

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CENTER FOR NATIONAL SECURITY  
STUDIES, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,

Defendant.

Civil Action No. 01-2500

Judge Kessler

**DEFENDANT'S RESPONSE TO THE COURT'S ORDER OF MAY 31, 2002**

In response to the Court's Order of May 31, 2002, defendant hereby provides the following updated information on the numbers of detainees. This information is based on the most recent information reported by various United States Attorney's offices and field offices of the Immigration and Naturalization Service ("INS") to central offices in Washington D.C.

- As of June 13, 2002, the number of individuals currently being held in the custody of INS on immigration-related charges brought in connection with the government's investigation into the September 11 terrorist attacks is reported as 74. Of these, INS is aware of 56 who are represented by counsel.
- The total number of individuals that have been detained by INS on immigration violations over the course of the investigation is 751.
- As of June 11, 2002, the number of individuals currently being held in federal custody who have been charged with federal criminal charges in connection with the

government's investigation into the September 11 terrorist attacks is reported as 73.

All of these individuals are or were represented by counsel.

- The total number of individuals that have been charged with and detained on federal criminal violations over the course of the investigation is 129.
- There is currently only one sealed criminal complaint.


In addition, defendant submits the recent decision in the government's favor issued by the Appellate Division of the Superior Court of New Jersey in American Civil Liberties Union of New Jersey, Inc. v. County of Hudson, No. A-4100-01T5 (attached hereto). This decision may also be found at <http://www.judiciary.state.nj.us/opinions/a4100-01.pdf>. Although this decision is based on a regulation not specifically at issue in this litigation, 8 C.F.R. § 236.6, defendant provides the decision for the sake of completeness, as plaintiffs cited the trial court decision in their Reply in Support of Their Cross-Motion for Summary Judgment. In light of the fact that the Appellate Division reversed the trial court's order and judgment on the merits, plaintiffs can no longer validly rely on the trial court's alleged "reject[ion of] the United States' argument that releasing the names of the detainees could harm its investigation." Pls' Reply at 1. Indeed, the Appellate Division "accept[ed] the government's characterizations of the interests affected as important, *i.e.*, facilitation of law enforcement operations, the protection of detainees, and promotion of national security." Attachment at 41.

Respectfully submitted,

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Dated: June 14, 2002

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**CERTIFICATE OF SERVICE**

I hereby certify that, on June 14, 2002, copies of the foregoing Defendant's Response to the Court's Order of May 31, 2002, were served by first-class mail and telefacsimile upon the following:

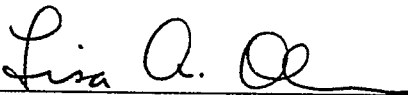
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