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FACSIMILE

DATE: December 12, 2005

DIRECT DIAL NUMBER: (713) 752-4210

FROM: Charles L. Babcock

DIRECT FAX NUMBER: (713) 308-4110

NAME	COMPANY NAME	FACSIMILE NUMBER	PHONE NUMBER
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CLIENT/MATTER NO.: 002136/00069

TK ID: CLB1 PAGE COUNT: 8

MESSAGE:

Please see attached letter.

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

December 12, 2005

Mr. Charles L. Babcock
Jackson Walker, L.L.P.
901 Main Street, Suite 6000
Dallas, TX 75202

Re: Follow-up Document Request

Dear Mr. Babcock:

This responds to your letter dated December 1, 2005, concerning additional documents you are requesting based on testimony in the deposition of Federal Bureau of Investigation ("FBI") Special Agent ("SA") Gamal Abdel-Hafiz.

We are currently searching for documents that are responsive to your request. If any such documents are discovered, they will be reviewed to determine whether any privileges would apply to production of the documents. After the application of any privilege, any documents, or portions of documents, deemed responsive and not privileged will be provided.

There are a couple of apparent misconceptions in your letter that I wish to correct. First, the FBI takes no position with regard to the respective merits of the claims or defenses of any party in this civil matter. The withholding of documents by the FBI is done in the interest of protecting information that the courts have previously recognized as falling within a particular privilege. This is done to protect the efforts of the FBI in its law enforcement and antiterrorism missions. The withholding of the information is without regard to which party is behind any intrusion into FBI information. Further, the FBI withholds the information merely to protect the information, without regard to the impact the withholding may have on any party to this litigation.

In your request, you have raised a number of issues which I would like to address. In reference to your request number 4, we have reconsidered whether SA Abdel-Hafiz would be allowed to answer the question whether he has ever "secretly recorded" a Muslim suspect. We will allow SA Abdel-Hafiz to answer that question, without any references to a particular suspect or a particular investigation. SA Abdel-Hafiz will not, however, be allowed to answer any follow-up questions that would delve into the issue of what suspect or in what investigation such a recording, if any, occurred. You have asked that all

documents be produced in an unredacted form. As you must know, the purpose of the redactions is to protect privileged or otherwise protected FBI information. The nature of redaction is explained in the sheet containing the various codes for each redaction. The FBI cannot properly protect this information without applying the redactions, and therefore, any document containing privileged or otherwise protected information will continue to be redacted. While I sympathize with your statement that not allowing access to this information is unfair, the information must be protected, without regard to its impact on any party to this litigation.

In a number of places you have asked that the FBI suggest witnesses or provide the names of witnesses on a particular topic. The FBI takes no role in this litigation in which we are not a party, and it would be improper for the FBI to assist any party in identifying potential witnesses.

With respect to request #7, it is not clear from your letter exactly what type of documents you are seeking. If the question is whether we will provide the application for employment with the FBI submitted by any prospective employee, the FBI cannot provide such documents without the written consent of the applicant.

With respect to request #9, you have asked that the FBI allow SA Abdel-Hafiz to provide evidence that SA Wright was "motivated solely by racism or ethnic hatred." In stating that he cannot provide that evidence, SA Abdel-Hafiz says, "I cannot give you the evidence. Things are blacked out here, so" (Transcript, pp. 155-56). Based on this statement, you apparently infer that the blacked out portion of the document (Exhibit 14 was being discussed at the time of this question) contains the evidence that SA Abdel-Hafiz cannot provide. Our review of the document, however, indicates that the redacted portion of this document does not contain information that could be considered evidence of racial or ethnic bias. It is the FBI's position, therefore, that SA Abdel-Hafiz was indicating an inability to answer the question for some reason other than the redactions taken on Exhibit 14.

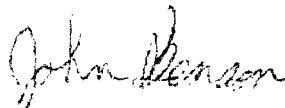
With respect to request #14, we will not reconsider the objection to a discussion of a "highly sensitive intelligence matter." You have indicated you understand the rationale behind our objection on this point, and as indicated above, we are protecting FBI privileged information without regard to the impact such withholding will have on any party.

Finally, you have indicated a desire to depose additional FBI personnel. Any such requests for deposition will be subject to the requirements of our regulations, as previously

cited in correspondence to you and other parties in this litigation.

If you have any questions concerning this matter, please direct them to me, at (202) 220-9323.

Sincerely,



John Benson
Assistant General Counsel

copies furnished:

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