

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CENTER FOR NATIONAL SECURITY)
STUDIES, et al.,)

Plaintiffs,)

v.)

DEPARTMENT OF JUSTICE,)

Defendants.)

Civil Action No. 01-2500 (RCL)
Honorable Judge Kessler

SUPPLEMENTAL DECLARATION OF RAYMOND Q. HOLMES

I, RAYMOND Q. HOLMES, do hereby declare as follows:

1. I was formerly the Acting Chief, Freedom of Information and Privacy Acts ("FOIA/PA") Operations Unit, Office of Records Services, Headquarters, Office, Immigration and Naturalization Service ("INS"), ("HQFOIA Office"), Department of Justice (DOJ), Washington, D. C. I served in that capacity from July 30, 2001 until February 18, 2002. I am now back in my original duty assignment as a Supervisory Paralegal. My duties as a Supervisory Paralegal and my former appointment to Acting Chief, FOIA/PA Operations Unit, include responding to requests filed under the FOIA, 5 U.S.C. 552 and the PA, 5, U.S.C. Section 552a. This office is responsible for processing requests for records within INS Headquarters. The statements set forth in this declaration are true and correct on the basis of my personal knowledge or on the basis of

information acquired by me through the performance of my official duties.

2. In my official capacity, I have been made aware of this lawsuit.
3. As a result of the lawsuit, I checked the information contained in the INS FOIA Processing System ("FIPS") relating to the FOIA request filed by the plaintiffs.

FIPS is the FOIA/PA automated system used by each of the 46 INS FOIA/PA offices to manage, control, and process FOIA requests. Upon receipt of a FOIA request, it is standard operating procedure for the receiving office to enter specific information regarding the request into FIPS. FIPS automatically assigns a control number to each request, and generates an acknowledgment letter, which, inter alia, informs the requester of this control number. There should be a record in the FIPS of every request received by INS. It is INS FOIA/PA standard operating procedure to handle cases on a multi-track processing system and in the order in which they are received. The INS system has two tracks. INS assigns less complex requests to Track One, because these requests generally take little time to complete. INS assigns the more complex requests to Track Two, which moves more slowly than Track One due to the complex nature of the requests. INS notifies requesters of the track to which their requests are assigned. If requests are assigned to Track Two, INS advises the requesters that the faster track exists.

4. The INS does not have a central file management system that maintains all of the records kept by the agency. Files are decentralized and maintained by individual components within INS. These records are identified and tracked Service-wide in the INS Central Index System (CIS). CIS provides automated information regarding certain classes of aliens and identifies the location of an alien's hardcopy A-file. In cases not involving alien records, HQFOIA personnel determine which INS components might reasonably be expected to have responsive records. This is based on the subject matter of the request, their personal knowledge of INS records maintenance systems, and each component's mission statement. FOIA/PA send search requests, with a copy of the request letter attached, to those components. These search requests direct the recipients either to provide HQFOIA with a copy of all responsive records, or to inform HQFOIA that they have searched, but have not located any responsive records. HQFOIA followed this standard operating procedure in making the determinations described in the subsequent paragraphs.

Chronology

5. By letter dated October 29, 2001, Ms. Kate Martin, Director, Center for National Security Studies, on behalf of plaintiffs, submitted a request to the Department of Justice, INS, for "information concerning the individuals"

arrested or detained'... in the wake of the September 11 attack," as well as "all policy directives or guidance or disclosures about these individuals or about the sealing of judicial or immigration proceedings."

6. By letter dated November 1, 2001, HQFOIA acknowledged receipt of plaintiffs' request and had assigned it control number AOA2001000153.
7. Plaintiffs' request sought records relating to policy directives or guidance issued to officials about making public statements or disclosure" regarding the detainees; therefore, INS HQFOIA/PA determined that all potentially responsive records would be located in the Office of General Counsel and the Office of Field Operations.

Search for Responsive Records

8. On November 1, 2001, HQFOIA began its search for responsive records by sending search requests to the Office of General Counsel and the Office of Field Operations. Given the nature of the documents requested, we initiated searches in those two offices as we determined that these offices would be the most likely to maintain any responsive records. The legend, Attack on America (AOA), was established as a means to identify the request and the responsive records relating to the events of September 11th in an expedient manner. By facsimile dated December 10, 2001, HQFOIA sent additional

search requests to the INS Office of General Counsel and the Office of Field Operation requesting records responsive to plaintiffs' FOIA request. Both offices performed records searches and subsequently forwarded potentially responsive documents to HQFOIA as indicated in my previous declaration; however, these documents were reviewed and determined not to be responsive to item four of plaintiffs' request seeking "all policy directives or guidance issued to officials about making public statements or disclosures about these individuals or about the sealing of judicial or immigration proceedings."

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

Date

April 16, 2002

Raymond Q. Holmes

Raymond Q. Holmes
Supervisory Paralegal Specialist
Immigration and Naturalization Service
Headquarters Freedom of Information
and Privacy Act Unit

CERTIFICATE OF SERVICE

I hereby certify that, on April 16, 2002, copies of the foregoing Defendant's Notice of Filing of Exhibit 14 were served by hand delivery on:

Arthur B. Spitzer, Esq.
American Civil Liberties Union
of the National Capital Area
1400 20th Street, N.W. #119
Washington, D.C. 20036

Kate Martin, Esq.
Center for National Security Studies
2130 H Street, N.W. S. 701
Washington, D.C. 20037

Elliot M. Mincberg, Esq.
People for the American Way Foundation
2000 M Street, N.W., Suite 400
Washington, D.C. 20036

David L. Sobel, Esq.
Electronic Privacy Information Center
1718 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20009

and by overnight delivery on:

Steven R. Shapiro, Esq.
Lucan Guttentag, Esq.
American Civil Liberties Union Foundation
125 Broad Street
New York, N.Y. 10004


CAROL FEDERIGHI