

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
[REDACTED] :
Plaintiffs, :
v. :
JOHN ASHCROFT, et al., :
Defendants. :
-----X

DECLARATION OF
[REDACTED]
04 Civ. 2614 (VM)
FILED UNDER SEAL

[REDACTED] pursuant to 28 U.S.C. § 1746,
declares the following under penalty of perjury:

1. I am a Special Agent of the Federal Bureau of
Investigation ("FBI").
[REDACTED]

2. On or about [REDACTED] I was assigned
responsibility to hand deliver a National Security Letter
("NSL"), issued pursuant to 18 U.S.C. 2709, to
[REDACTED] President, [REDACTED] at
[REDACTED]

3. I took no part in issuance of the NSL.
[REDACTED]
My role was limited to delivering
the NSL to [REDACTED] accepting responsive information, and
forwarding the responsive information to the requesting squad.

4. I hand delivered the NSL to [REDACTED] on
[REDACTED]
At that time, [REDACTED] and I engaged in a conversation that
lasted approximately two to three minutes. I did not have any
[REDACTED]

subsequent conversations with [REDACTED] after [REDACTED]

5. During our interaction on [REDACTED] I handed [REDACTED]

[REDACTED] the NSL, which [REDACTED] perused in my presence. In addition, I [REDACTED] had a copy of the NSL, and I asked [REDACTED] to initial my copy of [REDACTED] it. A copy of the NSL, as initialed by [REDACTED] is attached as [REDACTED] Exhibit 1 to this declaration. Below [REDACTED] initials is the [REDACTED] handwritten date [REDACTED] I entered the date below [REDACTED] initials, reflecting the date that I delivered the NSL.

6. I have read [REDACTED] declaration, submitted in support [REDACTED] of plaintiffs' motion for summary judgment, in which [REDACTED] states [REDACTED] that [REDACTED] "asked Agent [REDACTED] whether [REDACTED] could consult a [REDACTED] lawyer and [REDACTED] business partners about the NSL."

7. I did not understand [REDACTED] during our two to three [REDACTED] minute interaction on [REDACTED] to be asking me for [REDACTED] permission to consult business partners or a lawyer about the [REDACTED] NSL. Rather, I understood [REDACTED] to be announcing that [REDACTED] intended [REDACTED] to have such consultation.

8. I responded to [REDACTED] statement in the affirmative [REDACTED] (such as "okay"). I did not intend my response as a grant of [REDACTED] permission to consult business partners or an attorney about the [REDACTED] NSL. Rather, my response was intended to convey that I heard and [REDACTED] understood what [REDACTED] had said.

9. I did not believe that I had any authority, whether [REDACTED] under 18 U.S.C. §2709 or otherwise, to grant or deny [REDACTED]

permission to consult business partners or an attorney concerning

the NSL.

10. On or about I telephoned to

determine when the FBI could expect production of the requested records. I did not reach , and instead left a

voice-mail message.

11. Within a few days, left me a telephone voice-

mail message, instructing me to contact attorney, Jamil

Jaffer, Esq., with any further inquiries.

12. I telephoned Mr. Jaffer, to see if he had any questions

concerning the NSL and to determine when production would be

made.

13. During this conversation, Mr. Jaffer stated that he

would communicate further with his client about any response to

the NSL.

14. Several hours later, Mr. Jaffer and another attorney

telephoned me. Mr. Jaffer identified himself as an attorney

affiliated the American Civil Liberties Union ("ACLU"), and

advised that the ACLU and were going to file an action

challenging 18 U.S.C. §2709.

15. To date, has not produced records requested in

the NSL.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:


June 25, 2004

