

FOREIGN INTELLIGENCE SURVEILLANCE COURT

IN RE DIRECTIVES TO YAHOO! INC.
PURSUANT TO SECTION 105B OF THE
FOREIGN INTELLIGENCE
SURVEILLANCE ACT

Dkt. No. 105B(G) 07-01

Declaration of [REDACTED]

UNDER SEAL

DECLARATION OF [REDACTED]

I, [REDACTED] under penalty of perjury, hereby declare and say:

1. I am employed by Yahoo!, Inc. ("Yahoo!") as a [REDACTED] [REDACTED] in its legal department and have worked in Yahoo!'s legal department since [REDACTED]. As part of my responsibilities at Yahoo!, I am in charge of Yahoo!'s operation for law enforcement compliance. [REDACTED] Yahoo!'s [REDACTED] [REDACTED] reports to me.

2. I have personal knowledge of all the facts set forth in this declaration.

3. I [REDACTED] am the attorney primarily responsible for interacting with the government regarding law enforcement and intelligence issues.

4. In August 2007, immediately prior to the passage of the Protect America Act ("PAA"), I participated with [REDACTED] in a meeting with [REDACTED] and his team to discuss Yahoo!'s potential compliance with the anticipated Directives. Following that

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meeting, I had several more conversations with representatives of the government, including multiple meetings with lawyers in the Department of Justice's National Security Division as well [REDACTED] regarding the government's expectations for Yahoo!'s compliance with the Directives. I am the only Yahoo! employee to have participated in all of these meetings with the government.

5. In those meetings, the specifics of the government's expectations for Yahoo!'s compliance was a subject of continued discussion. [REDACTED]

6. In the last detailed discussion about implementation prior to serving the Directives on Yahoo!, the government indicated that, at the outset, it only would expect Yahoo! to provide [REDACTED] the information described in paragraphs [REDACTED] of [REDACTED] declaration and no other information, [REDACTED]

7. Therefore, had Yahoo! complied with the Directives, it would have initially done so by producing only the information described in paragraphs [REDACTED] of [REDACTED] declaration.

8. [REDACTED] our discussions on these issues had not concluded. Therefore, I cannot agree or disagree with these aspects of [REDACTED] declaration.

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DATED: January 22, 2008



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