

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CENTER FOR NATIONAL SECURITY
STUDIES, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF JUSTICE, et al.,

Defendant.

Civil A. No. 01-CV-2500

SUPPLEMENTAL DECLARATION OF SCOTT A. HODES

I, Scott A. Hodes, declare as follows:

(1) I am an Attorney-Advisor of the Federal Bureau of Investigation ("FBI") and am currently assigned as the Acting Chief of the Litigation Unit, Freedom of Information-Privacy Acts ("FOIPA") Section, Records Management Division at FBI Headquarters ("FBIHQ") in Washington, D.C.

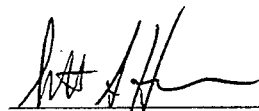
(2) Due to the nature of my official duties, I am familiar with the procedures followed by the FBI in responding to requests for information from its files pursuant to the provisions of 5 U.S.C. § 552, commonly known as the Freedom of Information Act ("FOIA"), and 5 U.S.C. § 552a, commonly known as the Privacy Act of 1974. I am aware of the treatment which has been afforded plaintiffs' FOIA requests to the FBI, in which they seek access to agency records "concerning the individuals 'arrested or detained' in the words of Attorney General Ashcroft, in the wake of the September 11 attack, and referred to by the President, the Attorney General and the FBI Director in various public statements."

(3) In responding to plaintiffs' specific request for "(d) all policy directives or guidance issued to officials about making such public statements or disclosures about these individuals or about the sealing of judicial or immigration proceedings," it is my understanding that then-FBI FOIPA Section Chief John M. Kelso consulted with FBI Assistant Director for the Office of Public and Congressional Affairs John Collingwood. Mr. Collingwood was the individual most likely to be aware of any FBI records responsive to this portion of plaintiffs' request. Following this consultation, it was determined that the FBI did not have documents responsive to this part of plaintiffs' FOIA request.

(4) This result was reflected in the December 10, 2001 letter from DOJ's Office of Information and Privacy ("OIP") to Kate Martin notifying plaintiffs that the FBI had properly withheld the requested information pursuant to both FOIA exemptions (b)(7)(A) and (b)(7)(C), and that the FBI had no records responsive to the request for policy directives issued to officials regarding the disclosure of information about detainees. See Exhibit G of the January 11, 2002 Hodes Declaration filed previously in this case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of April, 2002.



SCOTT A. HODES
Attorney-Advisor
Federal Bureau of Investigation
Washington, D.C.