

Wiegmann, Brad (SMO)

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From: Wiegmann, Brad  
Sent: Friday, April 03, 2009 11:53 AM  
To: Blum, Stephanie <TSA.OCC>; Martins, Mark (GTMO Task Force)  
Subject: RE: Monday April 6

*WSD  
OK to release*

Thanks -- you can call me at [REDACTED]

-----Original Message-----

From: Blum, Stephanie <TSA.OCC> [mailto:(b)(6)]  
Sent: Friday, April 03, 2009 10:55 AM  
To: Martins, Mark (GTMO Task Force)  
Cc: Wiegmann, Brad  
Subject: Monday April 6


Brad and Mark,



Judge Bates' ruling yesterday that extends habeas to non-Afghan detainees held at Bagram, sure provides input into the pre-judicial review factors. We certainly need think hard about bringing non-battlefield detainees to a battlefield.

Have a good weekend and I look forward to meeting you.  
Steph

*REMAINDER OF  
PAGE REFERRED TO DOD*

From: Blum, Stephanie <TSA OCC> [mailto:  
Sent: Wednesday, April 01, 2009 3:29 PM  
To: Wiegman, Brad; Martins, Mark (GTMO Task Force)  
Subject: memo on pre-judicial review

Brad and Mark,


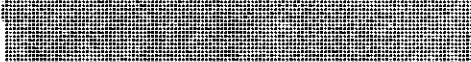
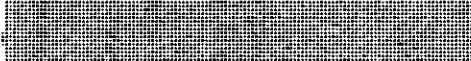



Stephanie Blum

AttorneyAdvisor

US Department of Homeland Security  
Transportation Security Administration

Detroit Mission Support Center  
1000 Town Center, Ste 1850  
Southfield, Michigan 48075

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Fax:   
Cell:   
Email: 

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**Wiegmann, Brad (SMO)**

**From:** Blum, Stephanie <TSA OCC> (b)(6)  
**Sent:** Thursday, March 26, 2009 11:30 AM  
**To:** Wiegmann, Brad; Martins, Mark S COL MIL USA OTJAG; Martins, Mark (GTMO Task Force); (b)(6) and (b)(7)(C); Deeks, Ashley S; Ingber, Rebecca M; Clark, Brad, CIV, OSD-POLICY; Ardinger, Jo Ellen  
**Subject:** Reading List -- Email 2  
**Attachments:** 08Dec\_BlumFINAL.pdf

All,  
 Here are two more items. First, is the thesis/book I wrote on preventive detention. Chapter 7 (starting at page 149) describes/analyzes alternatives to the enemy combatant approach for preventive detention based on a methodology (described in chapter 6) that looks at the balance between liberty and security, lawfulness, and institutional efficiency. I broke the analysis into 6 categories: (1) status quo enemy combatant policy (2) purist approach -- no system of preventive detention and exclusively use criminal justice system; (3) creation of a national security court (3) modifications to criminal justice system (encompassing lots of proposals). (4) Bruce Ackerman's "emergency constitution" idea; (5) Congress's failed attempt to pass the Detention of Enemy Combatant Act; and (6) my idea using the FISA courts as a way to monitor preventive detention but not for trials. This is accurate as of Nov. 2008 -- obviously much more has been written since then -- but it hopefully will provide some ways of thinking about the issues. Other chapters that may be of interest are Chapter 3 dealing with the rationale or reasons why we may need preventive detention and Chapter 4 that discusses the lawfulness of preventive detention. Book deals primarily with U.S. persons being detained within United States.

Also, I highly recommend reading David Cole's article in the Boston Review dealing with preventive detention. He argues that we need a narrowly-defined system of military detention for only those individuals part of AQ or the Taliban who are engaged in hostilities against our interests. It provides a good discussion of how to determine who should be eligible for detention.  
 Link is at <http://www.bostonreview.net/BR34.1/cole.php>

Thanks,  
*Stephanie Blum*  
 Attorney Advisor  
 US Department of Homeland Security  
 Transportation Security Administration  
 Detroit Mission Support Center  
 1000 Town Center, Ste 1850  
 Southfield, Michigan 48075  
 Phone: (b)(6)

Fax: [Redacted]  
 Cell: [Redacted]  
 Email: [Redacted]

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**From:** Wiegmann, Brad [mailto:Brad.Wiegmann@usdoj.gov]  
**Sent:** Wednesday, March 25, 2009 10:11 AM  
**To:** Martins, Mark S COL MIL USA OTJAG; Martins, Mark (GTMO Task Force); Anderson, Trisha; Zebley, (b)(6) and (b)(7)(C); Deeks, Ashley S; Ingber, Rebecca M; Blum, Stephanie <TSA OCC>; Clark, Brad, CIV, OSD-POLICY;

Preventive Detention Subgroup: Discussion Paper

Page 2 of 2

Ardinger, Jo Ellen

**Subject:** Preventive Detention Subgroup: Discussion Paper

Here is a paper that it would be useful if possible for you to review before today's subgroup meeting at 1:00. It is a work in progress but we think it is useful to frame our initial discussion. Thanks.

<<MSM Edits--Preventive Detention Memo.doc>>

**Wiegmann, Brad (SMO)**

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**From:** Blum, Stephanie <TSA OCC> (b)(6)  
**Sent:** Tuesday, March 24, 2009 10:17 AM  
**To:** Wiegmann, Brad  
**Subject:** RE: Detention Policy Task Force

**Attachments:** Task Group List of Issues for Further Study (2).doc



Task Group List of  
Issues for ...

Brad,

Attached is a draft of the factors for enacting a preventive detention regime. As you will see, I organized the factors into 4 thematic groupings and did a brief analysis of the groupings. The next step I believe would be get feedback on missing factors and then perhaps apply the factors to recommendations made by academics and policymakers. I look forward to your feedback and direction.

