

IN RE MOTION FOR CONSENT TO DISCLOSURE  
OF COURT RECORDS OR, IN THE ALTERNATIVE,  
A DETERMINATION OF THE EFFECT OF THE  
COURT'S RULES ON STATUTORY ACCESS RIGHTS

Docket No.: Misc. 13-01

This matter is before the Foreign Intelligence Surveillance Court (“FISC” or “Court”) on the Motion of the Electronic Frontier Foundation for Consent to Disclosure of Court Records or, in the Alternative, a Determination of the Effect of the Court’s Rules on Statutory Access Rights, which was submitted on May 23, 2013 (“EFF Motion”), and the Opposition of the United States thereto, which was submitted on June 7, 2013 (“Gov’t Opp.”).

EFF and the Government are engaged in litigation in the United States District Court for the District of Columbia regarding EFF's request pursuant to the Freedom of Information Act ("FOIA") for disclosure of particular FISC records in the Government's possession – two versions of the same Court opinion (hereinafter referred to collectively as the "Opinion"). See Gov't Opp at 1. The Government has argued in the District Court that the Rules of this Court prohibit disclosure of the Opinion to EFF pursuant to FOIA. See id. The District Court has granted EFF's unopposed motion to stay the proceedings in the FOIA litigation, apparently for the purpose of allowing EFF to request relief from this Court regarding the claimed prohibition.