

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

SECOND SUPPLEMENTAL DECLARATION OF JAMES S. REYNOLDS

I, James S. Reynolds, declare as follows:

1. This Declaration supplements and is a continuation of my previous Declaration dated January 11, 2002, and my Supplemental Declaration, dated February 4, 2002.
2. In paragraph 39 of my original Declaration, I discussed certain orders by courts "sealing. . . proceedings in connection with individuals arrested or detained in the wake of the September 11 attack. . . ." In paragraph 9 of my supplemental Declaration, I made explicit that this paragraph referred to cases in which a defendant had been charged with a federal crime, and not to cases in which an individual had been taken into custody under a material witness warrant. I further stated that there were nine such cases as of January 11, 2002.
3. The sealing orders to which these two paragraphs refer are orders which direct the sealing of indictments that have been returned by a grand jury, pursuant to Federal Rule of Criminal Procedure 6(e)(4), or criminal complaints that have been sealed by federal magistrate judges. The exact language of these orders varies but the Department of Justice interprets such

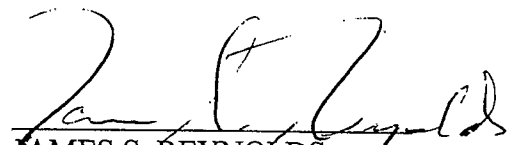
orders to protect from disclosure not only the contents of the charging document but the very fact of the existence of the charges. Therefore, with regard to these sealing orders, no further information may be disclosed.

4. In paragraphs 4 and 31-36 of my original Declaration, I also referred to certain individuals who are being detained on material witness warrants. Although the context of the issuance of these warrants should be apparent from my Declaration (*see* paragraph 34), I want to make explicit that each of these warrants was issued to procure a witness's testimony before a grand jury.

5. The foregoing material witness warrants are governed by court orders prohibiting the government from releasing any information about these proceedings. The exact language of these orders varies but the Department of Justice interprets such orders to protect from disclosure not only the contents of the warrants but the very fact of the existence of the warrants. Therefore, with regard to these warrants, no further information may be disclosed.

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

4/15/02
DATE


JAMES S. REYNOLDS