The best time to reach me today would be between noon and 2:30 EST.

Thanks.

Steph

---

**From:** Wiegmann, Brad [mailto:Brad.Wiegmann@usdoj.gov]  
**Sent:** Mon 3/23/2009 7:08 PM  
**To:** Blum, Stephanie <TSA OCC>  
**Subject:** RE: Detention Policy Task Force

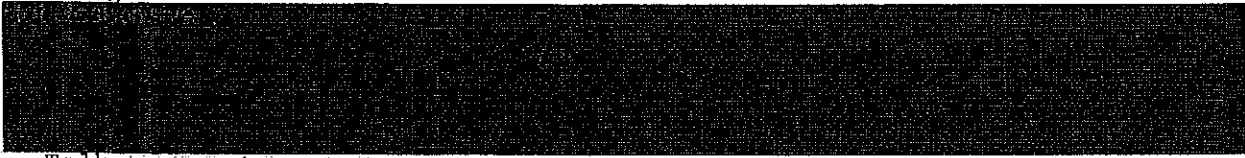
*NSD info  
OK to release*

Great, thanks Stephanie.

-----Original Message-----

**From:** Blum, Stephanie <TSA OCC> [mailto:(b)(6)]  
**Sent:** Monday, March 23, 2009 7:02 PM  
**To:** Wiegmann, Brad; Blum, Stephanie <TSA OCC>  
**Cc:** Martins, Mark (GTMO Task Force)  
**Subject:** RE: Detention Policy Task Force

Brad,



Talk to you tomorrow.  
Steph

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**From:** Wiegmann, Brad [mailto:Brad.Wiegmann@usdoj.gov]  
**Sent:** Mon 3/23/2009 6:53 PM  
**To:** Blum, Stephanie <TSA OCC>  
**Cc:** Martins, Mark (GTMO Task Force)  
**Subject:** RE: Detention Policy Task Force

*NSD  
OK  
to release*

Thanks. We are having our first sub-group meeting on preventive detention Wednesday at 1:00 and may be able to patch you in by speaker phone if you can participate that. Let's talk tomorrow. What is a good

time and what is your # again?

-----Original Message-----

From: Blum, Stephanie <TSA OCC> [mailto:(b)(6)]  
Sent: Friday, March 20, 2009 1:59 PM  
To: Wiegmann, Brad  
Subject: RE: Detention Policy Task Force

Brad,  
Thanks for sending these documents. I will try to have the first deliverable to you (key factors and suggestions on organization/structure) by COB on Tuesday, perhaps sooner. Thank you again for this opportunity.  
Steph

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From: Wiegmann, Brad [mailto:Brad.Wiegmann@usdoj.gov]  
Sent: Fri 3/20/2009 1:04 PM  
To: Blum, Stephanie <TSA OCC>  
Subject: FW: Detention Policy Task Force

*NSD  
OK to  
Telco 2/25*

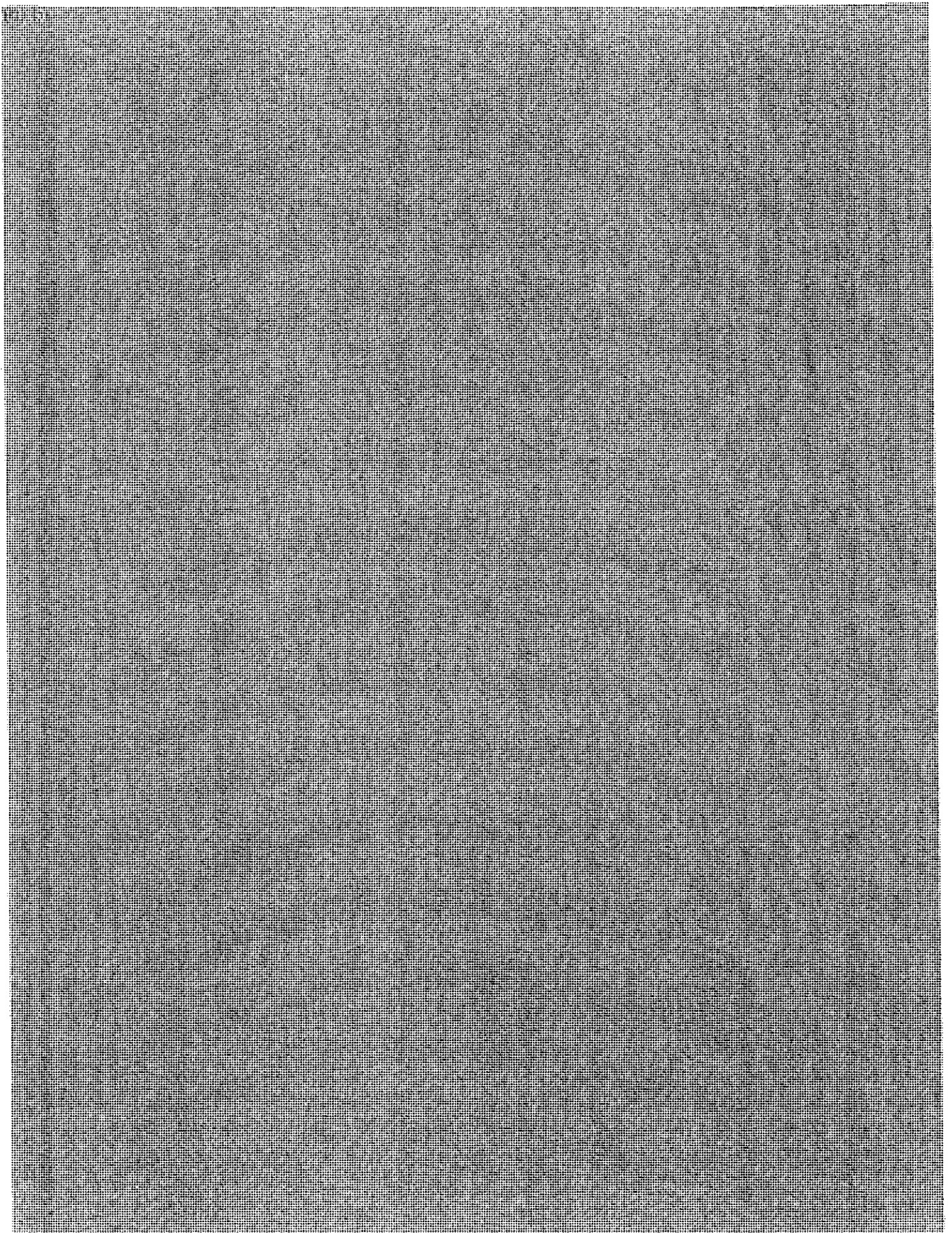
Stephanie -- I wanted to give you some of the papers we have developed to describe and organize the work of the Task Force, as follows:

