U.S. FOREIGN INTELLIGENCE SURVEILLAMOE COURT

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

2013 NOV 26 PM 3: 58 T LEEANN FLYNN HALL CLERK OF COURT

IN RE OPINIONS & ORDERS OF THIS COURT ADDRESSING BULK COLLECTION OF DATA UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

Docket No. Misc. 13-02

IN RE MOTION FOR THE RELEASE OF COURT RECORDS

Docket No. Misc. 13-08

IN RE MOTION OF PROPUBLICA, INC. FOR THE RELEASE OF COURT RECORDS

Docket No. Misc. 13-09

MOTION OF THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND 25 MEDIA ORGANIZATIONS FOR LEAVE TO FILE BRIEF AS AMICI CURIAE IN SUPPORT OF THE NOVEMBER 6, 2013 MOTION BY THE AMERICAN CIVIL LIBERTIES UNION, ET AL., FOR THE RELEASE OF COURT RECORDS; THE OCTOBER 11, 2013 MOTION BY THE MEDIA FREEDOM AND INFORMATION ACCESS CLINIC FOR RECONSIDERATION OF THIS COURT'S SEPTEMBER 13, 2013 OPINION ON THE ISSUE OF ARTICLE III STANDING; AND THE NOVEMBER 12, 2013 MOTION BY PROPUBLICA, INC. FOR RELEASE OF COURT RECORDS

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The Reporters Committee for Freedom of the Press, American Society of News Editors, Atlantic Media, Inc., Bay Area News Group, Belo Corp., Bloomberg L.P., Courthouse News Service, The E.W. Scripps Company, First Amendment Coalition, Gannett Co., Inc., Hearst Corporation, Investigative Reporters and Editors, Investigative Reporting Workshop at American University, The McClatchy Company, Media Consortium, The National Press Club, National Press Photographers Association, National Public Radio, Inc., The New York Times Company, The New Yorker, North Jersey Media Group Inc., Online News Association, POLITICO LLC, Radio Television Digital News Association, The Seattle Times Company, and The Washington Post move for leave to file the accompanying brief *amici curiae* in support of (1) the November 6, 2013 motion of the American Civil Liberties Union, *et al.*, for the release of court records; (2) the October 11, 2013 motion of the Media Freedom and Information Access Clinic (MFIAC) for reconsideration of this Court's September 13, 2013 opinion on the issue of Article III standing; and (3) the November 12, 2013 motion of ProPublica, Inc. for release of court records.

This coalition of news media organizations writes separately to emphasize that MFIAC, like all members of the public, has standing to seek access to this Court's records. While the news media have a long tradition of fighting for public access to court proceedings and records, it is important for this Court to recognize that the public at large possesses this right, and that the interests at stake can be vindicated by anyone. As the Supreme Court has found, potential harm to the public debate and erosion in confidence to the judicial system is an injury that everyone shares when access rights are denied.

Amici are further concerned that the standard that this Court applied in denying standing to MFIAC undermines the right of the news media to seek access to court records and proceedings. While it seems that a news organization that intends to report on a public

controversy would be able to satisfy the rule, a court could use it to deny standing to a media party that could not show a prior track record of covering a particular issue.

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Amici additionally emphasize that the documents sought are critically important to

improving public understanding of this Court and the federal government's national security

operations. The public has a formidable First Amendment interest in hearing directly from this

Court about its core judicial activities in interpreting the statutes that give rise to its jurisdiction.

Disclosures in recent months about the scope, legality and administration of NSA surveillance

programs amplify the need for access and merits attention here.

Counsel for all parties have consented to the filing of the accompanying brief.

Pursuant to this Court's order, dated July 18, 2013, and United States Foreign

Intelligence Surveillance Court R.P. 7(h)(1) and 63, the Reporters Committee for Freedom of the

Press respectfully submits the following information: Bruce D. Brown is a member in good

standing of the United States District Court for the District of Columbia (#457317), admitted

September 12, 2011. Additionally, Brown is a member of good standing of the bar of the

Commonwealth of Massachusetts (#629541) and the District of Columbia (#426092). Amici

further certify that the undersigned does not currently hold a security clearance.

Respectfully submitted,

Bruce D. Brown, Counsel for Amici Curiae

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Dated: November 26, 2013

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CERTIFICATE OF SERVICE

I, Bruce D. Brown, certify that on November 26, 2013, a copy of this motion, together with the accompanying brief of *amici curiae*, were served on the following by in-person delivery:

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I further certify that this motion and the accompanying brief were served on the following by electronic mail:

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