



U.S. Department of Justice
Office of the Solicitor General

Washington, D.C. 20530

November 24, 2006

The Honorable William K. Suter
Clerk, The Supreme Court of the United States
Washington D.C. 20543

Re: New York Times v. Gonzales, No. 06A523

Dear General Suter:

Applicant has sought a stay of the mandate of the court of appeals to prevent the government from reviewing telephone records that will reveal the identity of confidential sources of applicant and its reporters. This Court has requested a response from the government and has inquired when, absent a stay, the review that applicant seeks to stay will take place.

The court of appeals' mandate should issue on Friday, November 24, 2006. While the government desires to review the records in question as expeditiously as possible, in light of the proceedings that must take place on remand, it is our belief that there is no likelihood that the government would see the records that applicant wants to keep confidential before Wednesday morning, November 29, 2006. To remove any doubt: the government will not review the telephone records in question before Wednesday morning unless (1) this Court has denied a stay by that time, and (2) the district court has authorized review of the records. Thus, in no circumstances would applicant's interests be prejudiced if the Court ruled on the stay application by the close of business Tuesday, November 28, 2006.

Sincerely,

Michael R. Dreeben
Deputy Solicitor General

cc: Counsel of record