



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

April 9, 2009

BY FACSIMILE

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007-1312

Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

We write with regard to the March 17, 2009 Order Regulating Proceedings, which ordered the Government to create a work plan for production of certain material relating to the destroyed videotapes.

To provide context for the Government's work plan, the Government is acknowledging that the destroyed tapes were made between April and December 2002. The Government is also acknowledging that August 2002 was the month during which Abu Zubaydah was subjected to the most intensive interrogations. With this background, the Government proposes the following work plan:

- The Government will produce Vaughn-like entries for the contemporaneous records that described the interrogations at issue (hereinafter interrogation records) for the month of August 2002 (approximately 65 documents);
- The Government will not create Vaughn-like entries for the following categories of documents: documents that do not describe the interrogations but contain the raw intelligence that was collected from the interrogations, and derivative documents that merely summarize information contained within interrogation records;

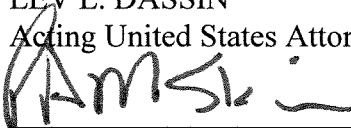
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- The Vaughn-like entries will describe, to the greatest extent possible on the public record, the documents and the contents of the documents, and the information that would be exempt from disclosure if the documents were processed under FOIA;
- The Vaughn-like entries will be produced on a rolling basis, beginning with half on April 24, 2009, and the remainder to be produced on or before May 24, 2009;
- Concurrently with producing the Vaughn-like entries, the Government will also conduct a line-by-line review of the documents at issue to determine if there is any reasonably segregable information that would permit the documents to be produced in whole or in part; and
- If there is any reasonably segregable information from the documents at issue, the Government will attempt to produce redacted documents simultaneously with the corresponding Vaughn-like entries, but alternatively will produce the redacted documents no later than May 24, 2009.

Respectfully submitted,

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