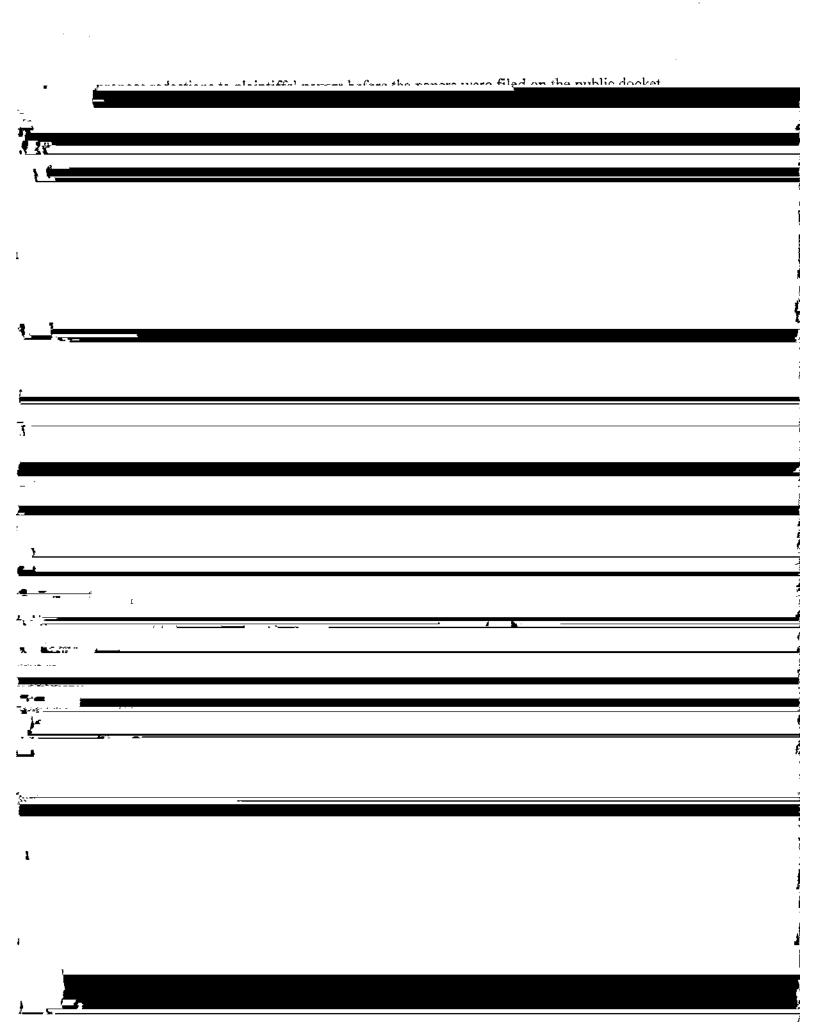
UNITED STATES DISTRICT COURT

	CONTED STATES DE	CONTROL COURT	
-			
3			
. -			
	•		
· · ·			
===			
	AMERICAN CIVIL LIBERTIES UNION; and	THIRD DECLARATION OF	
	AMERICAN CIVIL LIBERTIES UNION	ANN BEESON	
	FOUNDATION,		
	Plaintiffo	NA CHA DELA CAMA	•
		78177787	
\ .			
-			
	€ {		
	<u> </u>		
-	* 1 N		
\ <u></u>			
		₹	
			
•			

VPI hea	read the aga provision to aumpress eneath not because it planeible falls within	1
<u> </u>		
<i>*</i>		Ą
1		ļ
4		,
		; ;
		: 1 1
` <u> </u>		
	•	
the scor	e of the gag provision but because of its political message.	
3.	o of the gag provincer our decame of the position	
•		
· · · · · · · · · · · · · · · · · · ·		
<u>.</u>	8	
ka-		
<u></u>		
<u></u>		



	10. In ralignos on the gas provision defendants also required the reduction of any
k z	
	a the state of the
	statement indicating that the FBI had issued an NSL and sought information under the
	statute. See, e.g., Exh. 4 (redacting the words "the FBI's use of" and "further use" of a
	federal statute from Pl. Summary Judgment Brief); Exh. 3 (redacting the words "sought
	through the use of an NSL" from Letter from May 14, 2004 Letter from Ann Beeson to
	Judge Marrero).
	11 table

"That the gag provision is exceedingly broad is evident from the effect the provision has come for a series as the annual forces and a manufacturers. from Pl. Summary Judgment Brief). Defendants even maintained that the words "due to could remain sealed, but that other words in the Complaint describing the services provided to its clients could be disclosed to the public.

