

[Redacted]

(RMD)(FBI)

b6 -1
b7C -1

From: [Redacted] (BS) (FBI)
Sent: Thursday, December 18, 2008 7:30 AM
To: MCNALLY, RICHARD (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: Doe v. Mukasey

Rick and Steve,

I send this query to you both on the assumption that one of you is the Acting DGC and has assigned someone to work on this. If I'm wrong, please let me know. I copied [Redacted] because this might fall in her area? (Sorry for the guesswork.)

b6 -1
b7C -1
b6 -1
b7C -1

Questions:

[Redacted]

b5 -2

[Redacted]

b5 -2

Please advise.

Thanks,

[Redacted]

b6 -1
b7C -1

SSA [Redacted]
[Redacted]
FBI Boston
[Redacted] voice
[Redacted] fax

[Redacted]

b6 -1
b7C -1

From: [Redacted] (OGC) (FBI)
Sent: Thursday, February 05, 2009 2:30 PM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: RE: New NSL Non-Disclosure Language

UNCLASSIFIED
NON-RECORD

I was thinking we should name a person but I really really don't want it to be me. Maybe the main NSLB line or is that asking for it to fall through the cracks?

From: SIEGEL, STEVEN N. (OGC) (FBI)
Sent: Thursday, February 05, 2009 2:28 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: RE: New NSL Non-Disclosure Language

b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

[Redacted]

b6 -1
b7C -1

[Redacted]

b5 -1,2

Steve

Steven N. Siegel, Section Chief
NSLB - Policy, Litigation, Training and Oversight

[Redacted]
[Redacted] (fax)
[Redacted] (blackberry)

b6 -1
b7C -1

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From: [Redacted] (OGC) (FBI)
Sent: Thursday, February 05, 2009 2:19 PM
To: SIEGEL, STEVEN N. (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)
Subject: New NSL Non-Disclosure Language

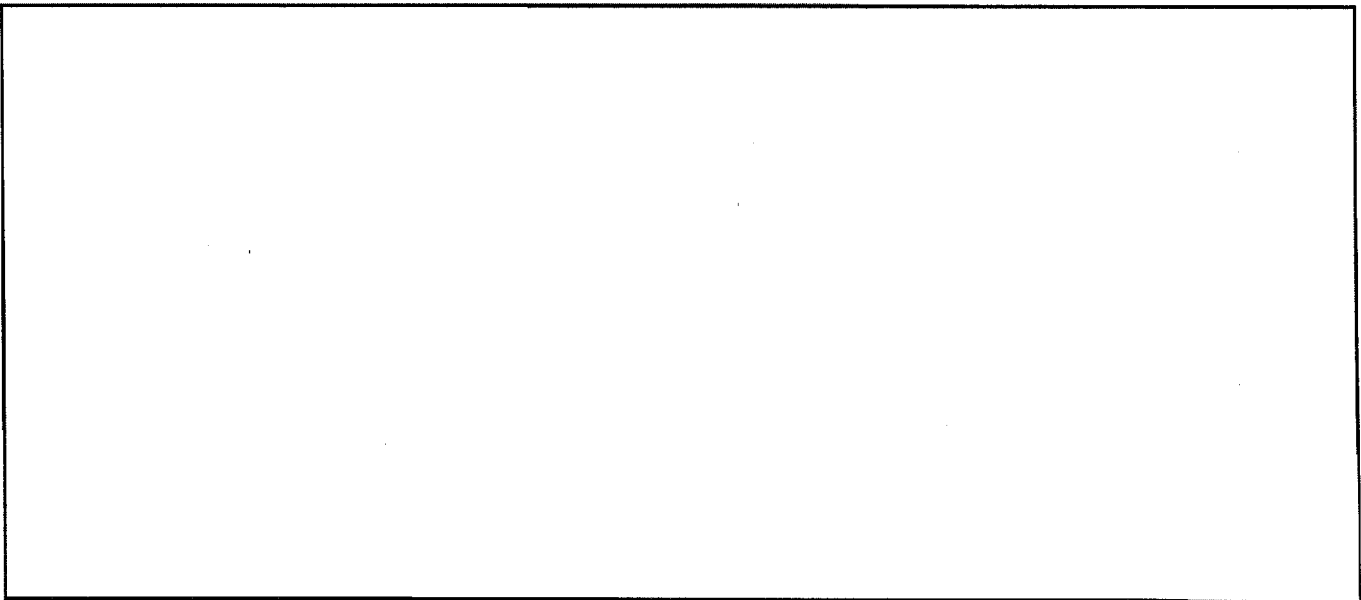
b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

Steve
[Redacted]

All
[Redacted]

b5 -1,2



b5-1,2

If you have any questions please contact me.

