



3. The government claims that the hearing Petitioners have requested would be “potentially disruptive.” Opp. 3; *see also id.* at 4. The initial hearing that Petitioners have requested would be no more disruptive than a status conference. The purpose of such a hearing would be to take the lay of the land and determine what steps, if any, might be appropriate. In view of the events that occasioned this motion, holding a hearing to decide whether further inquiry is warranted is not too much to ask.

4. The government urges the Court to stay its hand “[i]n light of the current inquiries by the political branches into the destruction of the tapes that occasioned petitioners’ motion.” Op. 2; *see also id.* at 4 & n.2. At the same time, the government is trying to force Congress to leave the matter entirely to Justice Department and the CIA, both of which are implicated in the destruction of the tapes and deeply interested parties.<sup>2</sup> Plainly the government wants only foxes guarding this henhouse.

WHEREFORE, Petitioners’ motion should be granted.

Dated: Washington, D.C.  
December 13, 2007

Respectfully submitted,

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<sup>2</sup> *See* Reuters, “Lawmakers Say Not Deterred on CIA Probe,” N.Y. Times, Dec. 16, 2007, <http://www.nytimes.com/reuters/news/news-security-cia-interrogations.html>; Lara Jakes Jordan, Associated Press, “AG Denies Details in CIA Tapes Inquiry,” Wash. Post, Dec. 15, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/12/15/AR2007121500343.html>.