

2013 JUL -8 PM 4: 31

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

LEAH ANN HALL
CLERK OF COURT

IN RE MOTION FOR DECLARATORY JUDGMENT OF GOOGLE
INC.'S FIRST AMENDMENT RIGHT TO PUBLISH AGGREGATE
INFORMATION ABOUT FISA ORDERS.

Docket No. Misc. 13-03

IN RE MOTION TO DISCLOSE AGGREGATE DATA REGARDING
FISA ORDERS

Docket No. Misc. 13-04

MOTION OF THE FIRST AMENDMENT COALITION, AMERICAN CIVIL
LIBERTIES UNION, CENTER FOR DEMOCRACY AND TECHNOLOGY,
ELECTRONIC FRONTIER FOUNDATION, AND TECHFREEDOM FOR
LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF THE
MOTIONS FOR DECLARATORY JUDGMENT

Floyd Abrams
Dean Ringel
Philip V. Tisne
CAHILL GORDON & REINDEL LLP
80 Pine Street
New York, New York 10005-1772
(212) 701-3000
Counsel for Amici Curiae

July 8, 2013

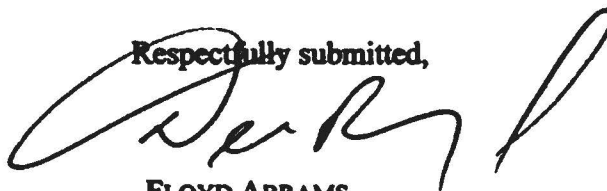
The First Amendment Coalition, American Civil Liberties Union, Center for Democracy and Technology, Electronic Frontier Foundation, and TechFreedom (together, “Movants”) are public interest organizations dedicated to the preservation of civil liberties. They respectfully submit this motion for leave to file a brief as *amici curiae* in support of the motions filed by Google, Inc. (“Google”) and Microsoft Corporation (“Microsoft”) seeking declaratory judgments confirming the ability of those parties to disclose limited aggregate numerical information relating to requests that each may have received from the government pursuant to the Foreign Intelligence Surveillance Act (“FISA”). See *In re Motion for Declaratory Judgment of Google Inc.’s First Amendment Right to Publish Aggregate Information About FISA Orders*, No. Misc. 13-03 (June 18, 2013); *In re Motion to Disclose Aggregate Data Regarding FISA Orders*, No. Misc. 13-04 (June 19, 2013).

Amici are not aware of any specific prohibition on such disclosure, but the thrust of the proposed brief *amici curiae* is to emphasize that any effort to restrict the disclosure in question must overcome an extraordinarily strong First Amendment interest flowing from the nature of the speech here, speech which lies at the core of the constitutional protection for free expression.

Counsel for the United States and for Google and Microsoft have consented to the filing of the brief *amici curiae*.

July 8, 2013

Respectfully submitted,



OF COUNSEL:

PETER SCHEER

First Amendment Coalition

ALEXANDER ABDO

American Civil Liberties Union

KEVIN BANKSTON

Center for Democracy and Technology

MATT ZIMMERMAN

MARK RUMOLD

Electronic Frontier Foundation

BERIN SZOKA

TechFreedom

FLOYD ABRAMS

DEAN RINGEL

PHILIP TISNE

CAHILL GORDON & REINDEL LLP

80 Pine Street

New York, New York 10005

(212) 701-3000

fabrams@cahill.com

Attorneys for Amici Curiae

CERTIFICATE OF SERVICE

I, Dean Ringel, hereby certify that on this day, July 8, 2013, pursuant to Rule 8(a) of the Rules of Procedure for the Foreign Intelligence Surveillance Court, I caused to be served two copies of the foregoing motion, together with three copies of the accompanying brief *amici curiae*, on the following person by hand delivery:

Christine Gunning
Litigation Security Group
U.S. Department of Justice
Two Constitution Square
145 N Street, N.E.
Suite 2W-115
Washington, DC 20530
Christine.E.Gunning@usdoj.gov

I further certify that I caused to be served a copy of the foregoing motion, together with the accompanying brief *amici curiae*, on the following persons by electronic mail:

Albert Gidari
Perkins Coie LLP
1201 Third Avenue
Suite 4900
Seattle, WA 98101
agidari@perkinscoie.com

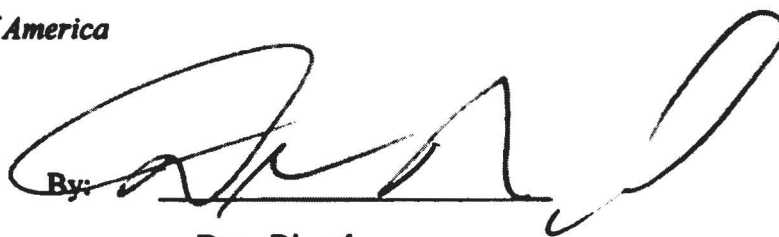
Attorneys for Google Inc.

James Garland
Covington & Burlington LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
jgarland@cov.com

Attorneys for Microsoft Corporation

Nicholas J. Patterson
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue
Washington, DC 20530
Nicholas.Patterson@usdoj.gov

Attorneys for the United States of America

By: 

Dean Ringel
CAHILL GORDON & REINDEL LLP
80 Pine Street
New York, New York 10005
(212) 701-3000
dringel@cahill.com

Attorneys for Amici Curiae