16. In reliance on the gag provision, defendants prohibited plaintiffs from publicly characterizing as a "consulting" business. See, e.g. Exh. 11 (redacting the words "consulting business" from the Amended Complaint). On May 17, 2004, the Court ruled that this information could be disclosed to the public

While defendants' construction of the gag provision was exceedingly broad, 17. their enforcement of the provision was arbitrary. For example, defendants did not seek redaction of certain statements in the first Declarations of Anthony D. Romero and about the effects of the gag provision in this particular case. See, e.g., Exh. 12 (not redacting the sentence "The gag is preventing us from communicating information that is relevant to the public debate about the Patriot Act" in a pre-ruling, publicly-filed version of the Declaration of Anthony D. Romero); Exh. 13 (not redacting the sentence "Because of the gag provision, I have not disclosed information about [redacted] this lawsuit to the press and the public" from a pre-ruling, publicly-filed . Similarly, defendants did not seek the version of the Declaration of redaction of the words "the gag provision has prevented" from Plaintiffs' Statement of Undisputed Facts. See Exh. 14 (not redacting the sentence "The gag provision has prevented the plaintiffs from disclosing information already available to the public" in a pre-ruling, publicly-filed version of the Statement of Undisputed Facts in Support of

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



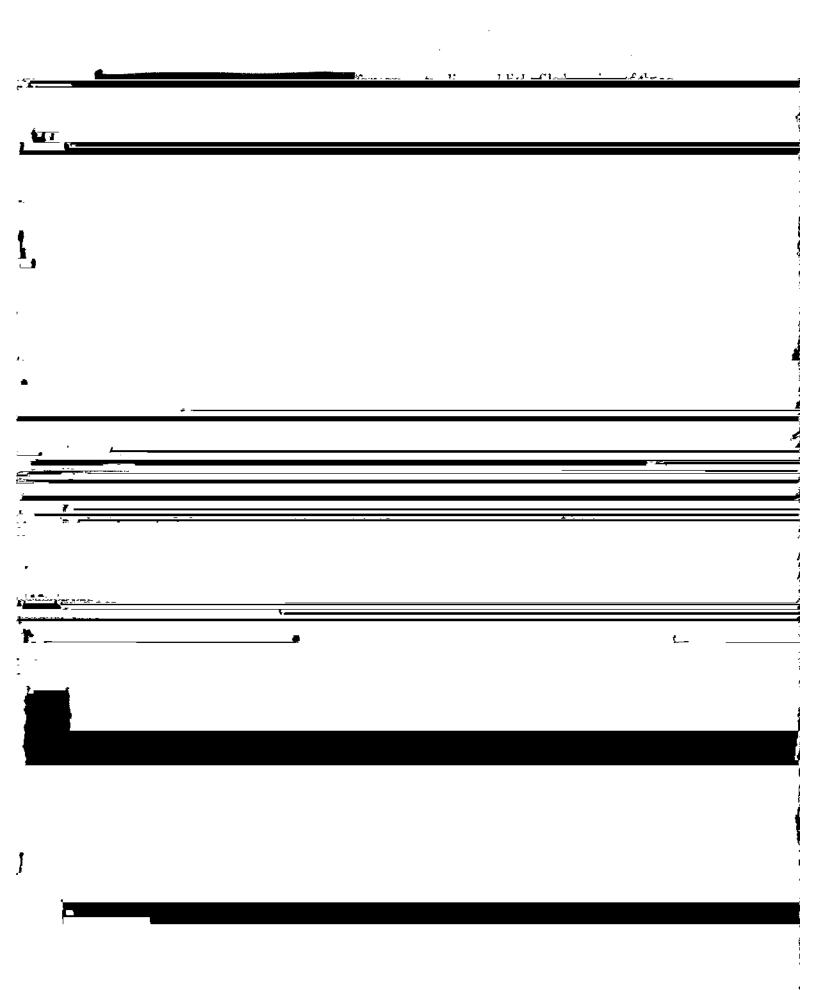
security to justify unnecessary secrecy." Exh. 19 (redacting sentence from Pl. Reply Brief).

