

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES UNION;  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION; NEW YORK  
CIVIL LIBERTIES UNION; and NEW  
YORK CIVIL LIBERTIES UNION  
FOUNDATION,

Plaintiffs,

v.

JAMES R. CLAPPER, in his official  
capacity as Director of National  
Intelligence; KEITH B. ALEXANDER,  
in his official capacity as Director of  
the National Security Agency and Chief  
of the Central Security Service;  
CHARLES T. HAGEL, in his official  
capacity as Secretary of Defense; ERIC  
H. HOLDER, in his official capacity as  
Attorney General of the United States;  
and ROBERT S. MUELLER III, in his  
official capacity as Director of the  
Federal Bureau of Investigation,

Defendants.

No. 13-cv-03994 (WHP)

**MOTION OF NATIONAL RIFLE ASSOCIATION OF AMERICA, INC., FOR  
LEAVE TO FILE BRIEF OF *AMICUS CURIAE* IN SUPPORT OF PLAINTIFFS**

The National Rifle Association of America, Inc., hereby moves for leave to file the accompanying *amicus curiae* brief in support of Plaintiffs in the above-captioned action. Both Plaintiffs and Defendants have consented to the filing of this brief.

The NRA believes the proposed brief can materially aid in explaining important implications of this case. As described in the brief, the NRA has a longstanding history as an organization that supports strong military and law enforcement measures to protect

America's national security, while also supporting strong protections for constitutional liberties. As a result of those interests, the NRA has engaged directly in legislative advocacy with respect to precursors of the statutory provisions at issue.

The NRA also has a direct interest in preserving its ability to communicate with its members, the public, and elected officials, as well as the ability of its members to associate freely. Due to those interests, the NRA has a long record of advocacy—including Supreme Court litigation—in defense of the First Amendment issues raised by Plaintiff. *See* Pl. Mem. of Law in Supp. of Pl's. Mot. for Prelim. Inj. at 31-34.

Finally, the NRA has spent decades advocating for legislative provisions protecting gun owners' privacy—provisions that not only could be nullified by the type of surveillance programs at issue, but that are illustrative of statutory protections for privacy that could be generally affected by this case.

For these reasons, *amicus* respectfully requests that the Court grant this motion for leave to file the accompanying brief.

Dated: September 4, 2013

Respectfully submitted,

/s/ John Frazer

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 4, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Southern District of New York by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ John Frazer

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