

# EXHIBIT A

~~TOP SECRET//COMINT [REDACTED]//TSP//ORCON/NOFORN//MR~~

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE NATIONAL SECURITY AGENCY  
TELECOMMUNICATIONS RECORDS  
LITIGATION

MDL Dkt. No. 06-1791-VRW

CLASSIFIED DECLARATION  
OF [REDACTED]  
NATIONAL SECURITY  
AGENCY

This Document Relates to:

ALL CASES except *Al-Haramain v. Bush*  
(07-109); *CCR v. Bush* (07-1115); *United States*  
*v. Farber* (07-1324); *United States v. Adams*  
(07-1326); *United States v. Volz* (07-1396);  
*United States v. Gaw* (07-1242); *Clayton v. AT&T*  
*Communications of the Southwest* (07-1187)

SUBMITTED IN CAMERA,  
EX PARTE

Hon. Vaughn R. Walker

Date: November 15, 2007  
Time: 2:00 pm  
Courtroom: 6 - 17<sup>th</sup> Floor

I, [REDACTED] do hereby state and declare as follows:

Introduction

1. (U) I am the Deputy Chief of Staff for Operations and Support for the Signals Intelligence Directorate of the National Security Agency (NSA), an intelligence agency within the Department of Defense. I oversee signals intelligence (SIGINT) operations of NSA which includes the SIGINT units of the U.S. armed services. Under Executive Order No. 12333, 46 Fed. Reg. 59941 (1981), as amended on January 23, 2003, 68 Fed. Reg. 4075 (2003), and August 27, 2004, 69 Fed. Reg. 53593 (2004), the NSA SIGINT Directorate is responsible for the collection, processing, and dissemination of SIGINT information for the foreign intelligence purposes of the United States. I am responsible for protecting NSA SIGINT activities, sources and methods against unauthorized disclosures. I have been designated an original TOP SECRET classification authority under Executive Order No. 12958, 60 Fed. Reg. 19825 (1995),

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1 as amended on March 25, 2003, 68 Fed. Reg. 15315 (2003), and Department of Defense  
2 Directive No. 5200.1-R, Information Security Program Regulation, 32 C.F.R. § 159a.12 (2000).  
3 I have worked at NSA for thirty three years in various positions as a linguist, analyst and  
4 supervisor. As the Deputy Chief of Staff for Operations and Support, I am familiar with the  
5 document retention and preservation policies of the NSA.

6 2. ~~(TS//SI~~ [REDACTED] ~~//TSP//OC/NF)~~<sup>1</sup> I make this declaration in support the  
7 United States' Opposition to Plaintiffs' Motion for an Order to Preserve Evidence. The  
8 purpose of this declaration is to describe the policies and practices in place at NSA to preserve  
9 documents and information related to particular intelligence activities authorized by the  
10 President after the 9/11 attacks that are implicated by the claims in this proceeding, as well as to  
11 discuss steps that I understand have been taken [REDACTED]

12 [REDACTED]  
13 3. ~~(TS//SI~~ [REDACTED] ~~//TSP//OC/NF)~~ I will address the following topics in this  
14 declaration. First, I briefly summarize the intelligence activities implicated by these lawsuits  
15 and which are subject to the Government's state secrets privilege assertion, as previously in  
16 described in the classified Declarations that Lt. General Keith T. Alexander, Director of NSA,  
17 has submitted in support of the United States' assertion of the state secrets privilege and NSA  
18 statutory privilege in *Hepting v. AT&T*, which involved claims against AT&T, and in the  
19 various cases against various *Verizon* defendants (hereafter "*In Camera* Alexander Declaration  
20 in *Hepting* Case or *Verizon* Cases"). Second, I identify categories of documents and  
21 information that may be related to these activities [REDACTED]

22 [REDACTED] Third, [REDACTED]  
23

24 <sup>1</sup> (U) Classification markings in this declaration are in accordance with the marking system  
25 described in the *In Camera* Alexander Declarations submitted in the *Hepting* and *Verizon* cases.

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~~TOP SECRET//COMINT [REDACTED]//TSP//ORCON/NOFORN//MR~~

1 [REDACTED] I then describe the specific preservation status of various categories of documents  
2 and information potentially relevant to this litigation.

3 4. (U) My statements in this declaration are based on my personal knowledge of  
4 NSA activities as well as information provided to me in the course of my official duties. I have  
5 become familiar with the subject matter of the lawsuits before the Court in this action and the  
6 Plaintiffs' pending motion. In particular, I have read the Plaintiffs' Motion as well as the  
7 classified declarations that General Alexander has submitted, *see supra* ¶ 3

8 5. (~~TS//SI [REDACTED]//TSP//OC/NF~~) In addition, the description set forth herein  
9 of the documents and information maintained and preserved [REDACTED] is  
10 known to and has been obtained by NSA in the course of its official duties. As previously  
11 described by General Alexander, NSA [REDACTED]  
12 [REDACTED] in carrying out its signals intelligence mission.

13 *See In Camera* Alexander Declaration in *Hepting* Case ¶¶ 3, 27-33; *In Camera* Alexander  
14 Declaration in *Verizon* Cases ¶¶ 3-4, 24-26. [REDACTED]

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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Summary

1

2 6. ~~(TS//SI [REDACTED] //TSP//OC/NF)~~ NSA [REDACTED] taken

3 affirmative steps (described below) to ensure the preservation of information that may be

4 relevant to this litigation. In particular, NSA is preserving a range of documents and

5 communications concerning the presidentially-authorized activities at issue, including:

6 authorizations for these activities by the President; communications [REDACTED]

7 [REDACTED] documents related to the TSP, including specific selectors (e.g.,

8 telephone numbers and email addresses) tasked for content interception and the reasons they

9 were targeted; the actual content of communications intercepted under the TSP; intelligence

10 reports containing TSP information; Internet and telephony metadata collected under the

11 Presidential authorization; requests that NSA task that metadata for analysis to obtain

12 information on terrorist contacts [REDACTED] and the reports of that

13 analysis; and miscellaneous information concerning these activities, including legal opinions

14 and analysis relating to the lawfulness of the TSP and metadata activities; briefing materials

15 used to advise Members of Congress and the Foreign Intelligence Surveillance Court about

16 these activities; internal NSA oversight materials, such as NSA Inspector General oversight of

17 the operation of these activities; guidance used by NSA analysts concerning how to designate,

18 use, and protect TSP information in intelligence reports; and technical information concerning

19 the manner in which these presidentially-authorized activities were implemented, [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 7. ~~(TS//SI [REDACTED] //TSP//OC/NF)~~ [REDACTED]

23 [REDACTED]

24 [REDACTED]

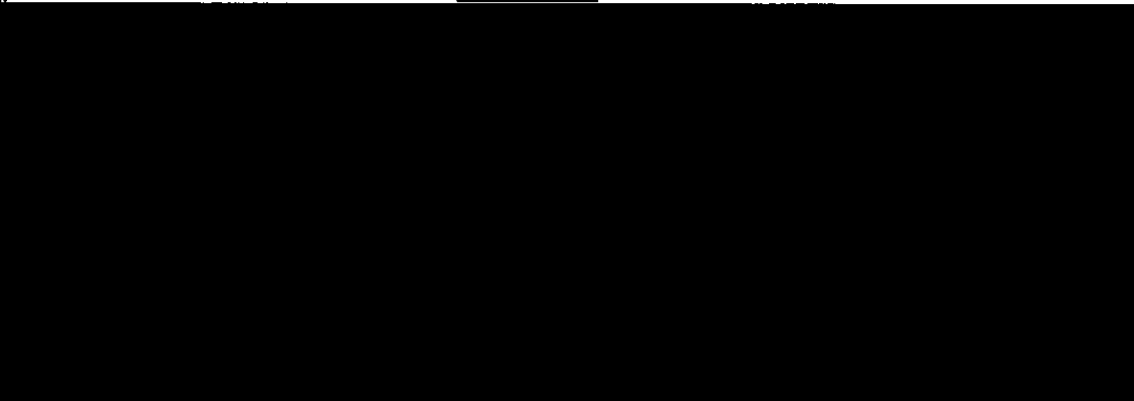
25 [REDACTED]

