



U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Ave., N.W., Room 7268
Washington, D.C. 20530

[ORAL ARGUMENT HELD ON JANUARY 10, 2013]

February 15, 2013

Mr. Mark J. Langer
Clerk, United States Court of Appeals for the
District of Columbia Circuit
5423 E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: Judicial Watch v. U.S. Dep't of Defense and CIA, No. 12-5137 (D.C. Cir.)

Dear Mr. Langer:

Attached is a letter that the government sent to counsel for appellant in the above-captioned matter. The letter addresses seven additional records recently located by the CIA.

Respectfully submitted,

Robert M. Loeb /s/

Robert M. Loeb
U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Ave., N.W.
Room 7628
Washington, D.C. 20530



U.S. Department of Justice
Civil Division

Marcia Berman
Senior Trial Counsel
Federal Programs Branch
20 Massachusetts Ave., N.W., Room 7132
Washington, D.C. 20530
(202) 514-2205

Washington, DC 20530

February 15, 2013

VIA E-MAIL

Michael Bekesha
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Email: mbekesha@judicialwatch.org

Re: *Judicial Watch, Inc. v. DoD, et al*, Case Nos. 11-890 (D.D.C.),
12-5137 (D.C. Cir.)

Dear Michael:

I am writing to let you know that the CIA recently located seven additional images of Osama Bin Laden's body from the May 1, 2011 operation that resulted in his death. Had they been located previously, these records would have been responsive to your FOIA request.

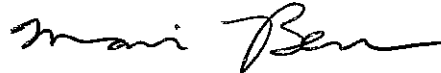
These additional images were not located during the CIA's search for responsive records in this case. However, these images of Bin Laden's corpse are of the same nature as the materials the CIA previously identified and discussed in the declaration of the Director of the CIA's National Clandestine Service, John Bennett, and would have been withheld in full for the same reasons discussed in Mr. Bennett's declaration. In fact, Mr. Bennett has personally reviewed these seven additional images and confirmed that they continue to be properly classified for the reasons set forth in his declaration.

Given the similar nature of these additional images, the fact that they would have been withheld in full for the same reasons as the other records, and the fact that Judicial Watch did not challenge the CIA's search, we do not believe the discovery of these additional images is relevant to the appeal currently pending before the D.C. Circuit. The CIA, however, will apply the final ruling that results from the judicial proceedings in the case to these additional images, which are responsive to other FOIA requests that are being processed administratively or are pending in other courts.

- 2 -

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcia Berman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marcia Berman
Senior Trial Counsel

cc: Mark Langer, Clerk of the United States Court of Appeals for the D.C. Circuit