

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

[REDACTED] AMERICAN
CIVIL LIBERTIES UNION; and
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs

THIRD DECLARATION OF
ANN BEESON

04 Civ. 2614 (MM)

VPT has used the gag provision to suppress speech not because it plausibly falls within

the scope of the gag provision but because of its political message.

... [redacted] ... before the [redacted] were filed on the public docket

[redacted]

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"That the gag provision is exceedingly broad is evident from the effect the provision has

from Pl. Summary Judgment Brief). Defendants even maintained that the words "due to

any other legitimate interest. For example, defendants prohibited plaintiffs from

in its entirety. *See, e.g.*, Exh. 15 (entirely redacted NSL from Exhibit 1 of Declaration

security to justify unnecessary secrecy." Exh. 19 (redacting sentence from Pl. Reply Brief).

25 In reliance on the gag provision, defendants prohibited disclosure of the

0.12 1992 release of an AGY has made me feel even more

Information the Government's Interpretation of the Gag Continues to Suppress

28. At a conference held on September 10, 2004, the Court discussed with the parties the need to disclose certain information that was under seal in order to render a

_____) _____ and the Court and plaintiffs that it

[REDACTED]

32. In reliance on the gag provision, defendants continue to suppress the fact that

[REDACTED]

[REDACTED] See, e.g., Exh. 23 (redacting the fact that NSL sought information [REDACTED])

[REDACTED] from the Brief for Defendants-Appellants).

33. In reliance on the gag provision, defendants continue to suppress the fact that

[REDACTED] Exh. 24

[REDACTED]

BT

[REDACTED]

[REDACTED]

[REDACTED]

management and the use of the same to prevent disclosure of a wide array of non-sensitive and

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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information that had already been available to the public and that the government had not redacted in the first instance. *See* Exh. 36 (attempting to redact publicly-available information in the Declaration of George Christian); Exh. 37 (attempting to redact publicly-available information in the Declaration of Peter Chase). The district court rejected the government's attempt to redact formerly public information.

47. After Library Connection's identity became public, in reliance on the gag provision, the government required redaction of direct quotes from judicial opinions concerning the government's inability to suppress speech that were already in the public

Exh. 24 (redacting quotes from judicial opinions, as well as in cites

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