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9 *Attorneys for Defendants*

10
 11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13
 14 THE MARY FERRELL FOUNDATION,
 INC.; JOSIAH THOMPSON; and GARY
 15 AGUILAR,

16 Plaintiffs,

17 v.

18 JOSEPH R. BIDEN, in his official capacity as
 19 President of the United States; and
 20 NATIONAL ARCHIVES AND RECORDS
 ADMINISTRATION,

21 Defendants.
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No. 3:22-cv-06176-RS

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 27 **DEFENDANTS' NOTICE OF
 JUNE 30, 2023 PRESIDENTIAL
 MEMORANDUM**

1 Defendants wish to notify this Court and Plaintiffs of the issuance of a Presidential
2 Memorandum dated June 30, 2023 and entitled *Certification Regarding Disclosure of Information*
3 *in Certain Records Related to the Assassination of President John F. Kennedy* (“June 2023
4 Memorandum”). See attached Exhibit A, <https://perma.cc/5H8Z-T43K>. In the June 2023
5 Memorandum, the President made his “final certification,” which is “the last required under the
6 [John F. Kennedy Assassination Records Collection Act of 1992],” to “fulfill[] the promise of
7 transparency to the American people” concerning the assassination of President Kennedy. 6/30/23
8 Memo § 1.

9 In the Memorandum, President Biden certified under Section 5(g)(2)(D) of the Act that
10 certain redacted information previously certified for temporary postponement of public release in
11 the President’s December 2022 Memorandum should be certified for continued postponement.
12 The President determined that “continued postponement of public disclosure of that information
13 is necessary to protect against identifiable harms to the military defense, intelligence operations,
14 law enforcement, and the conduct of foreign relations that are of such gravity that they outweigh
15 the public interest in disclosure.” *Id.* § 3. The President directed that any records not subject to
16 his certification be released to the public by no later than June 30, 2023. *Id.* § 4.

17 The President also directed that future releases of the postponed records “occur in a manner
18 consistent with the Transparency Plans,” *id.* § 3, previously prepared by agencies that include
19 “event-based or circumstance-based conditions that will trigger the public disclosure,” *id.* § 5. The
20 President determined that use of “[t]he Transparency Plans will ensure that the public will have
21 access to the maximum amount of information while continuing to protect against identifiable
22 harms to the military defense, intelligence operations, law enforcement, and the conduct of foreign
23 relations under the standards of the Act.” *Id.* § 5.

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25 Dated: June 30, 2023

Respectfully submitted,

26 BRIAN M. BOYNTON
27 Principal Deputy Assistant Attorney General

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/s/ M. Andrew Zee
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