

MEMO ENDORSED

NATIONAL SECURITY PROJECT



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October 7, 2014

BY FACSIMILE

Honorable Edgardo Ramos
United States District Court
for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

The application is granted.
 denied.

Edgardo Ramos, U.S.D.J.
Dated: 10/10/14
New York, New York 10007

AMERICAN CIVIL LIBERTIES
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EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

Re: *Restis v. Am. Coal. Against Nuclear Iran*, No. 13-cv-5032(ER)(KNF)

Dear Judge Ramos:

I write on behalf of proposed *amici* the American Civil Liberties Union Foundation, the Brennan Center for Justice, the Center for Constitutional Rights, the Constitution Project, the Electronic Frontier Foundation, and the Sunlight Foundation. Proposed *amici* are civil rights and civil liberties organizations with a direct interest in and experience with determinations concerning the proper application of the state secrets privilege. They request a pre-motion conference to discuss their motion for leave to file an *amicus curiae* brief in support of Plaintiff once the Court sets a briefing schedule for Plaintiff's motion during the scheduled October 8 conference.

Specifically, the proposed brief will address the scope and nature of the state secrets privilege, the procedures that must accompany any proper assertion of the privilege, and the public interest at stake when the Government seeks to invoke the privilege. Proposed *amici* have decades of experience in litigating landmark cases involving the assertion of the state secrets privilege, including *Mohamed v. Jeppesen Dataplan, Inc.*, 614 F.3d 1070, 1073 (9th Cir. 2010) (en banc); *Arar v. Ashcroft*, 585 F.3d 559 (2d Cir. 2009) (en banc); *ACLU v. NSA*, 493 F.3d 644 (6th Cir. 2007); *El-Masri v. United States*, 479 F.3d 296, 299 (4th Cir. 2007); *ACLU v. Brown*, 619 F.2d 1170, 1173 (7th Cir. 1980) (en banc); *Jewel v. NSA*, 965 F. Supp. 2d 1090

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(N.D. Cal. 2013); and *Hepting v. AT&T Corp.*, 439 F. Supp. 2d 974 (N.D. Cal. 2006).

Respectfully submitted,



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