



April 30, 2004

**By Hand**

Hon. Victor Marrero  
 United States District Judge  
 United States Courthouse  
 40 Centre Street, Room 414  
 New York, NY 10007

AMERICAN CIVIL LIBERTIES  
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Re: *ACLU et ano. v. Ashcroft*, 04-CV-2614 (VM)

Dear Judge Marrero,

We are responding to the government's April 30, 2004 letter in the above-referenced matter to clarify what appears to be a point of confusion.

In its April 30 letter, the government refers to statements on the ACLU's website to which it objects, and asserts that "the material in question must be removed from the website until the ACLU obtains an appropriate unsealing order from the Court." In fact, as stated in the letter that we delivered to the Court earlier today, the ACLU and the New York Civil Liberties Union have removed the information to which the government objects from their websites pending the Court's resolution of this dispute. We did so as a precautionary measure to avoid an inadvertent violation of an order of this Court. We continue to believe, however, that the information is not covered by the existing sealing order, and that the government's demand that the ACLU remove this information from its website amounts to an unconstitutional prior restraint. For this reason, we respectfully urge the Court to resolve this narrow issue as expeditiously as possible so that the ACLU may provide this information again to the public.

Finally, the briefing schedule that the government has proposed with regard to plaintiffs' motion to unseal is inappropriate under the circumstances. Under the parties' agreement, plaintiffs' motion for summary judgment is due on May 17. We would like a resolution on this

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question in time to allow us to file the motion for summary judgment on the public docket (with appropriate redactions).

Respectfully,

  
Jameel Jaffer

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

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