

UNITED STATES  
FOREIGN INTELLIGENCE SURVEILLANCE COURT  
WASHINGTON, DC

U.S. FOREIGN  
INTELLIGENCE  
SURVEILLANCE COURT

2014 JUL 25 PM 3:09

LEEANN FLYNN HALL  
CLERK OF COURT

IN RE ORDERS ISSUED BY THIS COURT  
INTERPRETING SECTION 215 OF THE  
PATRIOT ACT

Docket No. Misc. 13-02

**MOTION FOR INTERIM RELEASE OF  
PORTIONS OF THE COURT'S FEBRUARY 19, 2013 OPINION  
THAT THE GOVERNMENT CONCEDES ARE NOT CLASSIFIED**

Movants in this matter write to respectfully request that the Court publish—as an interim matter—those portions of its February 19, 2013 opinion in Docket No. BR 13-25 (“the Opinion”) that the government has already determined need not be secret. Because Congress is currently weighing changes to Section 215 of the Patriot Act, public access to this judicial opinion will provide critical information about the scope and meaning of Section 215 at a time when Americans and their elected representatives are considering whether and how to amend the statute.

Movants understand that the Court is still considering several issues in this matter—among them, the extent to which the First Amendment compels the release of information contained in the Opinion. *See* Movants’ Response to the Second Submission of the United States (Feb. 18, 2014), <http://1.usa.gov/1lwFRtN>. In the meantime, Movants respectfully request that the Court publish the portions of the Opinion that the government has determined are “not classified and . . . would not jeopardize [its] ongoing investigation.” Second Submission of the United States in Response to the Court’s Nov. 20, 2013 Order at 3 (Feb. 6, 2014), <http://1.usa.gov/1fAc4Tx>. The government identified these portions of the Opinion for the Court

as part of its February 6, 2014 filing, nearly six months ago, *see id.*, and there is no justification for the continued secrecy of at least those portions of the Opinion.

Movants believe that release of the Opinion will provide much-needed information to the public. They respectfully urge the Court to publish at this time as much of the Opinion as the government has already agreed may be released, in order to ensure informed and meaningful public participation in the legislative process.

\* \* \*

Movants informed counsel for the government that they intended to file this motion. The government stated that it takes no position on Movants' request.

Dated: July 24, 2014

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Patrick Toomey, certify that on this day, July 24, 2014, a copy of the foregoing motion was served on the following persons by the methods indicated below:

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