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7



Background

A. ~~(TS//SI//TSP//OC/NF)~~ NSA Activities

8. ~~(TS//SI [REDACTED] //TSP//OC/NF)~~ As General Alexander has previously described in detail, the lawsuits before the Court implicate several highly classified and critically important NSA intelligence activities [REDACTED]

As General Alexander explained, this information is subject to the Government's assertion of the state secrets and related statutory privileges and cannot be disclosed without causing exceptionally grave harm to national security. See *In Camera* Alexander Declaration in *Hepting* Case ¶¶ 27-78; *In Camera* Alexander Declaration in *Verizon* Cases ¶¶ 23-90.

<sup>2</sup> ~~(TS//SI [REDACTED] //TSP//OC/NF)~~ [REDACTED]

<sup>3</sup> ~~(TS//SI [REDACTED] //TSP//OC/NF)~~ [REDACTED]

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28

~~TOP SECRET//COMINT [REDACTED] TSP//ORCONNOFORN//MR~~

1 9. ~~(TS//SI [REDACTED] TSP//OC/NF)~~ First, these lawsuits put at issue whether the  
 2 NSA has intercepted the content of domestic communications of the plaintiffs and other U.S.  
 3 citizens. As set forth in General Alexander’s prior submissions, although the Plaintiffs wrongly  
 4 allege that the NSA conducts a dragnet of surveillance of the content of millions of  
 5 communications sent or received by people inside the United States, *see In Camera* Alexander  
 6 Declaration in *Verizon* Cases at ¶ 54, [REDACTED] the NSA  
 7 [REDACTED] the interception of the content of communications reasonably believed to  
 8 involve a member or agent of al Qaeda or an affiliated terrorist organizations pursuant to the  
 9 President’s Terrorist Surveillance Program (“TSP”) [REDACTED]  
 10 [REDACTED]

11 10. ~~(TS//SI [REDACTED] TSP//OC/NF)~~ Second, again after the 9/11 attacks and  
 12 pursuant to an authorization of the President, [REDACTED] the NSA [REDACTED] the bulk  
 13 collection of non-content information *about* telephone calls and Internet communications  
 14 (hereafter “metadata”)—activities that enable the NSA to uncover the contacts [REDACTED]  
 15 [REDACTED] of members or agents of al Qaeda or affiliated terrorist organizations.  
 16 Specifically, the President authorized the NSA to collect metadata related to *Internet*  
 17 communications for the purpose of conducting targeted analysis to track al Qaeda-related  
 18 networks. Internet metadata is header/router/addressing information, such as the “to,” “from,”  
 19 “cc,” and “bcc” lines, as opposed to the body or “re” lines, of a standard email. Since July  
 20 2004, the collection of Internet metadata has been conducted pursuant to an Order of the  
 21 Foreign Intelligence Surveillance Court (“FISC”) authorizing the use of a pen register and trap  
 22 and trace device (“FISC Pen Register Order”). *See* 18 U.S.C. § 3127 (defining “pen register”  
 23 and “trap and trace device”).

24 11. ~~(TS//SI [REDACTED] TSP//OC/NF)~~ In addition, also after the 9/11 attacks,  
 25  
 26 Classified Declaration of [REDACTED]  
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1 [REDACTED] the NSA [REDACTED] the collection of *telephony* metadata conducted  
2 pursuant to an authorization of the President. Such metadata is compiled from call detail data  
3 [REDACTED] that reflects non-content  
4 information such as the date, time, and duration of telephone calls, as well as the phone  
5 numbers used to place and receive the calls. As with the broad Internet metadata collection  
6 now authorized by the FISA Court, the bulk collection of telephony metadata was and remains  
7 necessary to utilize sophisticated analytical tools for tracking the contacts [REDACTED]  
8 [REDACTED] Since May 2006, [REDACTED]  
9 have been required to produce this information by order of the FISA Court (“FISC Telephone  
10 Records Order”).

11 B. ~~(TS//SI//TSP//OC/NF)~~ Document Categories

12 12. ~~(TS//SI//TSP//OC/NF)~~ I describe below the categories and  
13 preservation status of documents or information maintained by NSA [REDACTED]  
14 [REDACTED] in the following three program activities prior to the relevant  
15 FISC Order for that activity:<sup>4</sup>

- 16 (i) The Terrorist Surveillance Program authorized by the President to  
17 intercept certain international communications into or out of the United  
18 States (*i.e.*, “one-end” foreign) that are reasonably believed to involve a  
19 member or agent of al Qaeda or affiliated terrorist organization; and
- 20 (ii) The collection of non-content data concerning Internet  
21 communications authorized by the President (“Internet  
22 metadata”).
- 23 (iii) The collection of telephone calling record information  
24 (“telephony metadata”) authorized by the President.

23  
24 <sup>4</sup> ~~(TS//SI)~~ Because Plaintiffs have not challenged activities occurring pursuant to an order  
25 of the FISC, this declaration does not address information collected pursuant to such an  
26 authorization or any retention policies associated therewith.

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~~TOP SECRET//COMINT [REDACTED]//TSP//ORCON/NOFORN//MR~~

1 I cannot state that all documents and information concerning these activities have been  
 2 preserved since the activities commenced under presidential authorization after the 9/11 attacks.  
 3 I specifically describe below various categories of documents and information concerning these  
 4 activities that may be potentially relevant to the litigation and that NSA [REDACTED]  
 5 [REDACTED] acted to preserve since the onset of this litigation.

~~(TS//SI//TSP//OC/NF)~~ Preservation of InformationA. ~~(TS//SI)~~ National Security Agency Information

8 13. ~~(TS//SI//TSP//OC/NF)~~ As set forth below, the NSA preserving documents and  
 9 information potentially relevant to the claims and issues in this lawsuit with respect to the three  
 10 categories of activities authorized by the President after 9/11 and detailed above for the period  
 11 prior to the respective superseding FISC orders. NSA has taken various steps to ensure that  
 12 staff and officials in offices that were cleared to possess information related to the presidentially  
 13 authorized activities are preserving documents contained in their files and on their computer  
 14 systems that relate to these activities. Initially, on January 10, 2006, the General Counsel of the  
 15 National Security Agency, through a classified electronic mail communication, instructed that  
 16 information, records, or materials (including in electronic form) related to the presidentially-  
 17 authorized activities be preserved. Prior to the initiation of these lawsuits, NSA has held  
 18 monthly internal meetings between the Office of General Counsel (OGC), Office of the  
 19 inspector General, Signals Intelligence Directorate, and senior agency management, to discuss  
 20 operational and logistical issues associated with the operation of the presidentially-authorized  
 21 activities; the preservation of information and documents related to those activities has been  
 22 regularly discussed at these meetings. Following the initiation of these cases in 2006, NSA's  
 23 OGC has used these meetings to regularly advise the relevant program offices to preserve all  
 24 information related to these activities, including in electronic form. In addition, in August  
 25

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~~TOP SECRET//COMINT [REDACTED]//TSP//ORCON//NOFORN//MR~~

1 2007, following the issuance of Congressional subpoenas for information related to the  
2 presidentially-authorized activities, NSA's OGC again instructed the NSA program officials  
3 and personnel who had been cleared for access to information concerning the presidentially-  
4 authorized activities that all information and documents (including written or electronic) related  
5 to these activities and the current litigation be preserved. The categories of documents and  
6 information related to the presidentially authorized activities is described below.

