

~~SECRET~~

U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE ACT OF 1978

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, DC

2007 DEC 11 PM 6:11

KAREN SUTTON
CLERK

IN RE DIRECTIVES TO YAHOO INC.
PURSUANT TO SECTION 105B OF
THE FOREIGN INTELLIGENCE
SURVEILLANCE ACT. ~~(S)~~

Docket Number: 105B(g) 07-01

FILED UNDER SEAL

MOTION TO FILE CLASSIFIED APPENDIX (U)

The United States of America, through the undersigned Department of Justice attorney, hereby moves this Court for leave to file the attached classified appendix pursuant to Section 105B(k) of the Foreign Intelligence Surveillance Act of 1978, as amended (FISA or the Act). The grounds for the motion are as follows: ~~(S)~~

1. Pursuant to Section 105B(e) of the Act, the Director of National Intelligence and the Attorney General issued [REDACTED] directives to Yahoo Inc. ("Yahoo"). On November 21, 2007, the government filed a motion to compel Yahoo's compliance with the directives pursuant to Section 105B(g). ~~(S)~~

2. Section 105B(k) of the Act provides that in proceedings such as the above-

~~SECRET~~

Classified by: Matthew G. Olsen, Deputy Assistant
Attorney General, NSD, DOJ
Reason: 1.4 (c)
Declassify on: 11 December 2032

~~SECRET~~

captioned matter "the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information." ~~(S)~~

3. The government accordingly submits, ex parte, the attached classified appendix of materials relevant to the directives issued to Yahoo and the certifications underlying them. These materials, some of which have been previously filed with the Court, contain classified information, including top secret and compartmentalized information. ~~(S)~~

4. On December 11, 2007, counsel for the United States informed counsel for Yahoo that the government was seeking the Court's leave to file a classified appendix, ex parte. ~~(S)~~

WHEREFORE the United States of America, by counsel, respectfully requests that the Court grant it leave to file the attached classified appendix for the Court's ex parte and in camera review. A proposed Order is attached hereto. ~~(S)~~



National Security Division
United States Department of Justice

~~SECRET~~