

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AMERICAN CIVIL LIBERTIES UNION;
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION; AMERICAN CIVIL
LIBERTIES UNION OF MICHIGAN;
COUNCIL ON AMERICAN-ISLAMIC
RELATIONS; COUNCIL ON AMERICAN
ISLAMIC RELATIONS MICHIGAN;
GREENPEACE, INC.; NATIONAL
ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS; JAMES BAMFORD; LARRY
DIAMOND; CHRISTOPHER HITCHENS;
TARA MCKELVEY; and BARNETT R. RUBIN,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY / CENTRAL
SECURITY SERVICE; and LIEUTENANT
GENERAL KEITH B. ALEXANDER, in his official
capacity as Director of the National Security Agency
and Chief of the Central Security Service,

Defendants.

C L O S E D

Case No. 06-CV-10204

Hon. Anna Diggs Taylor

JUDGMENT AND PERMANENT INJUNCTION ORDER

For the reasons set forth in an accompanying Memorandum Opinion, Plaintiffs' Motion for Partial Summary Judgment [Doc #4] is GRANTED. Defendants' Motion to Dismiss, or, in the Alternative, for Summary Judgment [Doc #34] is GRANTED in part and DENIED in part.

IT IS HEREBY ORDERED that Defendants, its agents, employees, representatives, and any other persons or entities in active concert or participation with Defendants, are permanently enjoined from directly or indirectly utilizing the Terrorist Surveillance Program (hereinafter "TSP") in any way, including, but not limited to, conducting warrantless wiretaps of telephone

and internet communications, in contravention of the Foreign Intelligence Surveillance Act (hereinafter "FISA") and Title III;

IT IS FURTHER ORDERED AND DECLARED that the TSP violates the Separation of Powers doctrine, the Administrative Procedures Act, the First and Fourth Amendments to the United States Constitution, the FISA and Title III;

IT IS ALSO ORDERED that Defendants' Motion for Summary Judgment is GRANTED with respect to Plaintiffs' data-mining claim and is DENIED regarding Plaintiffs' remaining claims;

IT IS ALSO ORDERED that Plaintiffs' Motion for Partial Summary Judgment is GRANTED in its entirety.

IT IS SO ORDERED.

Date: August 17, 2006
Detroit, Michigan

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing *Order* was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on **August 17, 2006**.

s/Johnetta M. Curry-Williams
Case Manager