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14			
15	,	Disputer Column	
16	UNITED STATES	DISTRICT COURT	
17	NORTHERN DISTR	ICT OF CALIFORNIA	
)		
18	IN RE MATTER OF NATIONAL) SECURITY LETTER ISSUED TO)	No	
19)	PETITION OF PLAINTIFF	
20	}		
	į	TO SET ASIDE NATIONAL SECURITY LETTER	
21	3	AND NONDISCLOSURE	
22	}	REQUIREMENT IMPOSED IN CONNECTION THEREWITH;	
23	}	MEMORANDUM OF POINTS AND	
24	;	AUTHORITIES	
	\		
25	}	DOCUMENT SUBMITTED UNDER SEAL	
26	į		
27]		
28		,	
-0	Case No. PETITION TO SET ASIDE AND NONDISCLOSUE	NATIONAL SECURITY LETTER	
j	702975909vi		
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1	(a) The substantive standards for issuing NSLs fail strict scrutiny both as to		
2	itself and as to its because it is not narrowly tailored.		
3	(b) The non-disclosure provision fails strict scrutiny because it is not narrowly		
4	tailored and because it authorizes overly long prior restraints.		
5	(c) The judicial review provision of the statute fails strict scrutiny because it		
6	limits judicial review and excludes from meaningful participation in judicial review,		
7	unconstitutionally seeking to insulate the NSL from legitimate judicial challenge in violation of		
8	Legal Services Corp. v. Velasquez <u>.</u>		
9	4. The NSL statute violates the anonymous speech and associational rights of		
10	Americans by requiring identification of without meeting the		
11	First Amendment tests. on its face violates the associational rights of Americans.		
12	5. Even if the statute survives constitutional scrutiny, the government must meet its		
13	heavy burden to demonstrate, rather than simply assert, that its request is relevant to an		
14	authorized investigation of the type listed, that disclosure would risk an enumerated harm and		
15	that the investigation is not solely based on activities protected by the First Amendment.		
16	DATED: May 2, 2011 PILLSBURY WINTHROP SHAW PITTMAN LLP		
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28	Case No PETITION TO SET ASIDE NATIONAL SECURITY LETTER		
	AND NONDISCLOSURE REQUIRMENT		