	In reliance on the gag provision defendants prohibited discloss	re of the
<u>A.</u>		
,-		
j +		
		· ·
-		•
	معد مالد مالد الله العالم الله الله الله الله الله الله الله ا	
L L	(, <u>)</u>	
***************************************		,
<u> </u>		
	4	
* <u>t</u>		
! <u></u>		
3		
<u> </u>		
P (
ł		•
1		
		-
¥ <u>1_</u>		
<u> </u>		
•		
-		
ν_	ا جا المنظلين العامل العام	° — Дз
<u></u>	· ·	

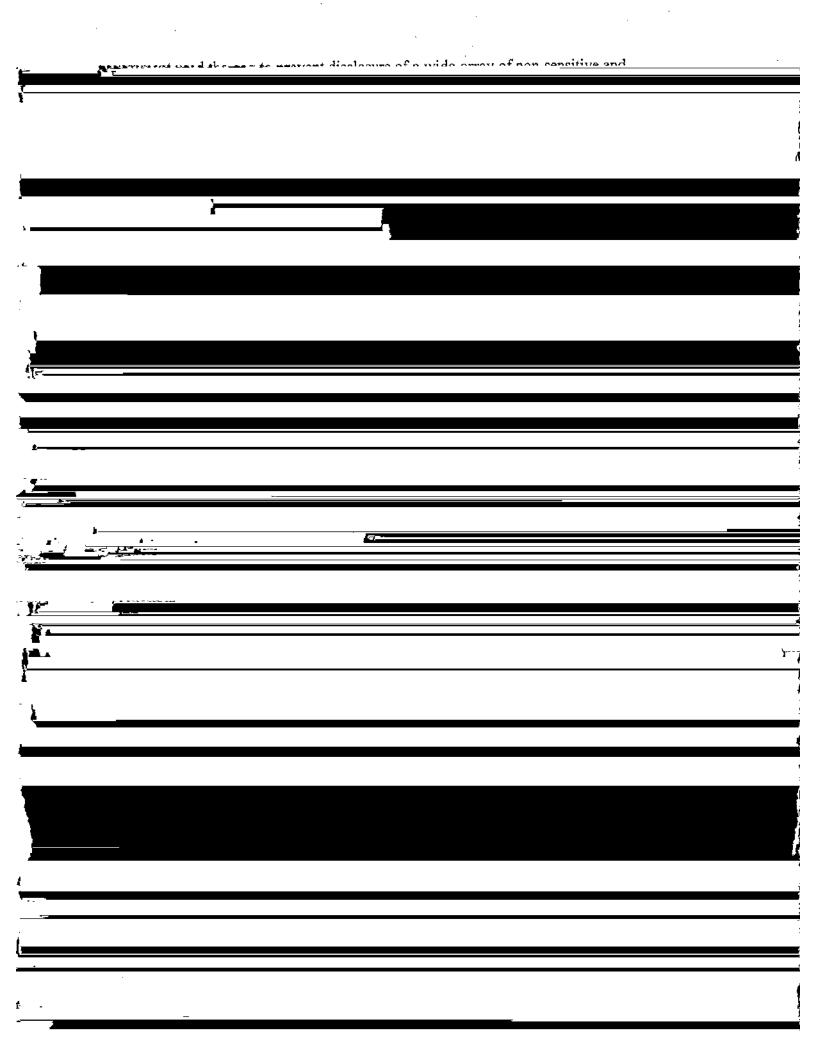
Information the Government's Interpretation of the Gag Continues to Suppress

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

	32.	In reliance on the gag provision, defendants continue to suppress the fact that	
	<u>4</u> 1. – ≒⊺Ω <u>Σ</u>	walls to 19 1	
*1	-		
<u></u>			
·			
		· -	
1		See, e.g., Exh. 23 (redacting the fact that NSL sought information)	
(from the Brief for Defendants-Appellants).	
	33.	In reliance on the gag provision, defendants continue to suppress the fact that	
	<u> 1 XIOT</u>	Canca Dub 21	



	from a post-ruling, publicly-filed version of the Govt.
	Opposition Brief).
	In reliance on the oad provision, the dovernment continues to suppress the fact
<u> </u>	
- <u></u>	
<u></u>	
-	
	that it for the information sought through the NSL. Exh. 31 (redacting the
	phrase from a post-ruling, publicly-filed
	persion of the Good Annosition Priofi
Ü	
), I	
4	
•	to Je white and the second of
[]	
•	
	_
L	



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

