

EXHIBIT A

December 9, 2008

Jenner & Block LLP
330 North Wabash Ave.
Chicago, IL 60611
Tel 312-222-9350
www.jenner.com

Chicago
New York
Washington, DC

VIA E-MAIL & U.S. MAIL

Paul E. Ahern, Esq.
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., NW, Room 6120
Washington, DC 20530

Patricia A. Bronte
Tel 312 923-8357
Fax 312 840-7757
pbronte@jenner.com

Dear Paul:

It was good to meet and speak with you last Friday in connection with the status hearing before Judge Roberts in the *Said v. Bush* case, No. 05-2384. Thank you for agreeing to give us advance notice of the estimated date of your upcoming filings in the Secure Facility. That will help us to plan our trips to the Secure Facility, so that we can review your filings on a timely basis.

I would like to follow up with you about another subject we discussed last Friday: our ability to discuss with our clients their purported statements to interrogators, as reflected in the Respondents' factual returns. As I told you, paragraph 29 of the Protective Order dated September 11, 2008 plainly states that we are entitled to disclose to a client classified information originating with that client (emphasis added):

Petitioners' counsel shall not disclose to a petitioner-detainee classified information *not provided by that petitioner-detainee*. Should a petitioner's counsel desire to disclose classified information *not provided by a petitioner-detainee* to that petitioner-detainee, that petitioner's counsel will provide in writing to the privilege review team . . . a request for release clearly stating the classified information they seek to release. . . .

Paragraph 39 applies the same standard to disclosure of protected information to our clients. Indeed, any other standard would simply replicate in these habeas proceedings the defects of the Combatant Status Review Tribunal proceedings – a result wholly inconsistent with *Boumediene v. Bush*, 128 S. Ct. 2229 (2008).

On October 27, 2008, my colleague Sapna Lalmalani reviewed the factual returns at the Secure Facility, in order to prepare for her meetings with our clients on December 2 and 3, 2008. Ms. Lalmalani prepared a memorandum of alleged statements by our clients to interrogators and asked the Privilege Review Team and the Court Security Officer to transmit the memorandum to the base so that Ms. Lalmalani could discuss the alleged statements with our clients during her client meetings. The Privilege Review Team and the Court Security Officer erroneously instructed Ms. Lalmalani to restrict her memorandum to statements recounted in FOUO, but not classified, documents in the factual return. As a result, when Ms. Lalmalani met with our clients on December 2 and 3, 2008, she was unable to discuss with them the grounds on which

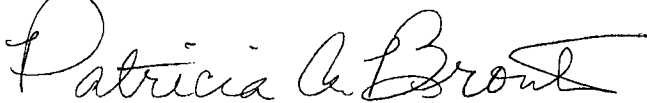
Paul E. Ahern, Esq.
December 9, 2008
Page 2

Respondents substantially rely to justify our clients' detention. Obviously this has greatly hampered our efforts to prepare traverses and our clients' habeas cases.

When we spoke last Friday, you said that you did not believe the Protective Order permitted us to discuss with our clients their own statements to interrogators, if those statements were part of memoranda or reports that have been designated classified. I hope that you have reviewed paragraph 29 of the Protective Order and revised your opinion. You also told me that we should wait for the unclassified factual returns, which (unlike the original unclassified returns that Respondents filed) should contain many of the client statements at issue. Unfortunately, because Respondents moved to stay and reconsider the deadline for unclassified returns, it is unclear when Respondents will produce them. More importantly, Petitioners are entitled to defend against *all* of Respondents' allegations, not just the ones that Respondents selectively permit to be disclosed to Petitioners.

Having been imprisoned for almost seven years now, our clients wish to move forward with their habeas cases without further delay. As a result, kindly let me know by the close of business on Friday, December 12, 2008, whether or not you agree that we may discuss with our clients their own alleged statements as reported in classified portions of their factual returns. I would be happy to discuss this matter again with you by telephone this week.

Very truly yours,



Patricia A. Bronte

cc: Sapna Lalmalani