

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

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<b>CITIZENS FOR RESPONSIBILITY</b>		)	
<b>AND ETHICS IN WASHINGTON,</b>		)	
		)	
<b>Plaintiff,</b>		)	
		)	
<b>v.</b>		)	<b>Civil Action No. 06-1912 (RCL)</b>
		)	
<b>U.S. DEPARTMENT OF</b>		)	
<b>HOMELAND SECURITY, et al.,</b>		)	
		)	
<b>Defendants.</b>		)	
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**ORDER**

Upon consideration of parties Cross Motions for Summary Judgment ([64] and [68]) on Claims One and Two, the oppositions and replies thereto, and the record herein, it is, for the reasons contained in the accompanying Memorandum Opinion, hereby

ORDERED that defendants' motion [64] is DENIED; and it is further

ORDERED that plaintiff's motion [68] is GRANTED.

In accordance with this Order, it is further

ORDERED that defendant U.S. Department of Homeland Security shall immediately process plaintiff's Freedom of Information Act request and produce all responsive agency records that are not exempt from disclosure.

Upon consideration of plaintiff's Motion [51] for Summary Judgment on Claims Three and Four, the opposition and reply thereto, and the record herein, it is, for the reasons contained in the accompanying Memorandum Opinion, hereby

ORDERED that plaintiff's Motion be GRANTED IN PART and DENIED IN PART. It is

DECLARED that the U.S. Department of Homeland Security's deletion of WAVES records prior to October 2004 was contrary to the Federal Records Act; and it is further

DECLARED that the U.S. Department of Homeland Security's nonretention of VPR visit records (as described in the Memorandum Opinion) prior to June 2006 was contrary to the Federal Records Act; and it is further

DECLARED that the failure of Adrienne Thomas, Acting Archivist of the United States, to request that the Attorney General initiate legal action to recover the deleted WAVES records was contrary to the Federal Records Act; and it is further

ORDERED that Adrienne Thomas, Acting Archivist of the United States, request that the Attorney General initiate legal action to recover the deleted WAVES records, with corresponding notice to Congress, as required by the Federal Records Act; and it is further

ORDERED that in all other respects plaintiff's Motion [51] is DENIED.

SO ORDERED.

Signed by Royce C. Lamberth, Chief Judge, on January 9, 2009.