

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL DAY LABORER ORGANIZING  
NETWORK; CENTER FOR  
CONSTITUTIONAL RIGHTS; and  
IMMIGRATION JUSTICE CLINIC OF THE  
BENJAMIN N. CARDOZO SCHOOL OF LAW,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT AGENCY;  
UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY; FEDERAL  
BUREAU OF INVESTIGATION; and OFFICE  
OF LEGAL COUNSEL,

Defendants.  
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**ECF CASE**

10-CV-3488 (SAS) (KNF)

[Rel. 10-CV-2705]

**DECLARATION OF  
PAUL P. COLBORN**

I, Paul P. Colborn, declare as follows:

1. I am a Special Counsel in the Office of Legal Counsel (“OLC”), a component of the Department of Justice. I am a career member of the Senior Executive Service. I joined OLC in 1986 and have had the responsibility since 1987 of supervising OLC’s responses to requests under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. I submit this declaration in support of the Government’s Opposition to Plaintiffs’ Motion for a Preliminary Injunction.

The statements made herein are based on my personal knowledge and information provided to me by OLC attorneys, staff, and other persons familiar with this matter.

2. By delegation from the Attorney General, the Assistant Attorney General in charge of the Office of Legal Counsel provides authoritative legal advice to the Executive Branch. OLC drafts legal opinions of the Attorney General and also provides its own written opinions and oral

advice in response to requests from the Counsel to the President, the various agencies of the Executive Branch, and offices within the Department of Justice.

3. On or about February 16, 2010, OLC received a 21-page FOIA request from the Plaintiffs signed by Bridget Kessler, Clinical Teaching Fellow, Cardozo School of Law, Immigration Justice Clinic, and Sunita Patel, Staff Attorney, Center for Constitutional Rights. The FOIA request sought information about the "Secure Communities" program of the U.S. Immigration and Customs Enforcement, and it requested expedited processing.

4. On April 16, 2010, I wrote a letter to Plaintiffs acknowledging receipt of the FOIA request and notifying them that their request for expedited processing had been denied by the Director of Public Affairs of the Department of Justice. *See* 28 C.F.R. § 16.5(d)(2).

5. On May 7, 2010, OLC began conducting preliminary searches for documents responsive to Plaintiffs' FOIA request. As of the present date, OLC has not identified any responsive documents. OLC also has been informed of Plaintiffs' recent request for "opt-out records." The preliminary searches conducted by OLC would have included any documents responsive to this request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: Washington, D.C.  
November 12, 2010



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Paul P. Colborn  
Special Counsel  
Office of Legal Counsel