



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 27, 2015

By ECF

Hon. Analisa Torres
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *ACLU v. National Security Agency, et al.*, 13 Civ. 9198 (AT) (MHD)

Dear Judge Torres:

We write respectfully to request a two-month extension of the deadline — from February 27, 2015, to April 30, 2015 — for defendant the Central Intelligence Agency (the “CIA” or the “Agency”) to make its production of documents in response to the Freedom of Information Act (“FOIA”) request at issue in this case, as narrowed by the parties’ subsequent stipulation [Docket No. 30]. The Court previously ordered the CIA to complete its review and processing of responsive documents by February 27, 2015, extending the initial production deadline of February 9, 2015 [Docket No. 37].

This extension is requested so that the CIA may conduct a re-review of the materials responsive to the FOIA request by Agency personnel, including senior personnel, with recent experience performing declassification and release reviews of documents as part of an effort to ensure maximum public transparency regarding Agency operations. The Agency plans to have the documents at issue in this case re-reviewed by these officials with the dual goals of increasing transparency and reducing the number of withholding determinations that may ultimately be presented to the Court for resolution. This re-review will require the input of senior Agency officials who must carefully balance the goal of increasing public transparency and the need to protect national security information. Once this process is completed, the CIA will produce to plaintiffs any information determined appropriate for release. Given the interrelated nature of the documents at issue, it is unlikely that the CIA will be able to produce information on a rolling basis. However, if the CIA completes the review and processing of a significant portion of the documents at issue earlier than mid-April, the Agency will make an interim production of those documents. The CIA does not anticipate seeking any further extensions of time absent extraordinary circumstances and is committed to meeting the newly proposed production deadline. The CIA respectfully submits that this extension will not significantly delay the case and, ultimately, will facilitate its orderly resolution.

Plaintiffs have informed the undersigned that they do not oppose this request for an extension, but have indicated that they will oppose any additional delays in the CIA’s production of records.

We thank the Court for its consideration of this matter.

Respectfully submitted,

PREET BHARARA
United States Attorney

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cc: Counsel for Plaintiffs (by ECF and email)