- 7 1. ~~(TS//SI//TSP//OC/NF)~~ [REDACTED]
- 8 14. ~~(TS//SI//TSP//OC/NF)~~ [REDACTED]
- 9 [REDACTED]
- 10 [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]
- 14 15. ~~(TS//SI//TSP//OC/NF)~~ [REDACTED]

15 [REDACTED]

17 *See*  
18 *In Camera* Alexander Declaration in *Hepting* Case ¶¶ 61, 74-75; *In Camera* Alexander  
19 Declaration in *Verizon* Cases ¶¶ 49-52; and *In Camera* Alexander Declaration in *Shubert* Cases  
20 ¶¶ 34-36. Pursuant to the presidential authorization, NSA analysts queried the collected  
21 metadata using telephone numbers and email addresses that are reasonably suspected to be  
22 associated with al Qaeda or a group affiliated with al Qaeda (as discussed above). [REDACTED]

23 [REDACTED]

24 [REDACTED]

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~~TOP SECRET//COMINT [REDACTED]//TSP//ORCON/NOFORN//MR~~

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

Also, as  
5 set forth below, NSA has preserved metadata collected in bulk [REDACTED] under  
6 presidential authorization.

7       2. ~~(TS//SI//TSP//OC/NF)~~ **Presidential Authorizations**  
8       16. ~~(TS//SI//TSP//OC/NF)~~ NSA is preserving copies of all Presidential  
9 authorizations of the TSP and metadata collection activities described herein from the inception  
10 of these activities, including the periodic re-authorization of these activities by the President.  
11 These authorizations were accompanied by a current analysis of the terrorist threat facing the  
12 United States, and these threat memoranda have also been preserved. These documents  
13 originated outside of NSA and were obtained and are preserved solely in paper form. These  
14 documents are maintained in the offices of the NSA Director.

15       3. ~~(TS//SI [REDACTED]//TSP//OC/NF)~~ [REDACTED]

16       17. ~~(TS//SI [REDACTED]//TSP//OC/NF)~~ [REDACTED]

17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21       4. (U) **Terrorist Surveillance Program Information**  
22       18. ~~(TS//SI//TSP//OC/NF)~~ NSA is preserving several categories of documents  
23 related to the Terrorist Surveillance Program under which the content of international, one-end  
24 foreign telephone and Internet communications reasonably believed to involve a member or

25  
26 **Classified Declaration of [REDACTED]**  
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~~TOP SECRET//COMINT [REDACTED]//TSP//ORCON//NOFORN//MR~~

1 agent of al Qaeda or affiliated terrorist organization were intercepted during the existence of  
2 that program. These TSP documents include the following:

3 19. ~~(TS//SI//TSP//OC/NF)~~ TSP Tasking and Probable Cause Information: NSA is  
4 preserving documentation assembled by its analysts in the process of determining whether it  
5 should, in connection with the TSP, intercept the content of communications of a particular  
6 selector (e.g., telephone number or email address). As set forth in General Alexander's prior  
7 declarations in this case, the interception of the content of communications under the TSP was  
8 triggered by a range of information, including sensitive foreign intelligence, obtained or derived  
9 from various sources indicating that a particular phone number or email address is reasonably  
10 believed by the U.S. Intelligence Community to be associated with a member or agent of al  
11 Qaeda or an affiliated terrorist organization. See, e.g., *In Camera* Alexander Declaration in  
12 *Verizon Cases* ¶ 55. After NSA would task for content collection a particular phone number or  
13 email address that met this criteria, it preserved documentation of the particular selectors  
14 (telephone numbers and Internet addresses) and are reasons for the tasking. [REDACTED]

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 20. ~~(TS//SI//TSP//OC/NF)~~ [REDACTED] NSA preserves  
22 documentation on an electronic database of *telephony* selectors tasked (i.e., telephone numbers  
23 reasonably believed to be associated with persons outside the United States). Since  
24 approximately September 2005, NSA has also maintained a record of foreign Internet selectors  
25

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~~TOP SECRET//COMINT [REDACTED]//TSP//ORCON/NOFORN//MR~~

1 in an electronic database (which includes the basis for tasking the selector). For the period  
 2 prior to September 2005, tasking documentation identifying foreign Internet selectors is not  
 3 complete. However, since the initiation of this lawsuit, NSA has acted to preserve all records  
 4 that did exist at that time for foreign Internet tasking. [REDACTED]

5 [REDACTED]  
 6 21. ~~(TS//SI//TSP//OC/NF)~~ TSP Intercepted Content: As described herein, NSA is  
 7 preserving the actual content of communications intercepted under the presidentially-authorized  
 8 TSP as described in this paragraph. For voice intercepts under the TSP, NSA has maintained  
 9 all "raw traffic" in an electronic database.<sup>5</sup> From the initiation of the TSP until the program  
 10 ceased in 2007, the raw traffic of Internet content intercepts were maintained on a database for  
 11 approximately 180 days. Because the operational relevance of this intelligence declined over  
 12 time, and because the performance of this system is affected by the volume maintained on the  
 13 online database, NSA migrated the raw Internet traffic to computer tape. However, NSA is  
 14 preserving tapes of the Internet content intercepted under the TSP since the inception of the  
 15 program.

16 22. ~~(TS//SI//TSP//OC/NF)~~ Intelligence Reports: NSA analysts have prepared  
 17 detailed intelligence reports that utilize content intercepts obtained under the TSP authorization  
 18 by the President. NSA intelligence reports are written assessments of intelligence on particular  
 19 topics (for example, the threat of al Qaeda attacks or the activities of suspected al Qaeda  
 20 operatives). For each of these reports, an NSA analyst is able to determine if information  
 21 obtained through a TSP intercept was utilized. All NSA intelligence reports are preserved  
 22

23 <sup>5</sup> ~~(TS//SI//TSP//OC/NF)~~ Due to a technical malfunction (which occurred on or about  
 24 January 26, 2007), raw telephony intercept for a period of approximately six months (June  
 25 2005-December 2005) was inadvertently deleted from this database. However, foreign  
 intelligence information derived from these raw intercepts is preserved.

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1 permanently in paper and electronic form.

2 **5. ~~(TS//SI//TSP//OC/NF)~~ Internet and Telephony Metadata Collection**

3 **23. ~~(TS//SI [REDACTED]//TSP//OC/NF)~~ Internet Metadata Collection:** As described

4 above and in General Alexander's prior Declarations, starting in October 2001, and now

5 pursuant to the FISC Pen Register Order, NSA has obtained [REDACTED]

6 [REDACTED] bulk metadata associated with electronic communications [REDACTED]

7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED] *See, e.g., In Camera* Alexander Declaration in *Verizon* Cases, ¶ 31. NSA collected

11 Internet metadata pursuant to Presidential authorization until [REDACTED] 2004 (nearly two years  
12 before these lawsuits commenced). On [REDACTED] 2004, NSA took initial steps to embargo this  
13 data from access by all NSA analysts. Because the Internet metadata collected prior to the FISC  
14 order was no longer being used for analysis, it was migrated to electronic tapes starting in  
15 January 2006. Those tapes are stored by the Signals Intelligence Directorate. To be clear, the  
16 presidentially authorized collection of internet metadata is segregated from information  
17 collected under the FISC Order of July 2004 and has not been destroyed.