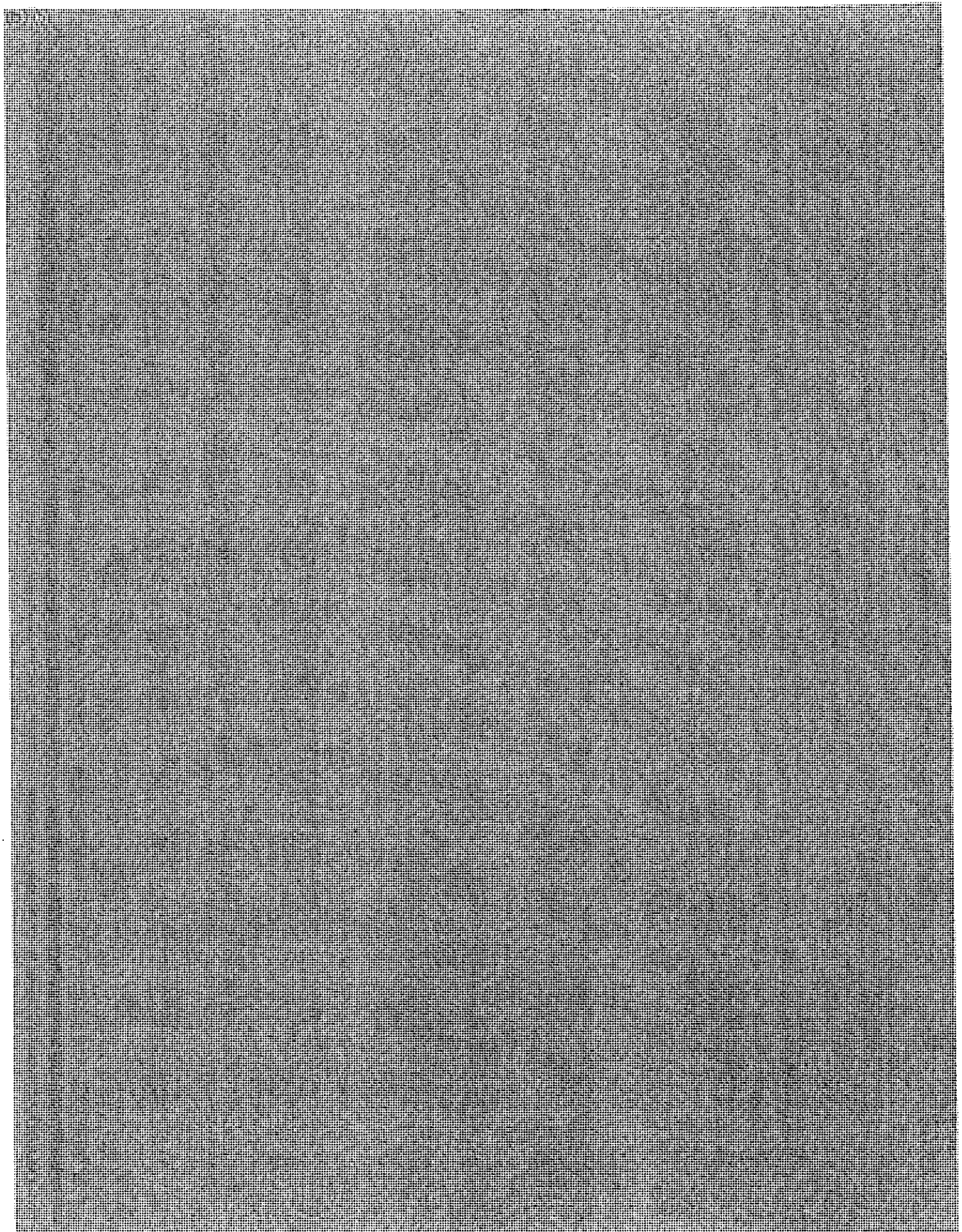
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<<taskforceworkplan.doc>>

