



United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

July 13, 2004

BY HAND

LETTER TO BE FILED UNDER SEAL

Honorable Victor Marrero  
United States District Judge  
United States Courthouse  
40 Centre Street, Room 314  
New York, New York 10007

Re: ACLU et ano. v. Ashcroft  
04 Civ. 2614 (VM)

Dear Judge Marrero:

The Government respectfully submits this letter in connection with the above-captioned action. The Government recently discovered that it inadvertently left in several words in the redacted version, filed on the public docket, of the Government's 67-page memorandum of law in opposition to plaintiffs' motion for summary judgment and in support of its cross-motion to dismiss the complaint or for summary judgment. This Court has already ruled that the Government may redact such words pending resolution of this case.

The Government's inclusion of these words was entirely inadvertent, and the Government has consistently taken the position that such words should not be included in any publicly available document. As the Court is aware, the Government has attempted to carefully review and redact all documents to ensure that such information is redacted.

The Government therefore respectfully submits the enclosed proposed Order, directing the Clerk of the Court to remove the redacted version that is publicly available (and to return it to the Government), and to replace it with a new redacted version, which is also enclosed. Plaintiffs, who did not see an advance copy of this letter, do not oppose the replacement of the redacted version of the Government's brief.

Hon. Victor Marrero  
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We thank the Court for its consideration of this submission.

Respectfully,

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Encls.  
cc: Jameel Jaffer, Esq.