18 **24. ~~(TS//SI [REDACTED]//TSP//OC/NF)~~ Telephony Metadata Collection:** As

19 described above and in General Alexander's prior declarations, starting in October 2001, and  
20 now pursuant to the FISC Telephone Records Order entered in May 2006 (FISC Telephone

21 Records Collection Order), NSA has collected [REDACTED]

22 telephony metadata compiled from call detail records that [REDACTED]

23 [REDACTED] reflects non-content information such as the date, time, and duration  
24 of telephone calls, as well as the phone numbers used to place and receive the calls. *See, e.g.,*

25  
26 **Classified Declaration of [REDACTED]**  
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1 *In Camera* Alexander Declaration in *Verizon* Cases ¶ 32. The telephony metadata NSA  
 2 collected [REDACTED] prior to the FISC order is segregated in an online database from that  
 3 collected after May 2006 under the FISC Order, but remains subject to querying for analysis of  
 4 [REDACTED] contacts by those reasonably believed to be associated with al  
 5 Qaeda and affiliated terrorist organizations.

6 25. ~~(TS//SI [REDACTED]//TSP//OC/NF)~~ For operational reasons, NSA maintains  
 7 approximately five years worth of telephony metadata in its online database. Data acquired  
 8 after 2003 under Presidential authorization is preserved electronically in an online data base.  
 9 NSA has migrated to tapes telephony metadata collected during the period 2001-02, since the  
 10 current operational relevance of that data has declined and continuing to maintain it on current  
 11 operational systems would be unnecessary and would encumber current operations with more  
 12 recent data. NSA's operational policy is to continue to migrate telephony metadata beyond five  
 13 years old from an online database to tapes for preservation. To the extent NSA is required to  
 14 halt the migration of older telephony metadata to tape, less relevant data would be retained in  
 15 the operational system, encumbering the performance of the current online database because of  
 16 the volume of data, and this would severely undermine NSA's ability to identify [REDACTED]  
 17 contacts of suspected terrorist communications.

18 26. ~~(TS//SI [REDACTED]//TSP//OC/NF)~~ Information Pertaining to Queries of Meta-Data: NSA is  
 19 preserving documentation of requests that it query its database of Internet and telephony  
 20 metadata for analysis. See *In Camera* Alexander Declaration in *Verizon* Cases ¶¶ 31-32 and *In*  
 21 *Camera* Alexander Declaration in *Hepting* Cases ¶¶ 37-43 (describing contact chaining [REDACTED]  
 22 [REDACTED] of metadata). This documentation indicates the selectors (Internet addresses  
 23 and phone numbers) that NSA searched in order to analyze particular contacts [REDACTED]  
 24 [REDACTED] for that selector, and the basis for its analysis for the selectors under which the  
 25

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1 metadata was queried. Documentation of metadata queries is maintained by NSA's Signals  
2 Intelligence Directorate in electronic form.

3 27. ~~(TS//SI//TSP//OC/NF)~~ Reports of Metadata Analysis: NSA is preserving  
4 documentation of its analysis of Internet and Telephony Metadata obtained pursuant to  
5 Presidential authorization and prior to the respective FISC Orders for these activities. These  
6 reports include the results of any contact chaining [REDACTED] for particular selectors  
7 reasonably believed to be that of a member or agent of al Qaeda or affiliated terrorist  
8 organization. This documentation sets forth NSA's assessment of a particular Internet or  
9 telephony selector's contacts [REDACTED] in order to detect other potential al  
10 Qaeda associates. Reports documenting metadata analysis are maintained by NSA's Signals  
11 Intelligence Directorate in both an electronic database and in paper form.

12 6. ~~(TS//SI)~~ Miscellaneous NSA Information

13 28. ~~(TS//SI//TSP//OC/NF)~~ As summarized below, NSA is also preserving  
14 miscellaneous categories of administrative records related to the presidentially-authorized  
15 activities implicated by these lawsuits (TSP content collection, Internet metadata collection,  
16 telephony metadata collection). These categories include:

- 17 (i) Legal Opinions and analysis relating to the lawfulness of the TSP and metadata  
18 activities. This information is maintained in paper form in the Office of the General  
19 Counsel.
- 20 (ii) Materials Related to Briefings to Members of Congress and the FISA Court on the TSP  
21 and metadata activities since their inception. These documents are being maintained  
22 and preserved in paper form by the Program Manager's Office for these NSA activities.  
In addition, an electronic version of the latest iteration of these briefings is also  
23 maintained. Although no briefing materials have been destroyed since the initiation of  
24 these lawsuits in 2006, it is possible that not all earlier iterations of briefings have been  
25 preserved.
- 26 (iii) NSA Internal Oversight Documents of the presidentially-authorized TSP and metadata  
27 collection activities, including reports by the NSA General Counsel and the NSA  
28 Inspector General of the operation of these activities. NSA also is preserving agendas  
and notes of regular monthly meetings between the Office of the General Counsel,

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1 Office of the Inspector General, and the Signals Intelligence Directorate, which review  
2 and address legal and operational issues concerning the TSP and metadata collection  
activities described herein.

3 (iv) Classification Guides that address the classification status, processing, dissemination,  
4 and reporting of intelligence traffic and information obtained pursuant to the  
presidential authorization. This guidance, which NSA intelligence analysts use in  
5 analyzing TSP traffic, includes instructions on how to designate and protect TSP  
information in intelligence reports, how to designate its classification status, and how to  
6 implement NSA minimization procedures in drafting reports (typically procedures that  
require the minimization of the names of U.S. persons mentioned in such reports who  
7 are not foreign intelligence targets). This information is maintained in electronic form.

8 (v) Technical Information concerning the manner in which presidentially-Authorized  
9 activities were implemented. [REDACTED] such as technical proposals, and  
technical plans for undertaking particular tasks.

