

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	*	<b>Case No. 10-181 (RDB)</b>
	*	
<b>v.</b>	*	
	*	
<b>THOMAS ANDREWS DRAKE,</b>	*	
	*	
<b>Defendant.</b>	*	
	*****	

**NOTICE TO THE COURT**

The United States of America, appearing through its undersigned attorneys, respectfully informs the Court that, through the Freedom of Information Act (FOIA) process, the National Security Agency (NSA) has publically released copies of the documents sought by petitioner J. William Leonard. On July 20, 2012, the NSA approved the FOIA requests of six individuals, including J. Steven Aftergood, of the Federation of American Scientists.

The documents sought by Mr. Leonard, and released by the NSA, include:

- an internal NSA email, entitled “What a Wonderful Success!,” that was found in the defendant’s home during the FBI search on November 28, 2007 and formed the basis for Count One of the indictment against defendant Thomas A. Drake;<sup>1</sup>
- a November 29, 2010, government discovery letter providing a written summary as to the expected trial testimony of Catherine A. Murray, an NSA employee, including a discussion of the system for classifying national security information, the levels of classification, and the reasons for the classification levels of numerous documents found in the defendant’s home, including the “What a Wonderful Success!” document; and
- a follow-up discovery letter, dated March 7, 2011, which provided additional detail regarding the “What a Wonderful Success!” email.

The documents are neither classified nor restricted For Official Use Only, and Mr. Leonard can obtain them from either the FOIA requestors or by filing his own request with the

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<sup>1</sup> This document is also available on the NSA’s website, [www.nsa.gov](http://www.nsa.gov).

NSA. Mr. Leonard is also free to use the documents as he pleases, as the terms of this Court's April 29, 2010 Protective Order apply only to material "exchanged between the parties" and "disclosed by the parties." If Mr. Leonard obtains these documents from the FOIA requestors or directly from the NSA, the Protective Order does not apply.

The United States renews its request that the Court deny defendant Thomas A. Drake's motion on Mr. Leonard's behalf.

JACK SMITH  
Chief  
Public Integrity Section

By: /s/ John P. Pearson  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have caused an electronic copy of the *Motion to Dismiss* to be served via ECF upon James Wyda and Deborah L. Boardman, counsel for defendant.

/s/ John P. Pearson  
Trial Attorney  
United States Department of Justice