

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DAVID M. HICKS,	)	
	)	
Petitioner,	)	
v.	)	Civil Action No. 1:02-CV-00299 (CKK)
	)	ECF
GEORGE WALKER BUSH,	)	
President of the United States,	)	
<i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	

**RESPONSE TO PETITIONER'S MOTION FOR FILING OF AFFIDAVIT UNDER  
SEAL**

On November 1, 2004, petitioner filed a Motion for Filing of Affidavit Under Seal (dkt. no. 101) ("Motion") in which he "encourage[d] the Court to unseal" an affidavit made by petitioner and submitted in this case. Motion at 2. Without conceding the accuracy, appropriateness, or materiality of the allegations made in the Motion or the affidavit, respondents do not oppose unsealing the affidavit.

DATED this 22nd day of November, 2004.

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General

KENNETH L. WAINSTEIN  
United States Attorney

BRIAN D. BOYLE  
Principal Deputy Associate Attorney General

JONATHAN L. MARCUS  
DAVID B. SALMONS

Assistants to the Solicitor General

DOUGLAS N. LETTER  
Terrorism Litigation Counsel

ROBERT D. OKUN  
Assistant United States Attorney  
Chief, Special Proceedings Section

/s/ Nicholas J. Patterson

JOSEPH H. HUNT (D.C. Bar No. 431134)

VINCENT M. GARVEY (D.C. Bar No. 127191)

TERRY M. HENRY

NICHOLAS J. PATTERSON

Attorneys

U.S. Department of Justice

Civil Division, Federal Programs Branch

20 Massachusetts Ave., N.W., Room 7220

Washington, D.C. 20530

Telephone: (202) 514-4523

Fax: (202) 616-8470

Attorneys for Defendants