

EXHIBIT D



November 7, 2006

Ariel E. Dulitzky
Assistant Executive Secretary
Inter-American Commission on Human Rights
1889 F St., NW,
Washington, DC 20006

Fax No: (202) 458-3992

Re: Jessica Gonzales v. United States
Petition N° P-1490-05

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
LEGAL DEPARTMENT
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OFFICERS AND DIRECTORS
NADINE STROSSEN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

Dear Sir:

We represent Petitioner Jessica Gonzales in the above matter.

On September 25, 2006, we received your letter dated September 22, 2006, with which you enclosed a copy of the United States' response to Ms. Gonzales' petition that contested the petition's factual allegations and urged the Commission to find the petition inadmissible. On October 6, 2006, we received the exhibits corresponding to the United States' response.

Unfortunately, the seven exhibits that the United States referred to in its response constitute only a fraction of the documents and materials relevant to the allegations in Ms. Gonzales' petition. Although we do not have immediate access to many of these documents and materials, we believe that the United States has such access. Therefore, we write to request the Secretariat's assistance with obtaining, on or before November 30, 2006, all non-privileged documents (including, without limitation, audio- and video- tapes, and electronic documents) relating to this matter that are in the possession, custody, or control of the United States government.

While the Commission's Rules of Procedure do not require the United States to engage in the sort of production we are requesting, we seek your assistance in obtaining these documents, in the interests of fairness and to ensure

that the Commission has before it a complete and accurate factual record to decide Ms. Gonzales's case.

As the United States denotes in its response, there has been no factual discovery in this matter: "[T]he actual facts [of this case] were not addressed in the [domestic] litigation because the appeals process dealt with whether the federal law invoked by Ms. Gonzales was available based on the allegation set forth in her complaint." Response of the Government of the United States of America to the Inter-American Commission on Human Rights regarding Jessica Gonzales Petition # P-1490-05, p. 10.

As you are also aware, the United States has greater access than does Ms. Gonzales to the vast majority of the information pertinent to her Petition, including police reports and training manuals, transcripts and tapes of police dispatch recordings and 911 calls, and reports written by various governmental agencies after the death of Ms. Gonzales' three children. Moreover, there is no mechanism under the Commission's Rules for depositions or other methods of discovery that, in our domestic legal system, typically facilitate a fair and accurate judicial process. Obtaining such discovery is essential for our rebuttal of the United States' description of the events in this case.

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We hope to receive these documents by the end of the month and ask that the Secretariat request that the United States provide these documents as soon as possible so that they may be of practical use to Petitioner. We would welcome any information concerning categories of responsive documents that will help us to prioritize production in the event that all documents cannot be processed by the November 30, 2006 return date.

We look forward to working with you to ensure a fair, accurate and expeditious procedure before the Commission.

Sincerely,



Steven M. Watt

For and on behalf of attorneys for
Ms. Gonzales