

**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*86 Chambers Street, 5th Floor  
New York, New York 10007*

April 10, 2006

**BY FACSIMILE AND  
FEDERAL EXPRESS**

Megan Lewis, Esq.  
Gibbons, Del Deo, Dolan  
Griffinger & Vecchione, P.C.  
One Riverfront Plaza  
Newark, N.J. 07102

Re: ACLU, et al., v. Department of Defense, et al.,  
No. 05-6286-cv

Dear Ms. Lewis:

As required by paragraph two, Stipulation and Order of Dismissal of Appeal in the above-captioned appeal, this letter serves as the Department of Defense and Department of the Army authentication of the photos and videos published on the website [www.salon.com](http://www.salon.com) that are the same as the 74 photos and 3 videos that formed the basis of the appeal.

The U.S. Army Criminal Investigation Command (CID), the government custodian of the images, performed a detailed comparison of the digital photos and video files posted on the Salon.com website under the heading "The Abu Ghraib Files" with the 74 responsive "Darby" photo images and three responsive video files. As a result of this comparison, CID confirms that 73 of the 74 photos and all three of the video files on the website are identical to those contained in the group of 74 and 3 that are the subject of the appeal.

Under "The Abu Ghraib" Files link on the Salon.com website, posted images are organized under 10 separate chapter headings. Within the chapters, photos and videos are listed by number. The numbers can be viewed by placing the computer mouse pointer over an image. The following are identical to the group of 74 and 3 that are the subject of the appeal:

Chapter 1, photos 1, 2, 5 through 28, 30, 34, and 35.

Chapter 2, photos 1 through 7, and 9 through 11.

Chapter 3, photo 12.

Chapter 4, photos 14 through 21.

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Chapter 6, photos 2, 3, 4, 6, 7, 9 through 21, and 24 through 28.

Chapter 9, photos 1 and 2.

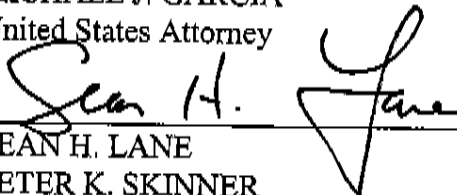
Chapter 10, movies 2, 3, and 4.

As required by paragraph three of the Stipulation and Order of Dismissal of Appeal, the one photograph within the group of 74 and 3 appellate images that does not appear on the website is attached.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By:

  
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Enclosure

cc: Lawrence S. Lustberg, Esq.  
Amrit Singh, Esq.