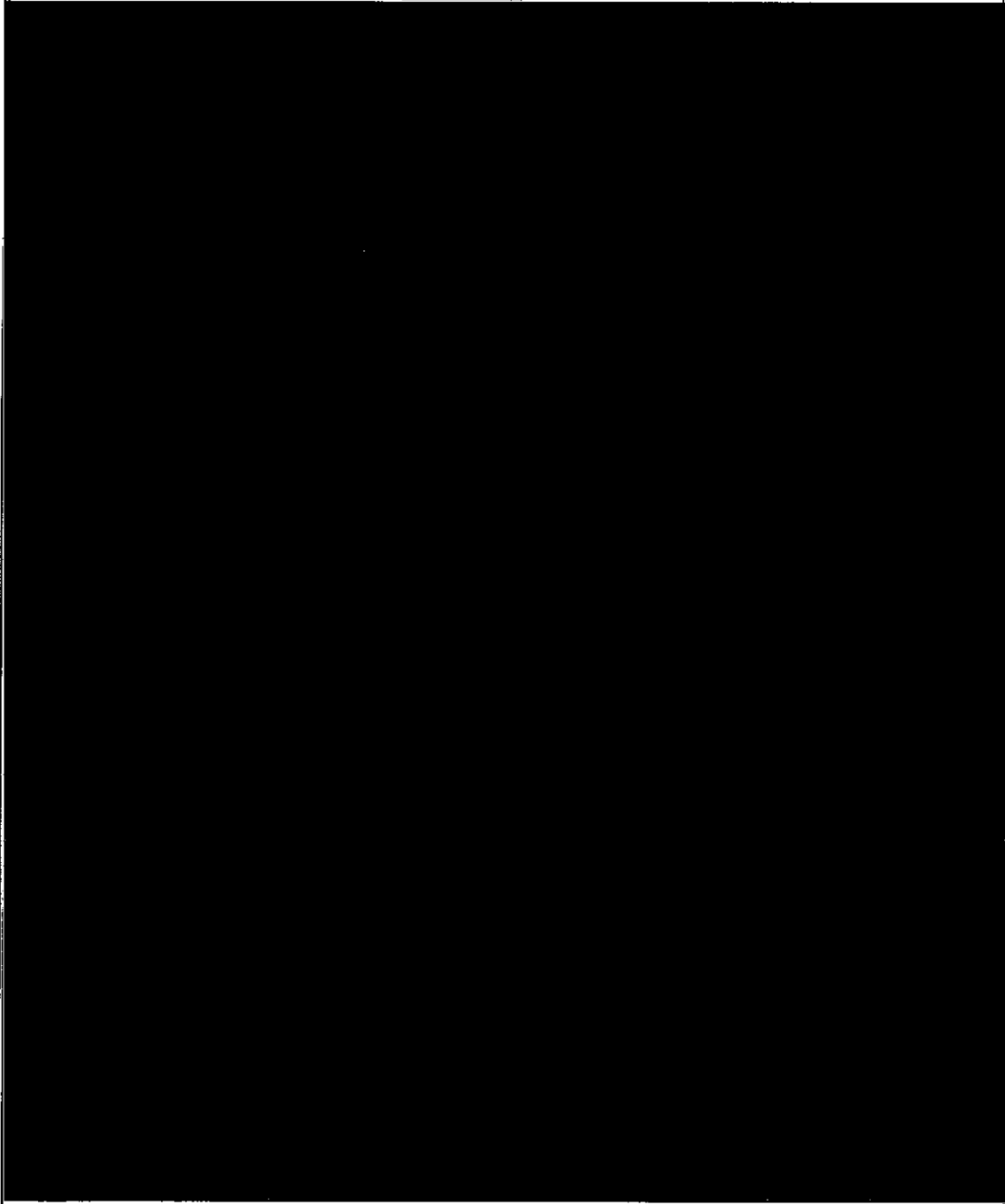


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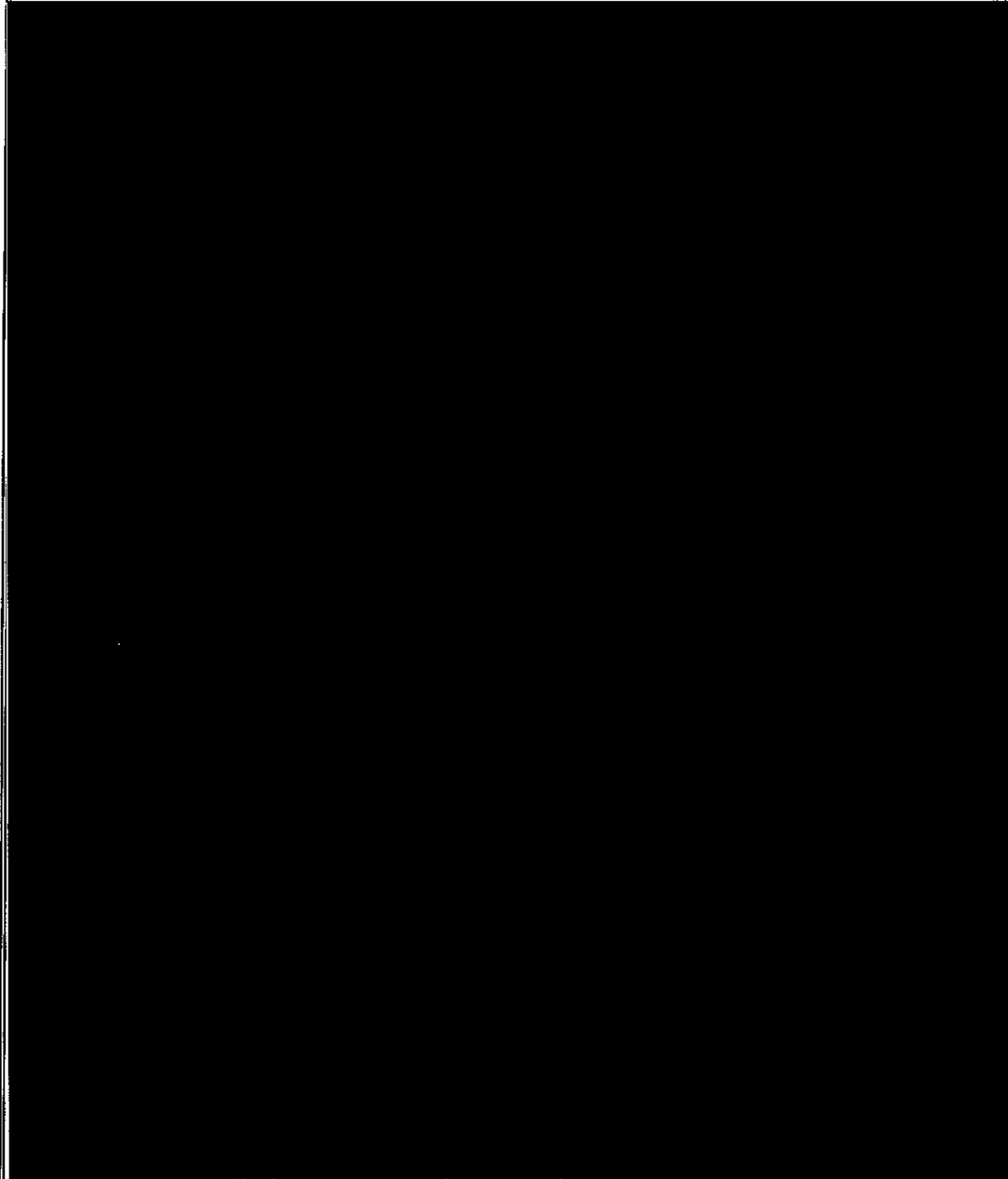


