

I. Introduction

- A. Background
- B. Overview of the FISA Collection at Issue

II. The FISA Process

- A. Overview of FISA
- B. The FISA Application
 - 1. The Certification
 - 2. Minimization Procedures
 - 3. Attorney General's Approval
- C. The FISC's Orders

III. District Court Review of FISC Orders

- A. The review is to be considered in camera and ex parte
 - 1. In Camera, Ex Parte review is the rule
 - 2. In Camera, Ex Parte review is constitutional
 - 3. There is no basis for a Franks hearing
 - 4. There is no basis for disclosure of the FISA materials under FISA section 1806(g)
- B. The District Court's substantive review
 - 1. Determination of probable cause—standard of review
 - 2. Certifications are subject to only minimal scrutiny
 - 3. FISA's "significant purpose" standard is constitutional
 - 4. Probable cause
 - a. The Fourth Amendment*
 - b. FISA materials are subject to the "good faith" exception*
 - c. The court should summarily reject the residual constitutional challenge*

IV. The FISA Collection Was Both Lawfully Authorized and Lawfully Conducted

- A. The certifications
 - 1. Foreign intelligence information
 - 2. "A significant purpose"
 - 3. Information not reasonably obtainable through normal investigative techniques
- B. The FISA applications established probable cause
 - 1. Redacted
 - a. Redacted*
 - 2. Redacted
 - a. Redacted*
 - b. Redacted*
 - i. Redacted
 - ii. Redacted

- iii. Redacted
- iv. Redacted
- v. Redacted

c. Defendant's legal arguments are baseless

- i. Defendant's position regarding the reliability of intelligence is baseless
- ii. Defendant's position regarding "illegitimate" or unconstitutional means of electronic surveillance moot
- iii. Redacted

Redacted (number missing)

4. Redacted

5. Redacted

a. Redacted

b. Redacted

c. Redacted

6. Redacted

7. Redacted

a. Redacted

b. Redacted

- i. Redacted
- ii. Redacted
- iii. Redacted
- iv. Redacted

c. Redacted

8. Redacted

a. Redacted

9. Redacted

C. The FISA collection was lawfully conducted

1. Minimization

2. The FISA collection was appropriately minimized

V. Conclusion