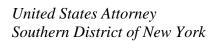
Case: 13-422 Document: 223





86 Chambers Street New York, New York 10007

June 20, 2014

BY HAND DELIVERY AND ECF

Hon. Catherine O'Hagan Wolfe Clerk of the Court United States Court of Appeals for the Second Circuit Thurgood Marshall United States Courthouse 40 Foley Square New York, NY 10007

The New York Times Co. v. United States, 13-422(Lead), 13-445(Con) (2d Cir.) Re:

Dear Ms. Wolfe:

We write respectfully on behalf of defendants-appellees the U.S. Department of Justice, the U.S. Department of Defense, and the Central Intelligence Agency (collectively, the "government") in the above-referenced appeals. We enclose for filing under seal the government's Response to the Court's June 10, 2014, Order. This original version of the document is being filed under seal because it quotes from the Court's proposed revised version of the Court's April 21, 2014, public opinion, which remains under court seal, and from the Court's proposed opinion on the rehearing petition, which has not yet been released publicly by the Court. A public version of this document is being filed at this time with those portions blacked out.

We thank the Court for its consideration of this matter.

Respectfully,

STUART DELERY Assistant Attorney General PREET BHARARA United States Attorney for the Southern District of New York

SARAH S. NORMAND

/s Sarah S. Normand By:

SHARON SWINGLE Appeals Counsel Telephone: (202) 353-2689

Assistant United States Attorney Telephone: (212) 637-2709 sharon.swingle@usdoj.gov sarah.normand@usdoj.gov

cc: Counsel for Plaintiffs-Appellants (via ECF)