

[REDACTED] and
AMERICAN CIVIL LIBERTIES UNION,

Plaintiffs,

v.

JOHN ASHCROFT, in his official capacity as
Attorney General of the United States;
ROBERT MUELLER, in his official capacity
as Director of the Federal Bureau of
Investigation; and MARION E. BOWMAN,
in her official capacity as Senior Counsel to
the Federal Bureau of Investigation,

Defendants.

MOTION FOR LEAVE TO FILE
CASE UNDER SEAL

04 CV 02614
U.S. Civ.

JUDGE MARRERO

MOTION FOR LEAVE TO FILE CASE UNDER SEAL

Plaintiffs [REDACTED] and American Civil Liberties

Union (ACLU) hereby move for leave to file the above-captioned case under seal.


The case involves a challenge to a National Security Letter issued pursuant to 18
U.S.C. § 2709 and served on [REDACTED] in [REDACTED]. The case
also involves a constitutional challenge to 18 U.S.C. § 2709. Section 2709 includes a
provision that prohibits any entity served with a National Security Letter from
"disclos[ing] to any person that the Federal Bureau of Investigation has sought or
obtained information or records under this section." *Id.* § 2709(c). Plaintiffs' Complaint
alleges that Section 2709(c) is unconstitutional under the First and Fifth Amendments.

The Complaint includes numerous allegations indicating that the Federal Bureau
of Investigation has sought information under Section 2709. It appears, therefore, that
the publication of the Complaint would violate Section 2709(c). To avoid penalties for
violating Section 2709(c), plaintiffs feel obligated to file this suit under seal. Upon filing

the Complaint, plaintiffs intend to ask the government for a stipulation that plaintiffs can disclose certain information about the [REDACTED] NSL and this case without violating Section 2709(c). If the government agrees to the stipulation, plaintiffs will move immediately to unseal the case. If the government does not agree to the stipulation, plaintiffs may seek preliminary relief in order to unseal the case.

Respectfully submitted,

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