

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN CIVIL LIBERTIES UNION,
et al.,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,
et al.,

Defendants.

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**Civil Action No. 05-1004
(ESH)**

MEMORANDUM OPINION AND ORDER

The American Civil Liberties Union, along with several other organizations (“ACLU” or “plaintiffs”), brought this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking documents from the Federal Bureau of Investigation (“FBI” or “defendant”). Plaintiffs’ request had two components: first, all documents related to the “function and activities” of the National Joint Terrorism Task Force (“NJTTF”). (Compl. ¶ 2.) Second, plaintiffs sought documents relating to the FBI’s surveillance of certain domestic political and religious organizations. (*Id.*) After conducting an *in camera* review of a 200 page selection of disputed documents, the Court granted summary judgment for the defendant with respect to the latter on May 2, 2006. *ACLU v. FBI*, 429 F. Supp.2d 179 (D.D.C. 2006) (“*ACLU I*”). The FBI now moves for summary judgment with respect to the ACLU’s NJTTF request.

The substantive and procedural history of this case is laid out in detail in *ACLU I*, 429 F. Supp.2d at 185-186, and those facts are incorporated by reference here. Defendant has now produced to plaintiffs documents relevant to their NJTTF request, with portions redacted

pursuant to FOIA exemptions 1, 2, 5, 6, 7(A), and 7(C) – 7(F). (See Joint Notice Regarding In Camera Submission of Documents in Dispute (“Joint Notice”) at 1.) Plaintiffs wish to challenge these exemptions except for Exemption 7(F). (Joint Notice at 1.) Pursuant to a conference call on July 13, 2006, at the parties’ request, the Court agreed to conduct an *in camera, ex parte* review of the disputed documents. (*Id.*) On August 3, 2006, defendant submitted 13 documents, totaling 37 pages, along with approximately 30 additional pages for contextual purposes, for the Court’s *in camera* review.¹ Some of these documents are classified at the SECRET level. (*Id.* at 2.) Defendant also filed a Vaughn Index and an affidavit (“Seventh Hardy Decl.”) to support and explain its exemption claims. The only issue before the Court is whether the FBI properly invoked various statutory exemptions under FOIA in withholding or redacting certain responsive documents.

The law pertaining to each exemption claimed with respect to the FBI’s NJTTF documents was thoroughly discussed in *ACLU I*, 429 F. Supp.2d at 186-194, and is incorporated by reference here. Having now completed its *in camera* review of the documents in question, the Court finds that the FBI has met its burden to demonstrate the propriety of each exemption disputed by the ACLU. The Court therefore grants summary judgment for defendant and dismisses the above-captioned case with prejudice.

s/

ELLEN SEGAL HUVELLE
United States District Judge

Date: August 9, 2006

¹ These were documents: 1, 102, 167, 172, 263, 274, 287, 288, 289, 290, 291, 292, and 295. (Joint Notice at 2.)