

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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)	
IN RE:)	Misc. No. 08-442 (TFH)
GUANTANAMO BAY)	Civil Action No. 05-CV-0763
DETAINEE LITIGATION)	
)	
)	
ADEL HAMLILY, <i>et al.</i>)	
)	
Petitioners,)	
)	
v.)	
)	
GEORGE W. BUSH, <i>et al.</i>)	
)	
Respondents)	
)	

**RESPONDENTS' RESPONSE TO PETITIONER'S MOTION
TO COMPEL PRODUCTION OF UNCLASSIFIED FACTUAL RETURN**

Respondents hereby respond to Petitioner's Motion to Compel Production of Unclassified Factual Return (No. 05-CV-0763, dkt. no. 81) and state as follows:

Respondents fully recognize the need for unclassified versions of the amended and original factual returns being filed in the Guantanamo habeas cases before the Court, including this case. The Government, however, has filed more than 65 amended or original factual returns in the Guantanamo cases before the various Judges of the Court and continues to expend tremendous resources, as more fully described in Respondents' Motion for Partial and Temporary Relief from the Court's July 11, 2008 Scheduling Order (Misc. No. 08-0442) (dkt. no. 317), to file at least 50 additional amended or original factual returns per month. While Respondents are working to develop a process whereby unclassified versions of newly filed factual returns can also be produced, the document review and redaction resources required for production of such unclassified versions are the same review and redaction resources required for production of the

more than 50 new factual returns per month. These significant and competing resource demands have meant that Respondents have not been able to produce unclassified versions of most of the factual returns already filed.

Furthermore, Petitioner's counsel here have not articulated a specific, emergency need for production of an unclassified version of the return that would warrant imposition on the Government's factual return production resources at this time or in priority over other petitioners for whom factual returns have been filed. And, production of an unclassified version of a factual return should not be required based on no more than a counsel's request for such a version or on a requested arbitrary deadline, at least until proper coordination of review and redaction resources necessary to produce such versions is accomplished.

Accordingly, the Court should deny petitioner's motion to compel production of an unclassified version of the factual return in this case for now, pending development and implementation of a process, equitable to all petitioners in these Guantanamo cases, for production of unclassified versions of the factual returns.

Dated: October 6, 2008

Respectfully submitted,

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