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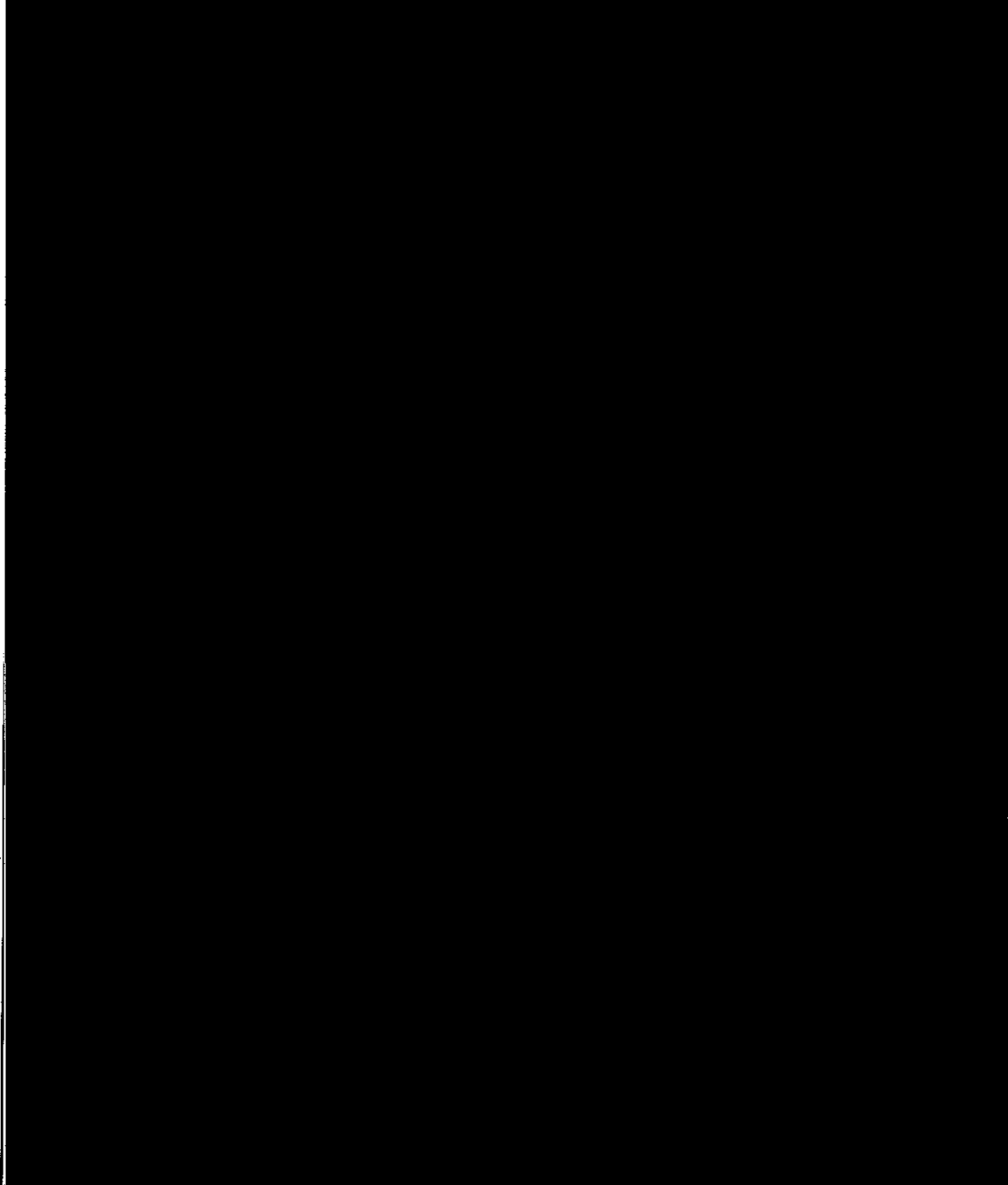


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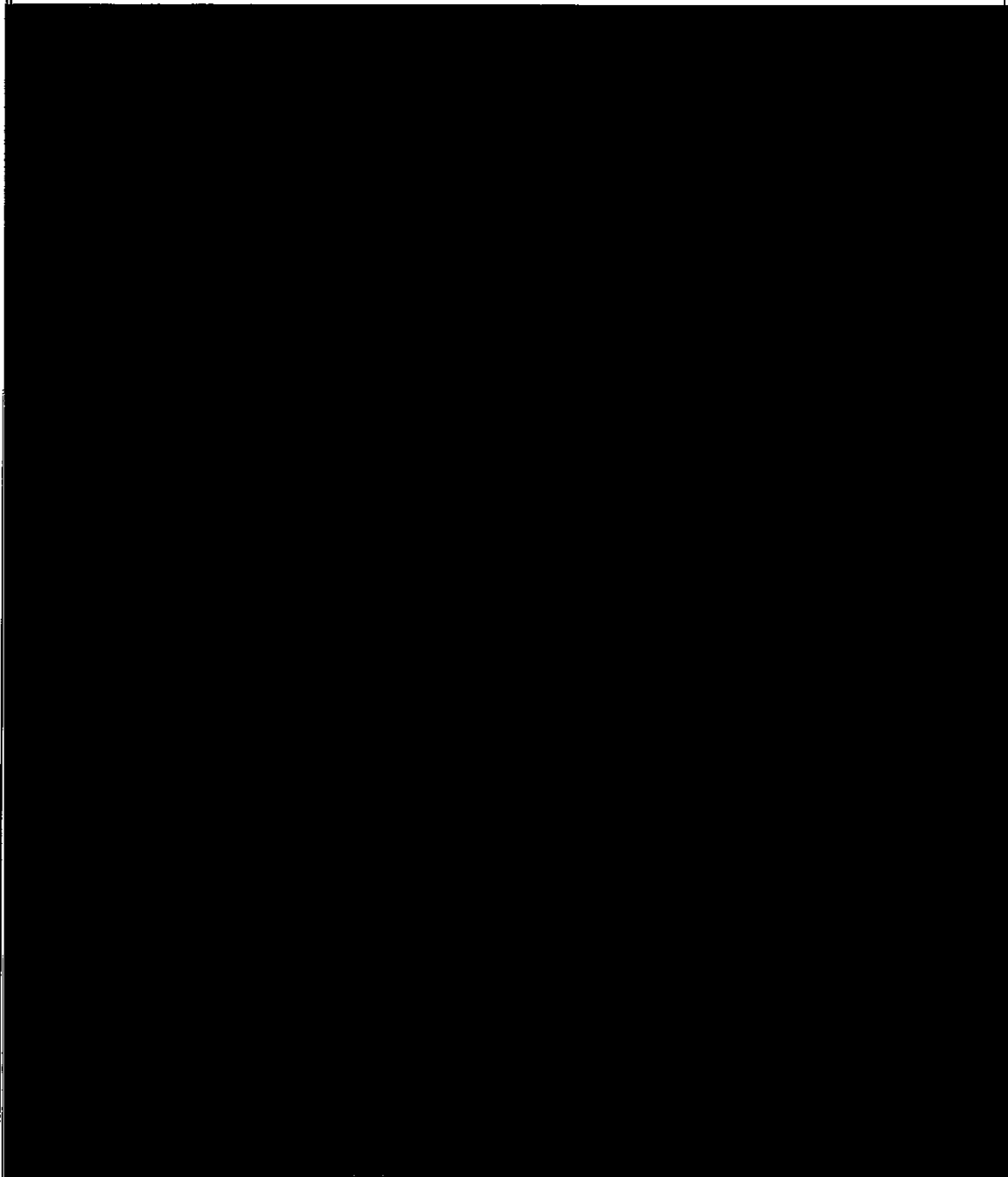


