

Center for National Security Studies

Protecting civil liberties and human rights

Director
Kate Martin

June 4, 2003

By Hand

Hon. Mark J. Langer
Clerk
United States Court of Appeals for the District of Columbia Circuit
United States Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: CNSS v. DOJ, Nos. 02-5254 & 02-5300

Dear Mr. Langer:

This appeal was argued on November 18, 2002. Pursuant to Rule 28(j), I write to call the Court's attention to relevant new authority.

On June 2, 2003, the Inspector General of the Department of Justice issued a document entitled "The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks." The Inspector General's investigation is referred to in our brief at page 4. The report contains his findings concerning the treatment of the INS detainees about whom this lawsuit seeks information. It confirms, among other things, that many of these detainees were held for long periods of time in severe conditions and with little if any access to legal counsel. The findings of government misconduct confirm the public interest in disclosure as noted on pages 16 and 29-31 of our brief. It further confirms that individuals were classified as September 11 detainees "regardless of . . . the absence of evidence connecting them to the September 11 attacks or terrorism" (Report at 186) as outlined in our brief at page 20.

The full text of the report is available on the Department of Justice website at <http://www.usdoj.gov/oig/special/0603/full.pdf>.

Three additional copies of this letter are enclosed for distribution to the panel (Judges Sentelle, Henderson and Tatel).

Sincerely yours,



Kate Martin
Counsel for Appellees/Cross-Appellants

Enc.

cc: Eric D. Miller,
Mark B. Stern, Counsel for Appellants/ Cross-Appellees