

Sept. 4, 2002

Melissa McKenney Ryan
Assistant Director, Legal Division
United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW
Washington, DC 20001-2866

Re: No. 02-001 (Foreign Intelligence Surveillance Court of Review)

Dear Ms. Ryan:

As you know, the Department of Justice has appealed to the Foreign Intelligence Surveillance Court of Review a July 19, 2002 Order of the Foreign Intelligence Surveillance Court. The July 19 Order granted the government's application for a surveillance order, but imposed conditions designed, in the FISC's words, "to protect the privacy of Americans in these highly intrusive surveillances and searches." Because privacy, freedom of expression, and other constitutional issues are central to this appeal, each of the undersigned organizations has an institutional interest in the questions presented.¹

We are coordinating efforts to file amicus curiae brief(s) in relation to the appeal. It is our understanding that there are no directly applicable procedural rules. In the absence of such rules, we propose to submit our amicus curiae brief(s) by Sept. 20, 2002.

¹ The American Civil Liberties Union is a nationwide, nonprofit, nonpartisan organization dedicated to the constitutional principles of liberty and equality. The Center for Democracy and Technology is a nonprofit organization that represents the public's interest in the constitutional and democratic values of free expression, privacy, and individual liberty. The Center for National Security Studies is a non-governmental advocacy and research organization that works for control of the FBI and CIA and to prevent violations of civil liberties in the United States. The Electronic Privacy Information Center is a public-interest research center that focuses public attention on emerging civil liberties issues and works to protect privacy, the First Amendment, and constitutional values. The Open Society Institute is a private operating and grantmaking foundation that develops and implements a range of programs in civil society, education, media, public health, and human and women's rights, as well as social, legal, and economic reform.

If there are procedural requirements to which we should adhere, please notify Ann Beeson, Litigation Director, Technology & Liberty Program, American Civil Liberties Union, 125 Broad Street, New York, NY 10004, (212) 549-2601.

Thank you in advance for your consideration.

Sincerely,

ANN BEESON
JAMEEL JAFFER
American Civil Liberties Union

JAMES X. DEMPSEY
Center for Democracy and Technology

KATE MARTIN
Center for National Security Studies

DAVID L. SOBEL
Electronic Privacy Information Center

MORTON H. HALPERIN
Open Society Institute

cc: Hon. Ralph B. Guy, Jr.
United States Court of Appeals for the Sixth Circuit
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Cincinnati, OH 45202-3988

Hon. Edward Leavy
United States Court of Appeals for the Ninth Circuit
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Hon. Laurence H. Silberman
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cc: Jonathan L. Marcus
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