

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

OCT 14 2020 PM 4:46

LeeAnn Flynn Hall, Clerk of Court

IN RE OPINIONS AND ORDERS OF THE
FISC CONTAINING NOVEL OR
SIGNIFICANT INTERPRETATIONS OF LAW

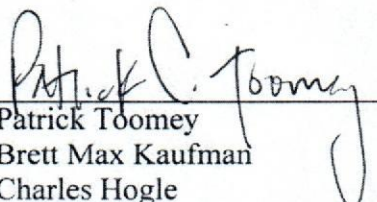
Docket No. MISC. 20-02

NOTICE OF APPEAL
OR IN THE ALTERNATIVE PETITION FOR A WRIT OF MANDAMUS

Pursuant to FISCR Rules of Procedure 5 and 8, Movant American Civil Liberties Union hereby appeals from the Foreign Intelligence Surveillance Court's Order and Opinion entered on September 15, 2020, in Docket No. Misc. 16-01, to the United States Foreign Intelligence Surveillance Court of Review, or in the alternative petitions for a writ of mandamus.

Movant recognizes that this Court has previously determined that it does not have jurisdiction to consider an appeal or petition for a writ of mandamus filed by a movant claiming a First Amendment right of public access to the FISC's legal opinions. *In re Opinions and Orders by the FISC Addressing Bulk Collection of Data Under the Foreign Intelligence Surveillance Act*, 957 F.3d 1344 (FISCR 2020) (per curiam). Movant respectfully submits this notice of appeal and petition for a writ of mandamus, however, in order to preserve its ability to seek further review.

Dated: October 14, 2020


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CORPORATE DISCLOSURE STATEMENT

The American Civil Liberties Union is a non-profit corporation. It has no parent corporations and does not issue stock. As a result, Movant does not have parent corporations or owners that are under foreign ownership, control, or influence, as defined in Intelligence Community Standard 700-01.

**CERTIFICATION OF BAR MEMBERSHIP AND
SECURITY CLEARANCE STATUS**

Pursuant to FISCR Rules of Procedure 9(d), 9(e) and 19, Movant respectfully submits the following information:

Bar Membership Information

Undersigned counsel for Movant are licensed attorneys and members, in good standing, of the bars of United States district and circuit courts. *See* FISCR R.P. 9(d), 19.

Patrick Toomey is a member, in good standing, of the following federal courts: the United States Courts of Appeals for the Second, Fourth, Ninth, and Tenth Circuits; and the United States District Courts for the Eastern District of New York, the Southern District of New York, and the District of Colorado. He is licensed to practice law by the bars of the States of Massachusetts and New York.

Brett Max Kaufman is a member, in good standing, of the following federal courts: the Supreme Court of the United States; the United States Courts of Appeals for the Second, Third, Fourth, Ninth, District of Columbia, and Federal Circuits; and the United States District Courts for the Southern District of New York, the Western District of New York, and the District of Columbia. He is licensed to practice law by the bar of the State of New York.

Charles Hogle is a member, in good standing, of the United States District Court for the Southern District of New York. He is licensed to practice law by the bar of the State of New York.

Alex Abdo is a member, in good standing, of the following federal courts: the Supreme Court of the United States; the United States Courts of Appeals for the First, Second, Fourth, Ninth, and District of Columbia Circuits; and the United States District Courts for the Southern

District of New York and the Eastern District of New York. He is licensed to practice law by the bar of the State of New York.

Jameel Jaffer is a member, in good standing, of the following federal courts: the Supreme Court of the United States; the United States Courts of Appeals for the Second, Fourth, Sixth, Ninth, and District of Columbia Circuits; and the United States District Courts for the Southern District of New York, the Eastern District of New York, and the District of Columbia. He is licensed to practice law by the bar of the State of New York.

Arthur Spitzer is a member, in good standing, of the following federal courts: the Supreme Court of the United States; the United States Courts of Appeals for the Fourth, Ninth, District of Columbia, Federal, and Armed Forces Circuits; and the United States District Courts for the Districts of Columbia, the Eastern District of New York, and the Southern District of New York. He is licensed to practice law by the bar of the District of Columbia.

Michael Perloff is a member, in good standing, of the United States District Court for the District of Columbia. He is licensed to practice law by the bars of the District of Columbia and the State of New York.

David Schulz is a member, in good standing, of the following federal courts: the Supreme Court of the United States; the United States Courts of Appeals for the Second, Third, Fourth, Ninth, Tenth, and District of Columbia Circuits; and the United States District Courts for the District of Columbia, the District of Connecticut, and for all Districts of the State of New York. He is licensed to practice law by the bars of the District of Columbia, the State of New York, and the State of Connecticut.

Charles Crain is a member, in good standing, of the United States Court of Appeals for the Eleventh Circuit. He is licensed to practice law by the bar of the State of California.

Security Clearance Information

Pursuant to FISCR Rule of Procedure 9(e), Movant certifies that Arthur Spitzer held a "Secret" security clearance issued in 2011 by the Department of Justice. Although this clearance technically expired in 2016, Mr. Spitzer has applied to renew that security clearance and he understands that he continues to be permitted access to classified information while his application is pending.

The point of contact for Mr. Spitzer's security clearance is:

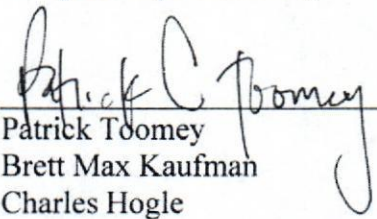
Debra M. Guerrero-Randall
Security Specialist
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Fax: (202) 307-2066

Because Movant's motion and the related briefing does not contain classified information, Movant respectfully submits that all undersigned counsel may participate in proceedings on the motion without access to classified information or security clearances. *See* FISCR R.P. 19 (requiring counsel to have only "the appropriate security clearance").

Dated: October 14, 2020

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Respectfully submitted,


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CERTIFICATE OF SERVICE

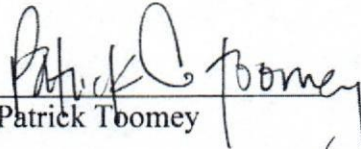
I, Patrick Toomey, certify that on this day, October 14, 2020, a copy of the foregoing document was served on the following persons by the methods indicated:

By email

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