

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDULLAH,)	
<i>et al.</i> ,)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 05-00023 (RWR)
)	
BUSH, <i>et al.</i> ,)	
)	
Respondents.)	

**RESPONDENTS' SUPPLEMENTAL REPORT IN CONNECTION
WITH THE COURT'S FEBRUARY 14, 2008 ORDER**

On March 17, 2008, respondents provided a report to the Court in response to the Court's Order of February 14, 2008. In that report, respondents informed the Court, *inter alia*, that "[t]he undersigned have been informed that the CIA has not exhausted its search regarding this matter. The CIA anticipates that it will complete its search by April 16, 2008, at which time it intends to make a further submission to the Court regarding the results of that further search."

The attached declarations of Robert Moritsugu, Special Agent in the CIA's Office of Inspector General and of Robert Deitz, Senior Councilor to the Director of the CIA and the chair of the CIA's Tapes Coordination Group ("TCG"), provide additional information about the further search. Based on a review of OIG investigative files, Mr. Moritsugu reports that "[i]n light of [his] review, and based on [his] knowledge of the record system generally, [he] know[s] of no reason to believe that any intentional, accidental, or negligent destruction of OIG investigative records covered by the Court's July 18, 2005 Preservation Order occurred." As regards other CIA material reviewed, Mr. Deitz reports that "[t]o date, [that group has] reviewed several thousand pages of material and [has] not found any record evidencing intentional,

accidental, or negligent destruction of records covered by the Court's July 18, 2005 Preservation Order." As noted in the Deitz declaration, the TCG continues to review CIA materials for multiple purposes, including in connection with this Court's order of February 14, 2008, and intends to inform the Court if that continued effort reveals information responsive to that Order.

Dated: April 16, 2008

Respectfully submitted,

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/s/ *Judry L. Subar*

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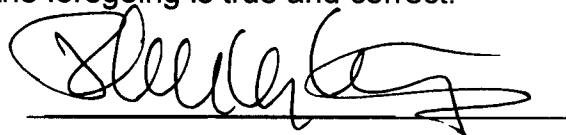
Attorneys for Respondents

The investigation records constitute the operational files of the investigation staff. They exist both in hard copy and electronic form. The electronic version contains what exists in hard copy, but also a broader universe of investigative records.

3. To carry out that assignment, I searched the electronic records system of the OIG records to determine whether it appeared that those records have, or did at one time have, material relating to petitioner Abdullah. If the investigation staff had at one time any records related to Abdullah, I would expect to find some indication of the existence of such files in the electronic records system. In my search, I found no indication either that such records exist now or that such records ever existed in the past. In light of my review, and based on my knowledge of the record system generally, I know of no reason to believe that any intentional, accidental, or negligent destruction of OIG investigative records covered by the Court's July 18, 2005 Preservation Order occurred.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 16, 2008

A handwritten signature in black ink, appearing to read "Robert M.J. Moritsugu", written over a horizontal line.

Robert M.J. Moritsugu

IN THE UNITED STATES DISTRICT COURT
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HAN SLEH RASHID ABDULLAH,))	
<i>et al.</i> ,)	
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Petitioners,)	
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v.)	Civil Action No. 05-00023 (RWR)
)	
GEORGE W. BUSH, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

Robert L. Dcitz hereby declares and says:

1. I am the senior councilor to the Director of the Central Intelligence Agency. I joined the CIA in Autumn of 2006. Although I am a lawyer by training, I am not serving in a legal capacity and I am not part of the Office of General Counsel. In my position, I report to the Director of the CIA and receive assignments from him. For example, I have chaired an Agency Accountability Board, and I have recently concluded a management review of the Office of the Inspector General. In December 2007, in connection with the public disclosure that the CIA had destroyed certain videotapes, the Director asked me to chair the so-called Tapes Coordination Group ("TCG"). This Group's assignment is to respond to requests for information from Acting United States Attorney John Durham, specially appointed prosecutor investigating the destruction of the tapes, and similar requests by the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. The information described below is based on my personal knowledge as well as on information I have acquired in the course of my official duties and that I believe to be true.

2. In the course of my work, I have learned of the Order entered in the above-captioned

case on February 14, 2008, directing respondents to provide the Court with a report describing information that was potentially covered by the preservation order entered in this case on July 18, 2005, and that was destroyed or otherwise spoliated. I understand that on March 17, 2008, the Court was given a declaration of Wendy Hilton which provided the Court with some CIA-related information in connection with respondents' report. I further understand that, in the course of that submission, respondents informed the Court that the CIA had not exhausted its search regarding this matter.

3. I understand that at the request of specially-appointed prosecutor John Durham, part of the additional search undertaken by the CIA in regard to the Court's February 14 order was conducted by the Office of Inspector General ("OIG"). And I am advised that the OIG is providing a declaration for the Court regarding the results of that search.

4. Apart from the review undertaken by the OIG described above, I have been involved in, and have supervised, the remainder of the CIA's search in an effort to respond to the Court's order. I directed the TCG staff to identify those locations within the CIA most likely to have (or have had) information of the sort described in the Court's preservation order since the entry of that order, and to search those places for information relating to petitioner and to identify any indicia that such information may have been spoliated. (Those locations, of course, hold material that is both voluminous and largely classified.) To date, my staff and I have reviewed several thousand pages of material and we have not found any record evidencing intentional, accidental, or negligent destruction of records covered by the Court's July 18, 2005 Preservation Order.

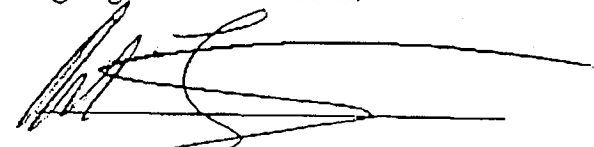
5. The TCG, under my supervision, is continuing to search CIA files and to review many thousands of pages of CIA records in connection with the various investigations into the

destruction of the CIA video tapes and in connection with this Court's order of February 14, 2008. I must note that the TCG's search has been complicated for several reasons, and thus I cannot at this time confirm that we have exhausted all places we might look for information that may be material to the Court's February 14 order. The pendency of the investigation by specially-appointed prosecutor Durham, as well as its complexity, have affected our continued search for information relating to the Court's order. As an initial matter, the assignment of my office to this search was necessitated by considerations related to Mr. Durham's investigation, even though others in the CIA have far greater knowledge than do I or my staff in connection with this particular piece of litigation. For example, many of the individuals at CIA who would normally be involved in a search for any records evidencing destruction or spoliation are, as I understand it, potential witnesses in the matter under investigation by Mr. Durham. In addition, because of the sensitivity and complexity of the investigation, the TCG must coordinate much of our effort with Mr. Durham's office, with the result that the search necessarily takes longer and is more difficult than it might otherwise be.

6. My office is continuing to review documents in an effort to determine whether there is any additional material responsive to the Court's order. In the event the TCG's review of that material, which is being conducted for multiple purposes, reveals information responsive to the Court's February 14, 2008 order, we will undertake to so inform the Court..

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 16, 2008



Robert L. Deitz