UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

AMNESTY INTERNATIONAL USA; GLOBAL FUND	
FOR WOMEN; GLOBAL RIGHTS; HUMAN	
RIGHTS WATCH; INTERNATIONAL CRIMINAL	PLAINTIFFS' MOTION FOR
DEFENSE ATTORNEYS ASSOCIATION; THE	SUMMARY JUDGMENT
NATION MAGAZINE; PEN AMERICAN CENTER;	
SERVICE EMPLOYEES INTERNATIONAL	
UNION; WASHINGTON OFFICE ON LATIN	
AMERICA; DANIEL N. ARSHACK; DAVID	
NEVIN; SCOTT MCKAY; and SYLVIA ROYCE,	
Plaintiffs,	Case No. 08 Civ. 6259 (JGK)
V.	ECF CASE
IOUN M MCONNELL in his official consists of	
JOHN M. McCONNELL, in his official capacity as	
Director of National Intelligence; LT. GEN. KEITH B.	
ALEXANDER, in his official capacity as Director of	
the National Security Agency and Chief of the Central	
Security Service; and MICHAEL B. MUKASEY, in	
his official capacity as Attorney General of the United	
States,	

Defendants.

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiffs in the

above-captioned case respectfully move the Court to enter summary judgment in their

favor.

This lawsuit challenges the constitutionality of the Foreign Intelligence Surveillance Act, 50 U.S.C. § 1801, *et seq.* ("FISA"), as amended by H.R. 6304, the FISA Amendments Act of 2008 ("FAA," or "Act"), which the President signed into law on July 10, 2008. As amended, FISA allows the executive branch sweeping and virtually unregulated authority to monitor the international communications – and in some cases the purely domestic communications – of law-abiding U.S. citizens and residents. The Act violates the Fourth Amendment by authorizing warrantless and unreasonable searches. It violates the First Amendment because it sweeps within its ambit constitutionally protected speech that the government has no legitimate interest in acquiring and because it fails to provide adequate procedural safeguards. It violates Article III and the principle of separation of powers because it requires the Foreign Intelligence Surveillance Court ("FISC") to issue advisory opinions on matters that are not cases or controversies and because it permits the executive branch to continue surveillance even if the FISC determines the surveillance to be unconstitutional.

For the reasons stated in the enclosed Memorandum in Support of Plaintiffs' Motion for Summary Judgment, plaintiffs are entitled to judgment as a matter of law.

Plaintiffs respectfully request that the Court hear oral argument.

Respectfully submitted,

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