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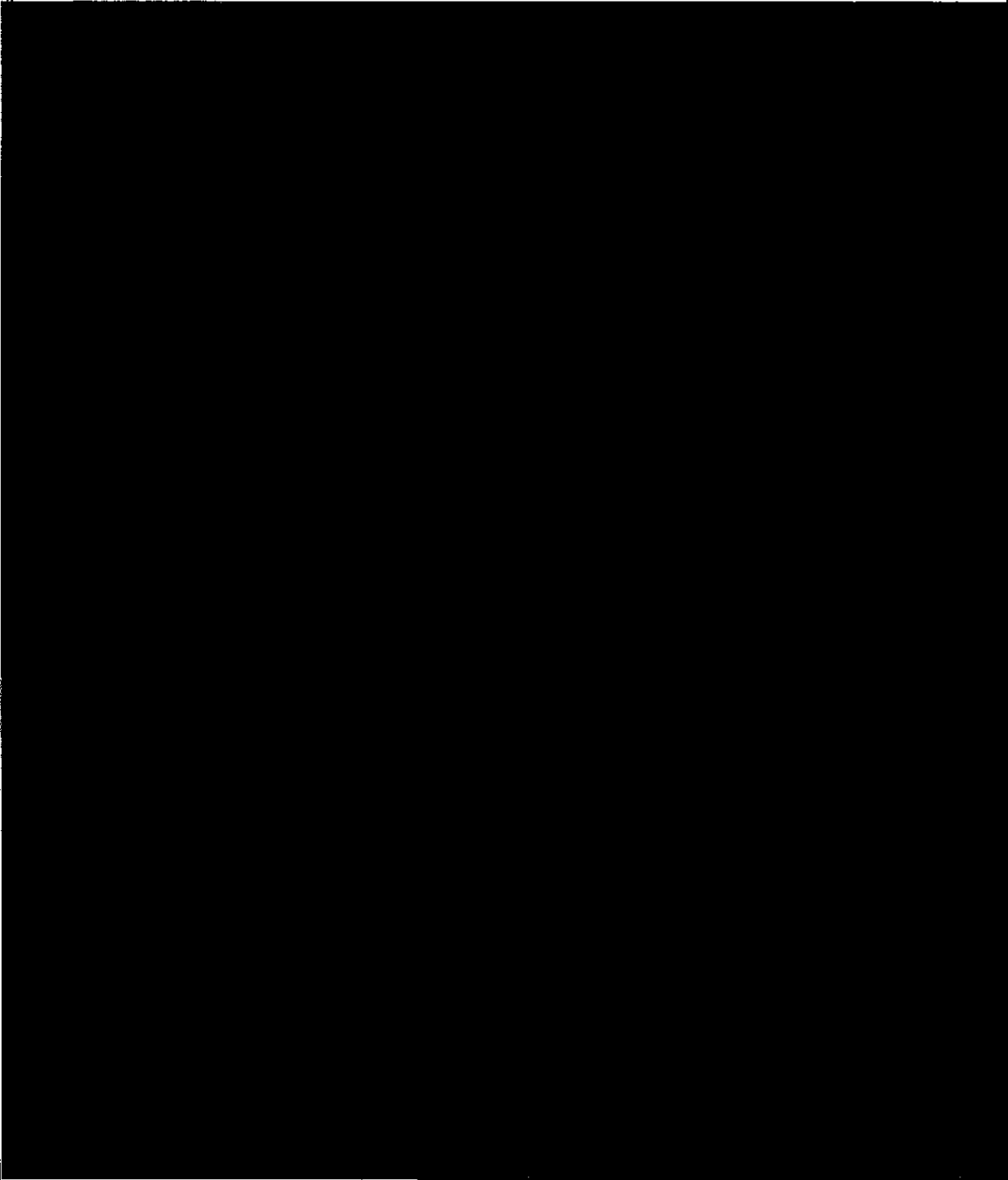


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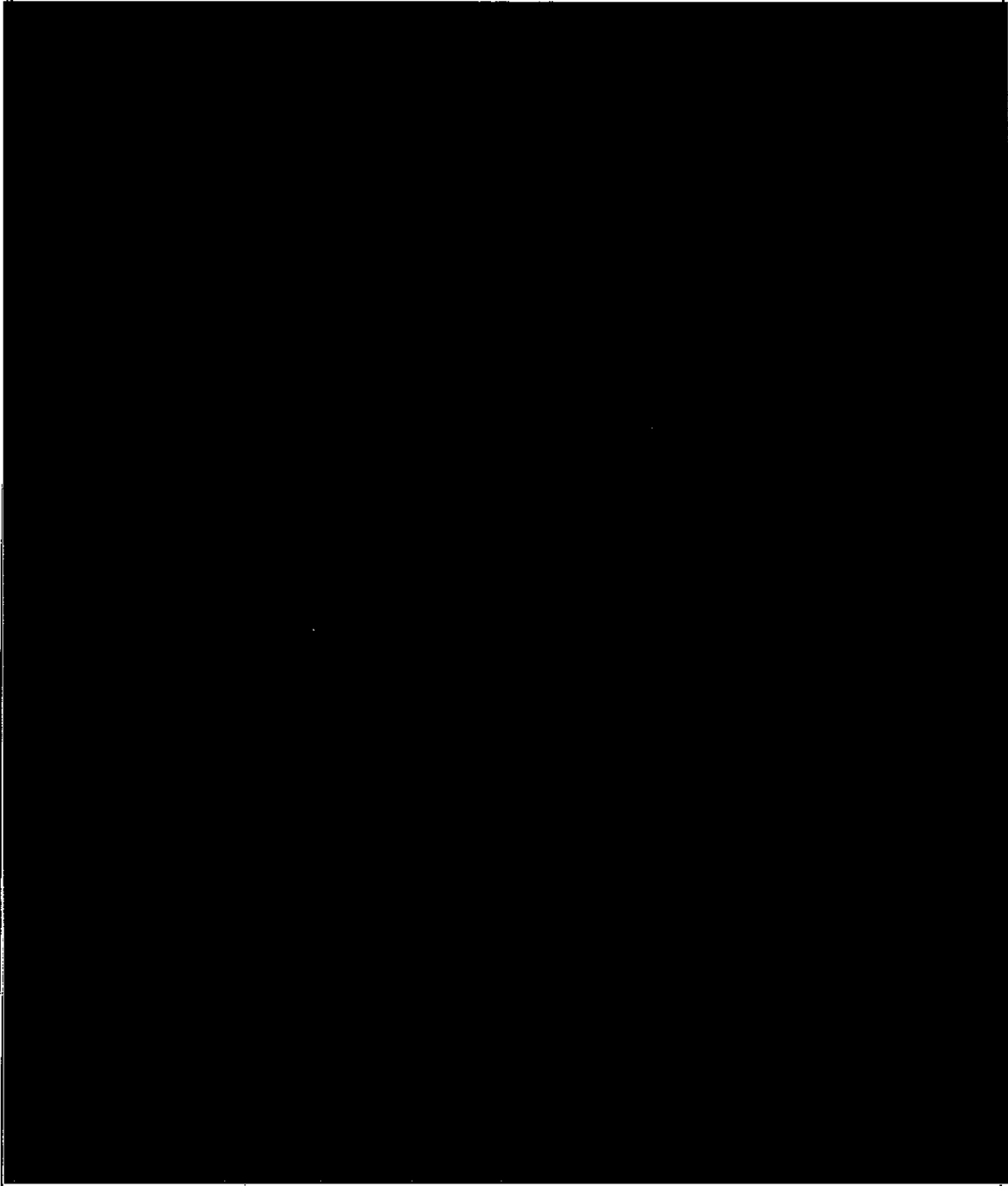