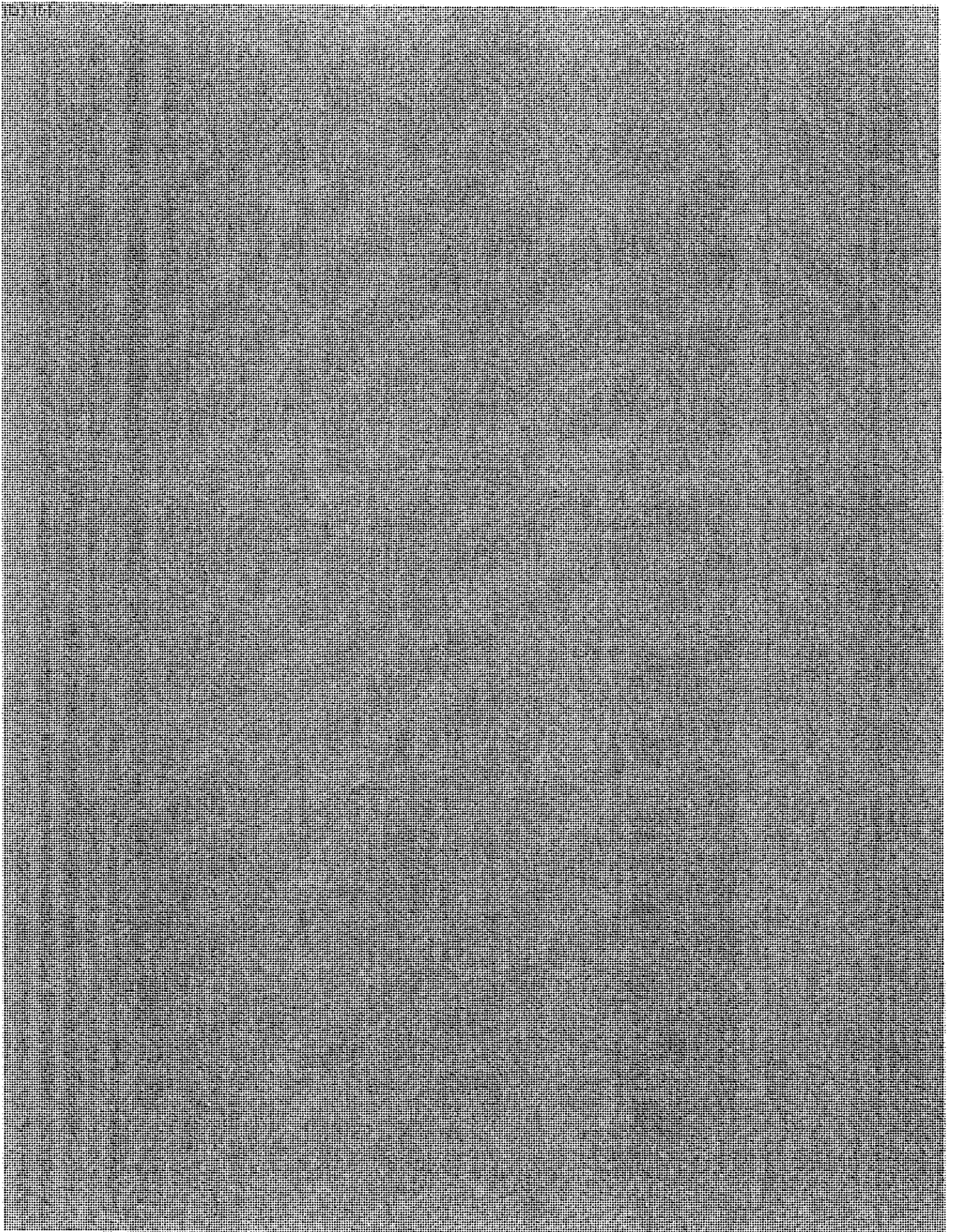
<<Initial Meeting.ppt>>

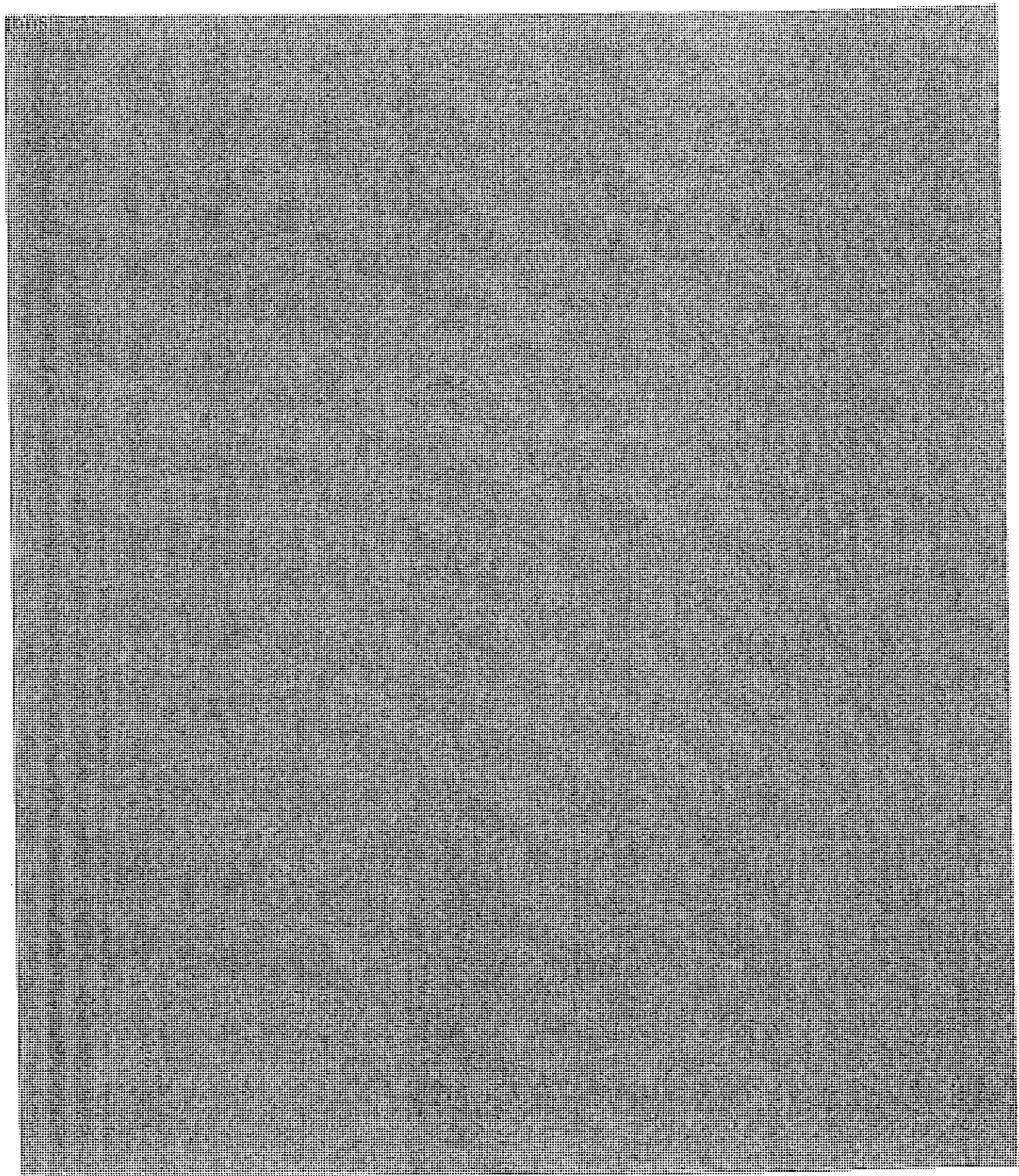
All of these are close-hold and should not be further distributed. I will be back in touch re logistics.

