

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No. CV 03-8023 AHM (RZx) Date July 12, 2006

Title H. RAY LAHR v. NATIONAL TRANSPORTATION SAFETY BOARD, et al.

DOCKETED ON CM  
JUL 13 2006  
BY [Signature] N/A 077

Present: The Honorable A. Howard Matz

Stephen Montes

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

No Appearance

No Appearance

Proceedings: In Chambers

To assist the Court in its determination of the CIA's Second Motion for Partial Summary Judgment, and as permitted by 50 United States Code section 552(a)(4)(B), the government is ORDERED to submit, *in camera*, unredacted copies of the documents designated by the government as MORI Document IDs 1255552, 1255554, 1255556 and 1305302, and as NTSB Records 33, 34, 35 and 36. These documents shall be filed, under seal, not later than Friday, July 21, 2006.

Rather than submitting to the Court the actual NSA computer program that is a subject of the CIA's Second Motion for Partial Summary Judgment (and which is discussed in pages 3 through 9 of the Giles Declaration), the government is ORDERED to submit a sealed, *in camera* affidavit concerning the program. This sworn affidavit should be made by an individual with personal knowledge of the computer program and its use, and should explain how it concerns a function of the NSA or information with respect to the activities thereof. See National Security Agency Act of 1959, Pub. L. No. 86-36, § 6(a), 73 Stat. 63 (1959), codified at 50 U.S.C.A. § 402. Additionally, this affidavit should explain for what purposes the computer program is used, how it works, and how it is operated. For example, the affiant should describe, in language that may be understood by individuals not experts in this field, what data inputs a user must provide the program in order to properly use it, how the program uses this information, and what results are available to a user. At a minimum, the affidavit should provide information to

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the extent necessary for the Court to determine whether both section 6(a) of the National Security Agency Act and Exemption 3 of FOIA are applicable, and whether any portion of the program is segregable. This document shall be filed, under seal, not later than Friday, July 28, 2006.

Initials of Preparer \_\_\_\_\_

SMO