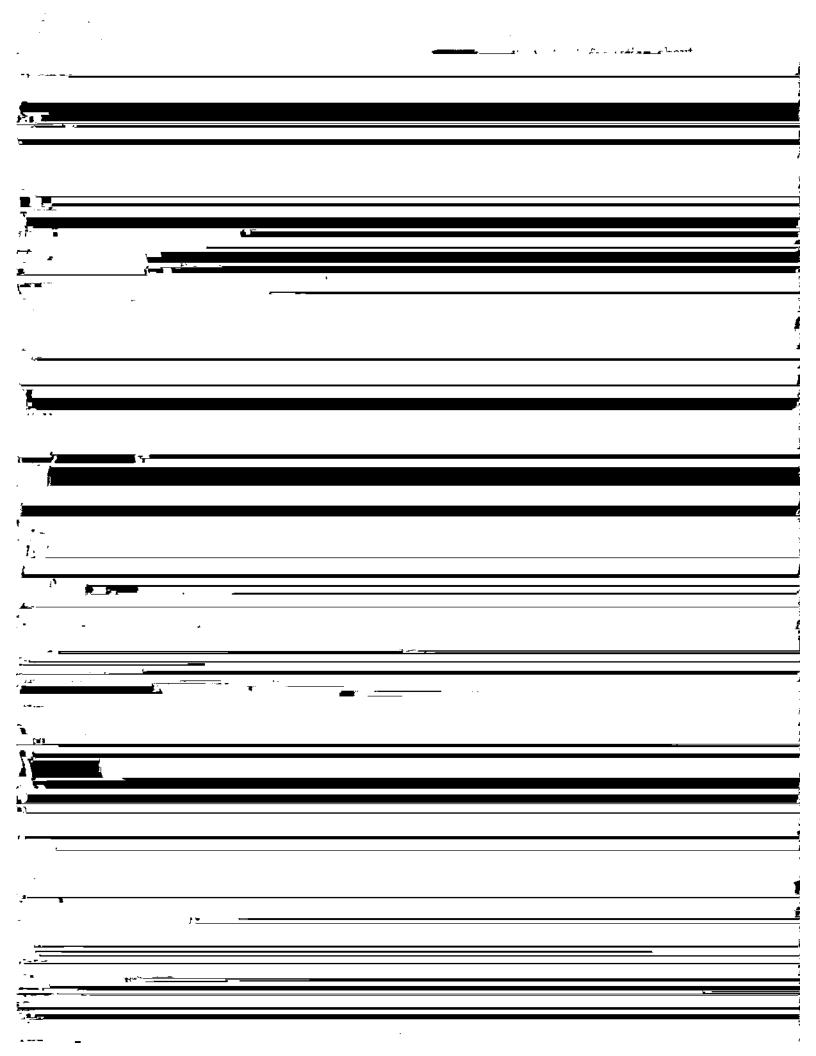
investigation, and (ii) there were specific and articulable facts giving reason to believe that the L 1 2 MEL - Africa maries or fareign errort See 18 TI S C & 2709 (1988).

A variety of for-profit and not-for-profit entities enable individuals to access and 29. 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

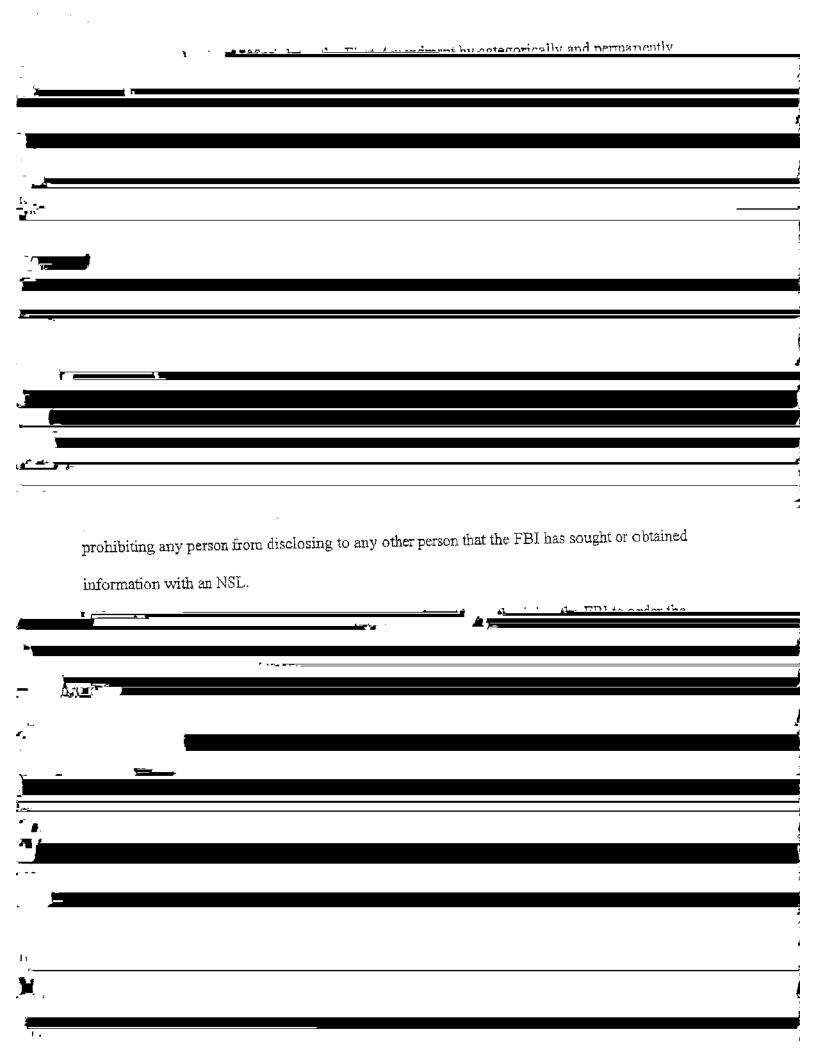
	Sar	į
*		 4
<u> </u>	<u>"}</u>	
		Ĺ
		:
		1
		- United
V _e n = p## <u>y</u>	1	
* · · ·	<u> </u>	
- - 1 - 1		
A		<u>,</u>
		ا ا
V		
r- -		i
\		1
i		
1		
_		<u>,</u>
		
-		ť











ANN BERSON (AB-2082) SHARON McGOWAN (SM-5846) National Legal Department
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004 (212) 549-2500 ונותר שאו ביתותומתחים זו מוביים New York Civil Liberties Union Foundation 125 Broad Street

Respectfully submitted,

JAMEEL JAPFER (JJ-4653)