



**UNITED STATES ATTORNEY'S OFFICE  
SOUTHERN DISTRICT OF NEW YORK**

**86 Chambers Street, 5<sup>th</sup> Floor  
New York, New York 10007**

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**Date:** November 9, 2006

**No. Pages (including cover):** 3

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**From:** PETER M. SKINNER, AUSA

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**U.S. Department of Justice***United States Attorney  
Southern District of New York**86 Chambers Street, 5th Floor  
New York, New York 10007*

November 9, 2006

**BY FACSIMILE**

Lawrence S. Lustberg, Esq.  
Melanca D. Clark, Esq.  
Gibbons, Del Deo, Dolan,  
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One Riverfront Plaza  
Newark, N.J. 07102

Amrit Singh  
Staff Counsel  
American Civil Liberties Union  
Immigrants' Rights Project  
125 Broad Street, 18th Floor  
New York, N.Y. 10004

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

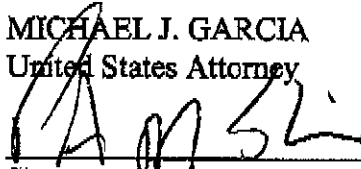
Dear Mr. Lustberg, Ms. Clark and Ms. Singh:

We are enclosing an administrative response from the Central Intelligence Agency ("CIA") with respect to Items 29 and 61 of Plaintiffs' August 16, 2004 List. The CIA will provide a Vaughn declaration with respect to these documents by November 30, 2006. Thank you for your attention to this matter.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

By:

  
SEAN H. LANE  
HEATHER K. McSHAIN  
PETER M. SKINNER  
Assistant United States Attorneys  
Telephone: (212) 637-2737

Encl.

## Central Intelligence Agency



Washington, D.C. 20505

Office of General Counsel

10 November 2006

VIA FACSIMILE

Melanca D. Clark  
Gibbins, Del Deo, Dolan,  
Griffinger & Vecchione, P.C.  
One Riverfront Plaza  
Newark, NJ 07102-5496

Re: ACLU v. DOD, 04 Civ. 4151 (S.D.N.Y.), remanded  
06-0205-cv (2nd Cir.)

Dear Ms. Clark:

Pursuant to the court of appeals' 12 and 22 September 2006 orders and 25 September 2006 mandate in the referenced case, the Central Intelligence Agency (CIA) hereby responds to Items No. 29 and 61 of the list enclosed with Plaintiffs' 16 August 2004 letter.

On remand, the CIA processed Plaintiffs' requests for Items No. 29 and 61 in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, for records not exempt from search, review, and disclosure under the Central Intelligence Agency Information Act, 50 U.S.C. § 431, as amended. After conducting a diligent search of relevant systems of records that was reasonably calculated to discover any responsive records, the CIA has located one document responsive to Item No. 29 and one document responsive to Item No. 61.


The document responsive to Item No. 29 is a legal memorandum from the Office of Legal Counsel of the Department of Justice to the Office of General Counsel of the CIA. The document is withheld in its entirety on the bases of FOIA Exemptions b(1), b(3) (National Security Act of 1947 and CIA Act of 1949), and b(5) (deliberative process and attorney-client privileges).

Melanca D. Clark

The document responsive to Item No. 61 is a memorandum from President Bush to the Director of the CIA. The document is withheld in its entirety on the bases of FOIA Exemptions b(1), b(3) (National Security Act of 1947 and CIA Act of 1949), and b(5) (presidential communications, deliberative process, and attorney-client privileges).

The documents are withheld in their entirety because there is no meaningful non-exempt information that can be reasonably segregated from the exempt information.

Sincerely,



John L. McPherson  
Associate General Counsel