[Redacted]

AGC
CILU/NSLB

[Redacted]

b6 -1
b7C -1

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

[Redacted]

b6 -1
b7C -1

From: [Redacted] (OGC) (FBI)
Sent: Friday, February 06, 2009 5:24 PM
To: [Redacted] (AL) (FBI)
Cc: [Redacted] (AL) (FBI); HOLSTEIN, PAUL M. (AL) (FBI)
Subject: RE: New NSL Nondisclosure Language

UNCLASSIFIED
NON-RECORD

It is in there. Look at the paragraph spanning pages 2 and 3.

From: [Redacted] (AL) (FBI)
Sent: Friday, February 06, 2009 4:55 PM
To: [Redacted] (OGC) (FBI)
Cc: [Redacted] (AL) (FBI); HOLSTEIN, PAUL M. (AL) (FBI)
Subject: RE: New NSL Nondisclosure Language

b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

[Redacted]

b6 -1
b7C -1

Yea, that's what I thought we would do and that's why I asked. Sorry for the delay in getting back this time, I was away from my desk. Its [Redacted]

b7E -1

Thanks again

From: [Redacted] (OGC) (FBI)
Sent: Friday, February 06, 2009 4:03 PM
To: [Redacted] (AL) (FBI)
Subject: RE: New NSL Nondisclosure Language

b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

No - we are doing it for all of them to make sure we are covered and consistent. Can you give me the number so I can check?

From: [Redacted] (AL) (FBI)
Sent: Friday, February 06, 2009 2:06 PM
To: [Redacted] (OGC) (FBI)
Subject: RE: New NSL Nondisclosure Language

b6 -1
b7C -1

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NON-RECORD

[Redacted]

b5 -2

From: [Redacted] (OGC) (FBI)

b6 -1
b7C -1

ACLU-NSL-70

Sent: Friday, February 06, 2009 2:00 PM
To: [redacted] (AL) (FBI)
Cc: [redacted] (AL) (FBI)
Subject: RE: New NSL Nondisclosure Language

b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

What is the number?

From: [redacted] (AL) (FBI)
Sent: Friday, February 06, 2009 1:58 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (AL) (FBI)
Subject: RE: New NSL Nondisclosure Language

b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

[redacted]
[redacted]

b6 -1
b7C -1
b5 -2

Thank you

From: [redacted] (OGC) (FBI)
Sent: Friday, February 06, 2009 1:44 PM
To: [redacted] (AL) (FBI)
Cc: [redacted] (AL) (FBI); [redacted] (AL) (FBI)
Subject: RE: New NSL Nondisclosure Language

b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

[redacted]

b5 -2

From: [redacted] (AL) (FBI)
Sent: Friday, February 06, 2009 1:32 PM
To: [redacted] (OGC) (FBI)
Cc: [redacted] (AL) (FBI); [redacted] (AL) (FBI)
Subject: RE: New NSL Nondisclosure Language

b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

Hey [redacted]

b6 -1
b7C -1

Thank you for your update. [redacted]

b5 -1

[redacted]

Thanks

[Redacted]

ADC-AL

[Redacted]

b6 -1
b7C -1

From: [Redacted] (OGC) (FBI)
Sent: Thursday, February 05, 2009 5:55 PM
To: FBI_ALL CDCs
Cc: STEGEL, STEVEN N. (OGC) (FBI); HQ-Div09-NSLB
Subject: New NSL Nondisclosure Language

b6 -1
b7C -1

UNCLASSIFIED
NON-RECORD

All,

As you may already be aware, on December 15, 2008, the Court of Appeals for the Second Circuit partially upheld a First Amendment challenge to the constitutionality of the nondisclosure provisions of the NSL statutes. The court held that subsections 2709(c) and 3511(b) are unconstitutional to the extent that they impose a nondisclosure requirement without placing on the government the burden of initiating judicial review of that requirement. The court, however, suggested that, as a procedural safeguard consistent with the First Amendment, the government could employ a "reciprocal notice procedure" which would provide notice of the recipient's opportunity to contest the nondisclosure requirement through government initiated judicial review.

[Redacted]

b5 -2

[Redacted]

b5 -2

[Redacted]

b6 -1
b7C -1

[Redacted]

b5 -2

If you have any questions please contact me.

[Redacted]

AGC
CILU/NSLB

[Redacted]

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b7C -1

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ACLU-NSL-72