

EXHIBIT 1

**U.S. Department of Justice**

Civil Division
Federal Programs Branch
20 Massachusetts Ave., N.W., Room 6118
Washington, D.C. 20530

Lisa A. Olson
Senior Counsel

Tel: 202/514-5633

September 11, 2003

BY TELEFACSIMILE

Stephen S. Hill, Esq.
Howrey Simon Arnold & White, LLP
1299 Pennsylvania Ave., N.W.
Washington, D.C. 20004
fax: (202) 383-6610

Re: Garcia v. Veneman, No. 1:00CV02445 (D.D.C. filed Oct. 13, 2000)

Dear Stephen:

Thank you for your September 11, 2003 letter regarding the above-captioned matter. The only aspect of your letter that merits a response is your assertion that a party's inadvertent disclosure of a handful of privileged documents during the course of the party's disclosure of thousands of pages of non-privileged documents in response to his opponent's document production request effects a waiver of the privilege(s) in question.¹ Your letter cites no authority for the assertion, and we are aware of none. If you know of any cases that support your position we would appreciate your identifying them for us. That may enable the parties to avoid the time and expense of unnecessary litigation. Otherwise, we expect you to promptly return the inadvertently disclosed privileged documents.

Very truly yours,

A handwritten signature in cursive script that reads "Lisa A. Olson".

Lisa A. Olson
Senior Counsel
Federal Programs Branch
Civil Division

¹ Specifically, in the present case, the federal contractor inadvertently disclosed eight documents out of approximately 900, comprising eleven pages of the approximately 126,000 pages of documents produced.

HOWREY
SIMON
ARNOLD
& WHITE

HOWREY
ATTORNEYS AT LAW

1299 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20004-2402
PHONE 202.783.0800
FAX 202.383.6610
A LIMITED LIABILITY PARTNERSHIP

STEPHEN S. HILL
PARTNER
202.383.6967
hillstephen@howrey.com

September 12, 2003

BY FACSIMILE & FIRST CLASS MAIL

Lisa A. Olson, Esq.
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
P.O. Box 833
Washington, D.C. 20044

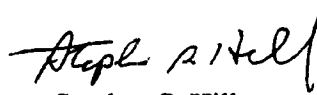
Re: Garcia v. Veneman, C.A. No. 1:00CV02445 (D.D.C. filed Oct. 13, 2000)

Dear Ms. Olson:

We received your letter of September 11, 2003, responding to our letter of the same date. Should we take from the second sentence of your letter that plaintiffs need not wait until 5:00 p.m. Tuesday to file their motion to compel? The purpose of our September 11, 2003 letter was, among other things, to afford defendant the opportunity to review what we considered to be ill-considered privilege claims and thereby to avoid the need for further litigation and the imposition of any additional burden on the court.

As for your assertion that you and your colleagues at the United States Department of Justice ("DOJ") are unaware of any authority for the proposition that the disclosure of privileged material waives the privilege, we frankly find that hard to believe. Given all the resources at your disposal, we are hard pressed to justify providing legal research for DOJ. Suffice it to say that if you and your colleagues are truly interested in "avoid[ing] the time and expense of unnecessary litigation," then you might consider spending a few minutes in the DOJ law library.


Sincerely,


Stephen S. Hill

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiffs' Reply To Defendants' Opposition To Plaintiffs' Motion To Compel was served by hand delivery, this 21st day of October, 2003 upon the following:

Lisa A. Olson, Esq.
UNITED STATES DEPARTMENT OF JUSTICE
Civil Division
Federal Programs Branch
20 Massachusetts Ave., N.W.
P.O. Box 833
Washington, DC 20044



Stephen S. Hill