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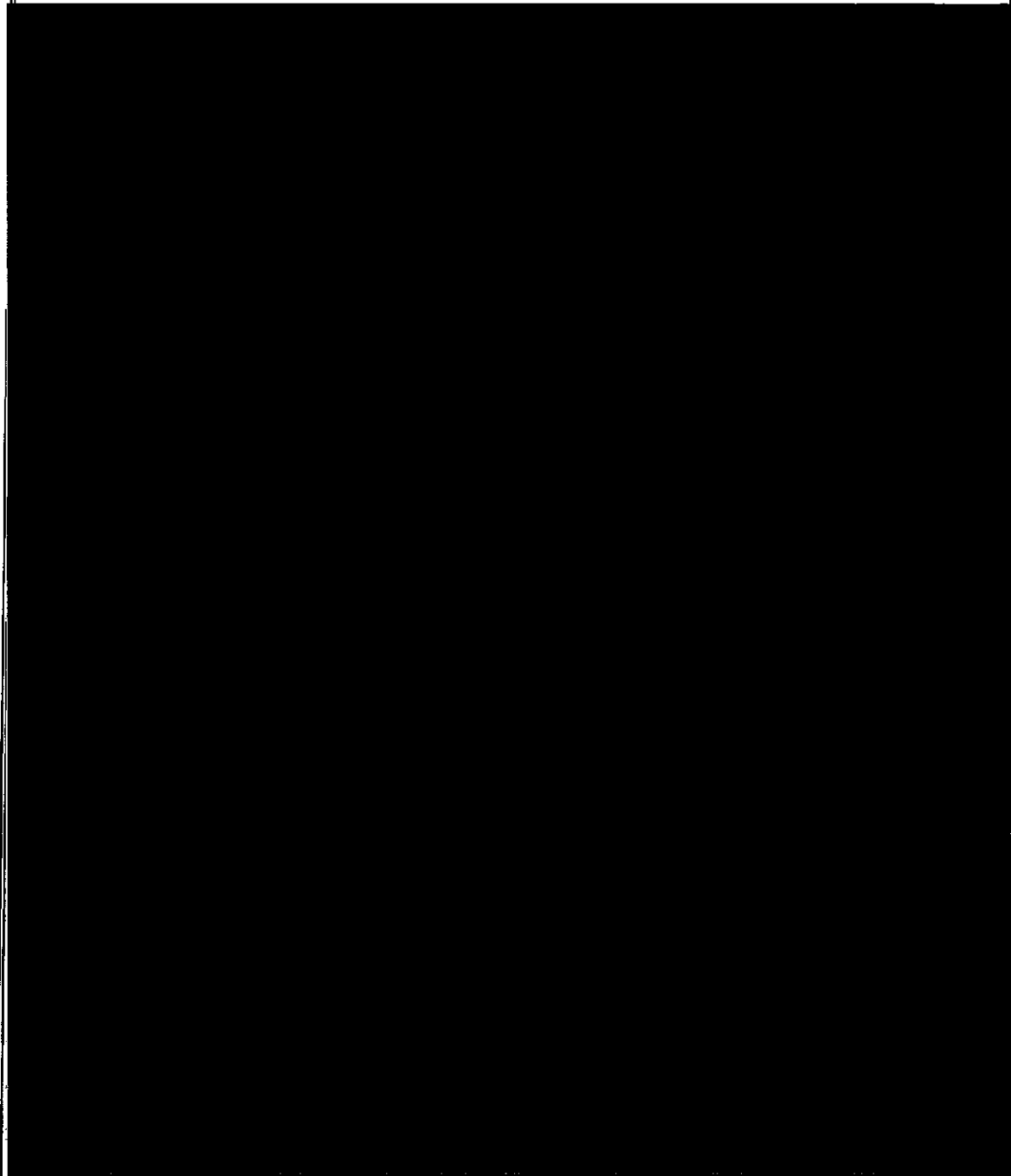
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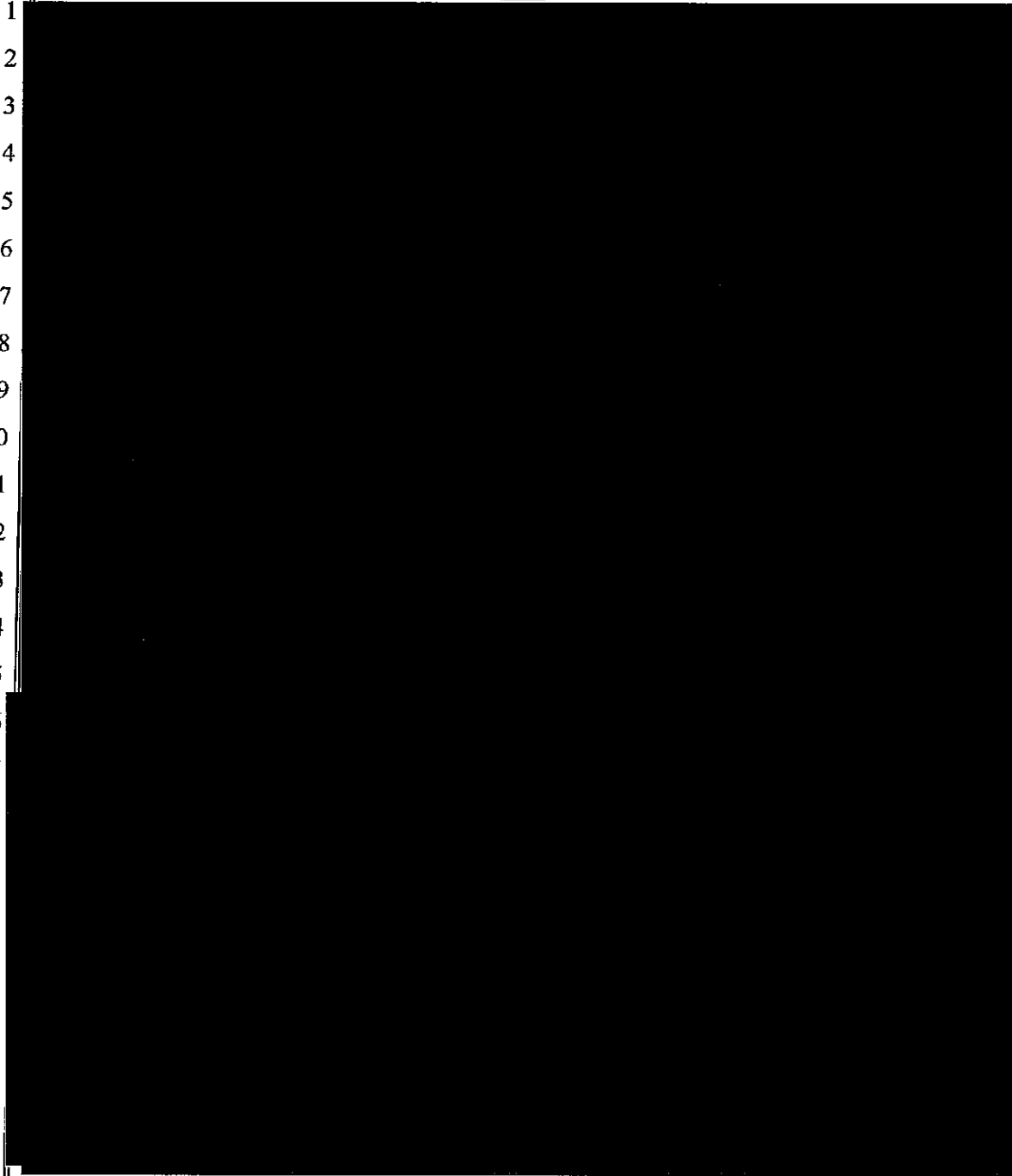
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23 54. (U) If the Court has any questions concerning this submission, the NSA is  
24 prepared to address them and assist the Court further through secure *in camera*, *ex parte*  
25

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1 proceedings.

2 I declare under penalty of perjury that the foregoing is true and correct.

3  
4 DATE: 25 October 2007

5 [REDACTED]  
6 [REDACTED]

7 Deputy Chief of Staff for Operations and Support  
8 Signals Intelligence Directorate  
9 National Security Agency

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