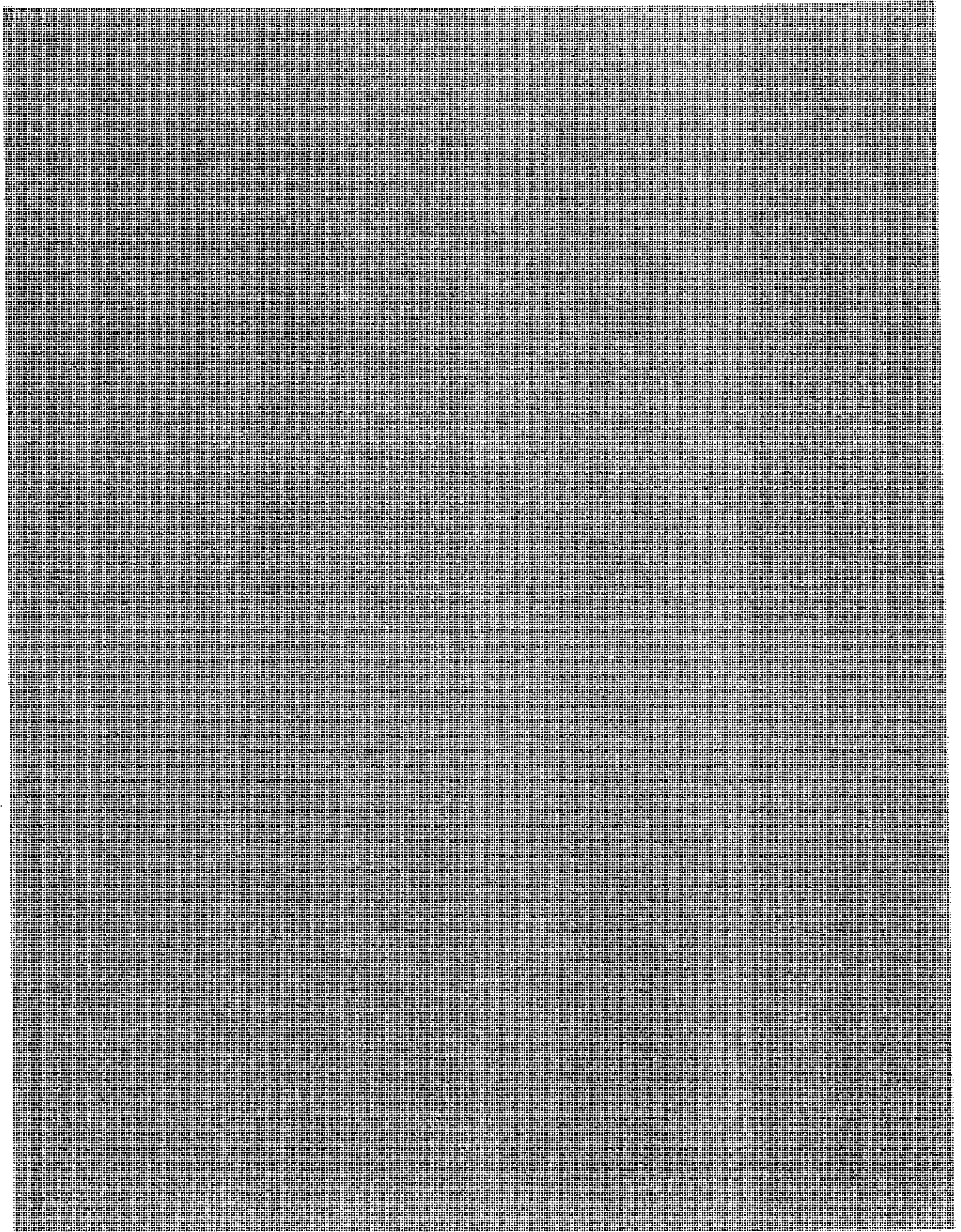


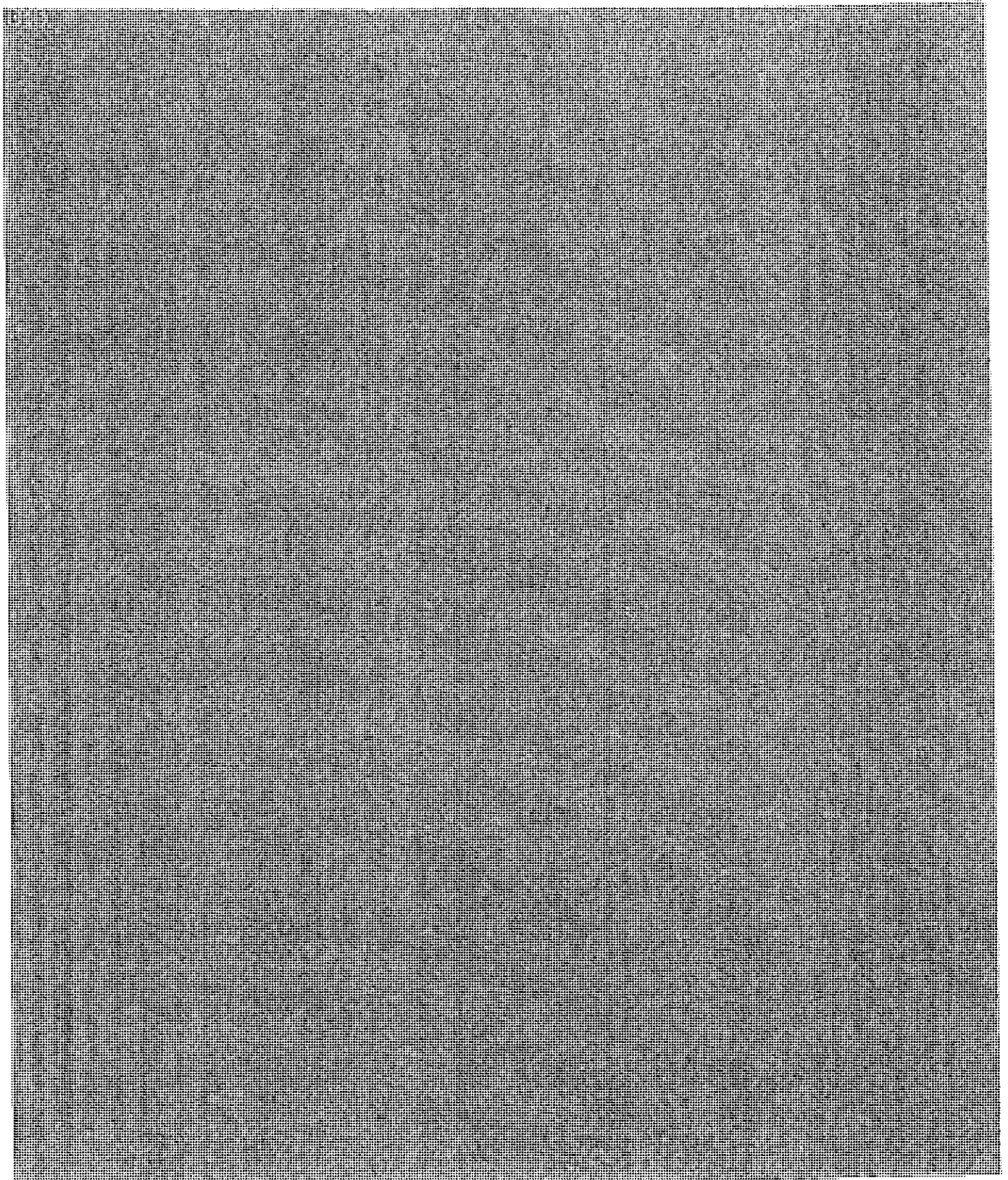


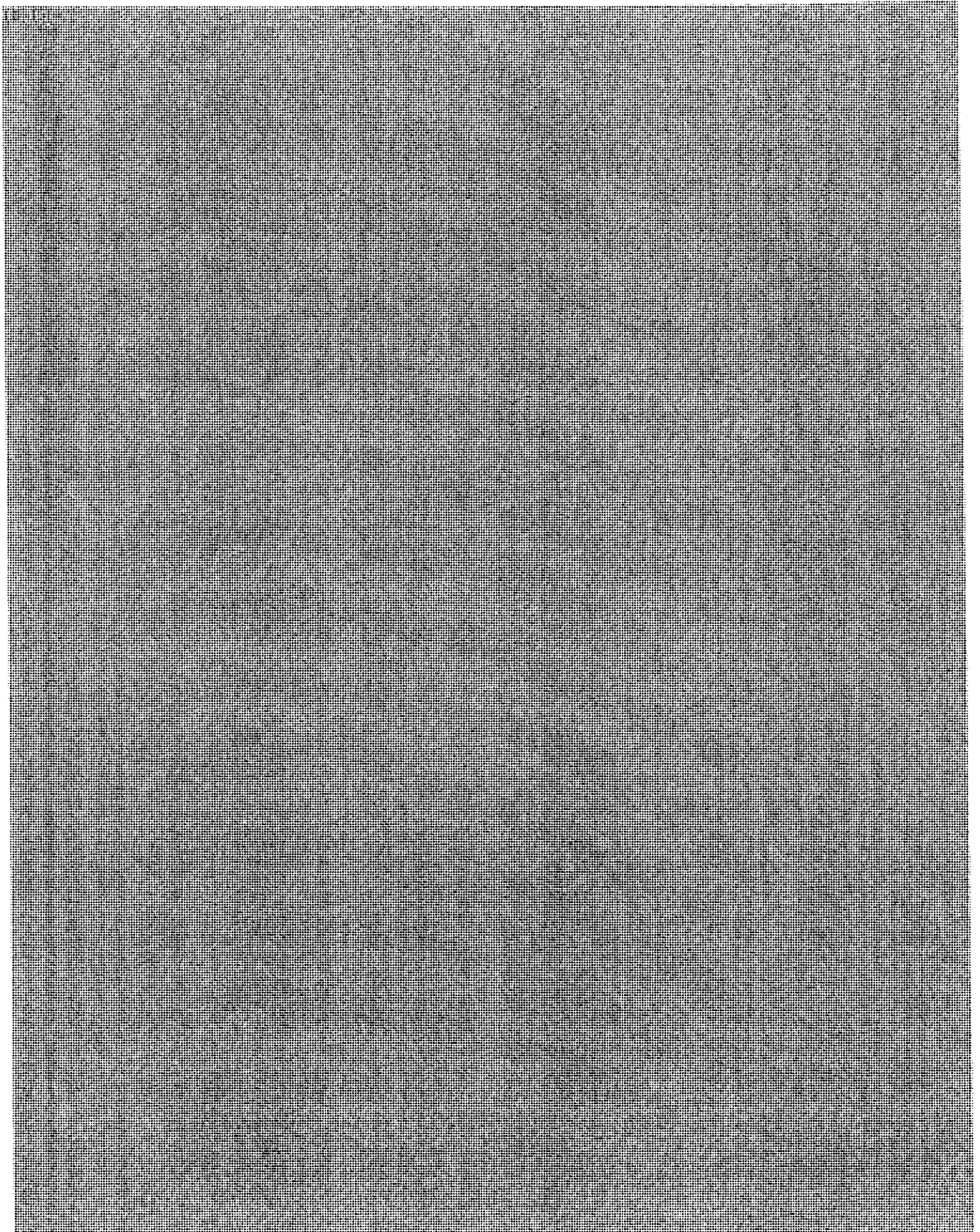


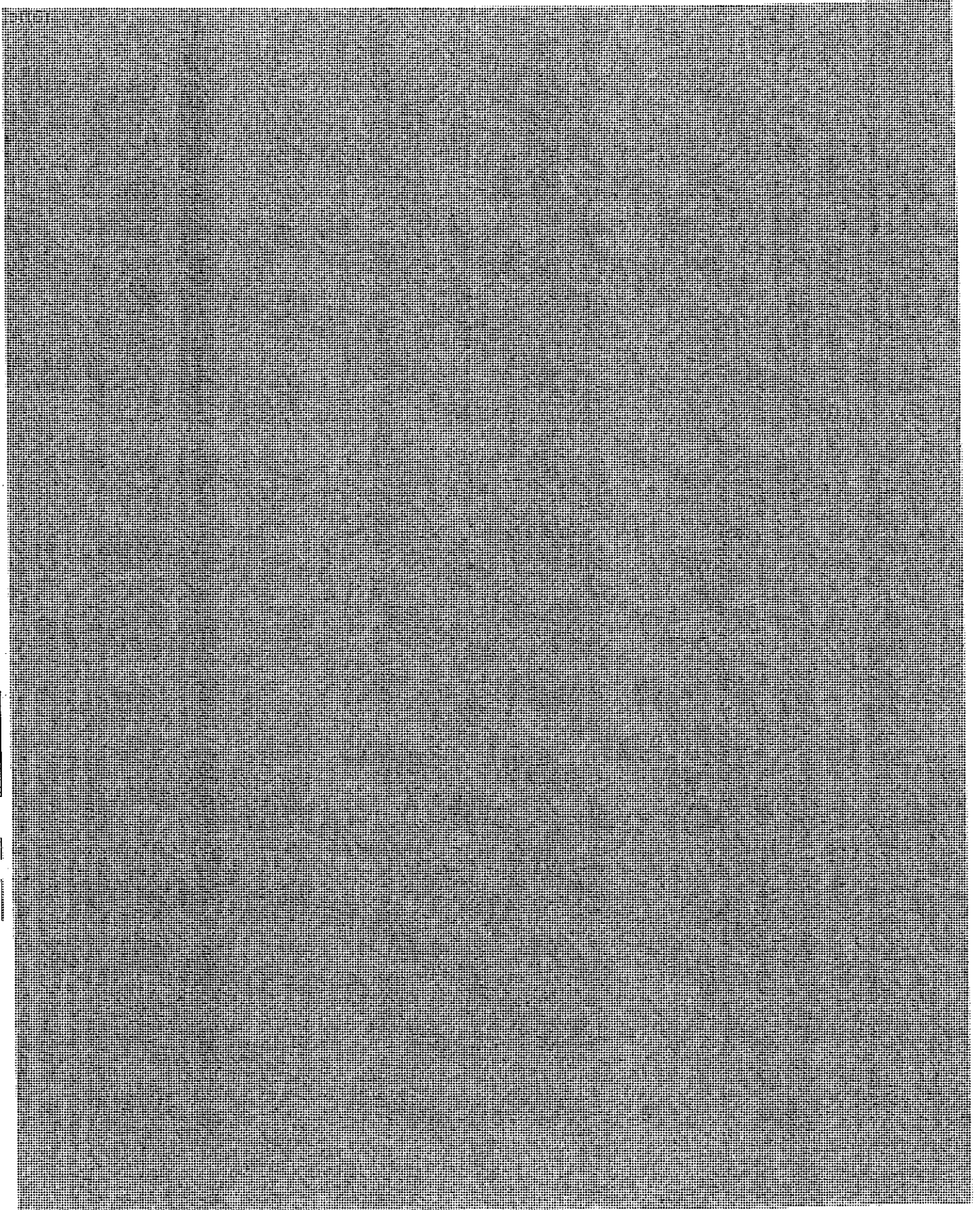


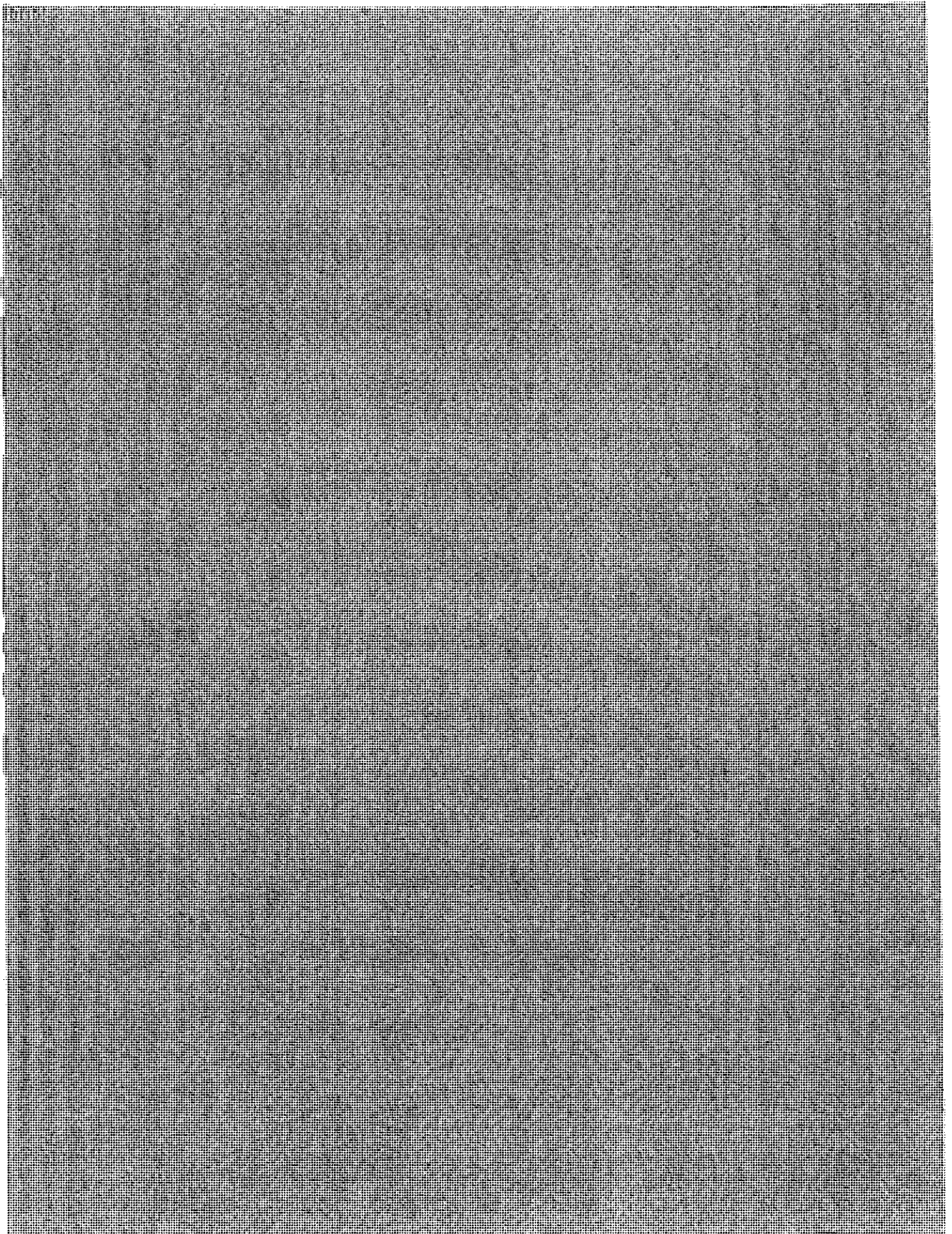












**Wiegmann, Brad (SMO)**

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**From:** Wiegmann, Brad  
