

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ELECTRONIC FRONTIER FOUNDATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

11 Civ. 5221 (YGR)

DECLARATION OF MARK A. BRADLEY

I, Mark A. Bradley, do hereby state and declare as follows:

1. I am the Director of the Freedom of Information Act (“FOIA”) and Declassification Unit of the Office of Law and Policy in the National Security Division (“NSD”) of the United States Department of Justice (“DOJ” or “Department”). NSD is a component of the Department. NSD formally began operations on October 2, 2006, by, *inter alia*, consolidating the resources of the Department’s Office of Intelligence Policy and Review (“OIPR”)¹ and the Counterterrorism Section (“CTS”) and Counterespionage Section (“CES”) of the Department’s Criminal Division.

2. In addition, under a written delegation of authority pursuant to section 1.3.(c) of Executive Order 13526, I hold original classification authority at the TOP SECRET level. I am authorized, therefore, to conduct classification reviews and to make original classification and declassification decisions.

3. I submit this supplemental declaration in support of DOJ’s Memorandum in

¹ OIPR is now known as the Office of Intelligence (“OI”).

Support of Defendant's Motion for Summary Judgment and Reply Memorandum in the above-captioned case. This declaration will provide additional information about NSD's responsive records. I make the statements herein on the basis of personal knowledge, as well as on information acquired by me in the course of performing my official duties.

4. NSD's responsive records consist of the following:
 - a. Congressional reporting and supporting documentation:
 - 200 documents, ranging in date from May 2006 to September 2011, totaling 799 pages, which include materials sent to the House Permanent Select Committee on Intelligence ("HPSCI"), Senate Select Committee on Intelligence ("SSCI"), House Judiciary Committee, and/or the Senate Judiciary Committee.
 - Nine (9) documents, ranging in date from June 2006 to February 2011, totaling 955 pages, and submitted to Congress by the Attorney General as required by the Foreign Intelligence Surveillance Act of 1978, as amended, and the Intelligence Reform and Terrorism Prevention Act of 2004.
 - b. Materials submitted to, or opinions and/or orders issued by, the Foreign Intelligence Surveillance Court:
 - Legal memoranda submitted by the Government to, and opinions and/or orders issued by, the Foreign Intelligence Surveillance Court between February 2006 to February 2011.
 - c. Internal Executive Branch communications and analysis:
 - Nine (9) documents consisting of internal Executive Branch communications, memoranda, and/or analysis either undated or ranging in date from July 2006 to August 2008, and totaling 74 pages.
 - d. Guidelines and training documents:
 - Forty (40) documents consisting of internal Executive Branch guidelines, procedures, and training materials for government personnel on implementation of section 215 authority, either undated or ranging in date from August 2006 to June 2011, and totaling 843 pages.

As I explained in greater detail in my classified declaration submitted to the Court ex parte and in camera, providing further detail on the public record, such as a more detailed itemization or

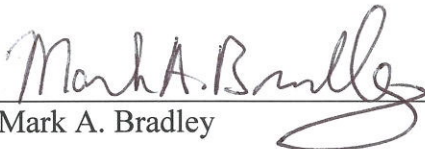
description of the withheld documents, would, itself, reveal some of the classified information that is exempt from disclosure under the FOIA pursuant to Exemption 1.

5. Due to an error, my previous unclassified declaration omitted date ranges and numbers of documents and pages provided in paragraph 4a, 4b, and 4c, above, and omitted from the count in paragraph 4d nine documents, totaling 72 pages. All of those documents are addressed in my classified declaration and attachments provided ex parte for the Court's in camera review, however.

CONCLUSION

I certify, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 4th day of January 2013


Mark A. Bradley