**Sent:** Tuesday, March 24, 2009 11:15 AM  
**To:** 'Blum, Stephanie <TSA OCC>'  
**Cc:** Martins, Mark (GTMO Task Force)  
**Subject:** RE: Detention Policy Task Force

**Attachments:** Task Group List of Issues for Further Study (2).doc

*OK to Release  
NSO portfolio*



Task Group List of  
Issues for ...

Thanks a lot Stephanie. I will take a look and then give you a call. I am copying Mark Martins, my co-lead on this project. If you could copy him as well on things you send on the future, that would be great.

-----Original Message-----

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**Sent:** Tuesday, March 24, 2009 10:17 AM  
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**Subject:** RE: Detention Policy Task Force

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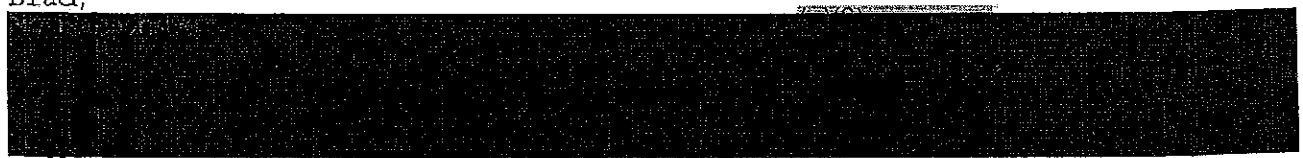
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**Sent:** Monday, March 23, 2009 7:02 PM  
**To:** Wiegmann, Brad; Blum, Stephanie <TSA OCC>  
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**Subject:** RE: Detention Policy Task Force

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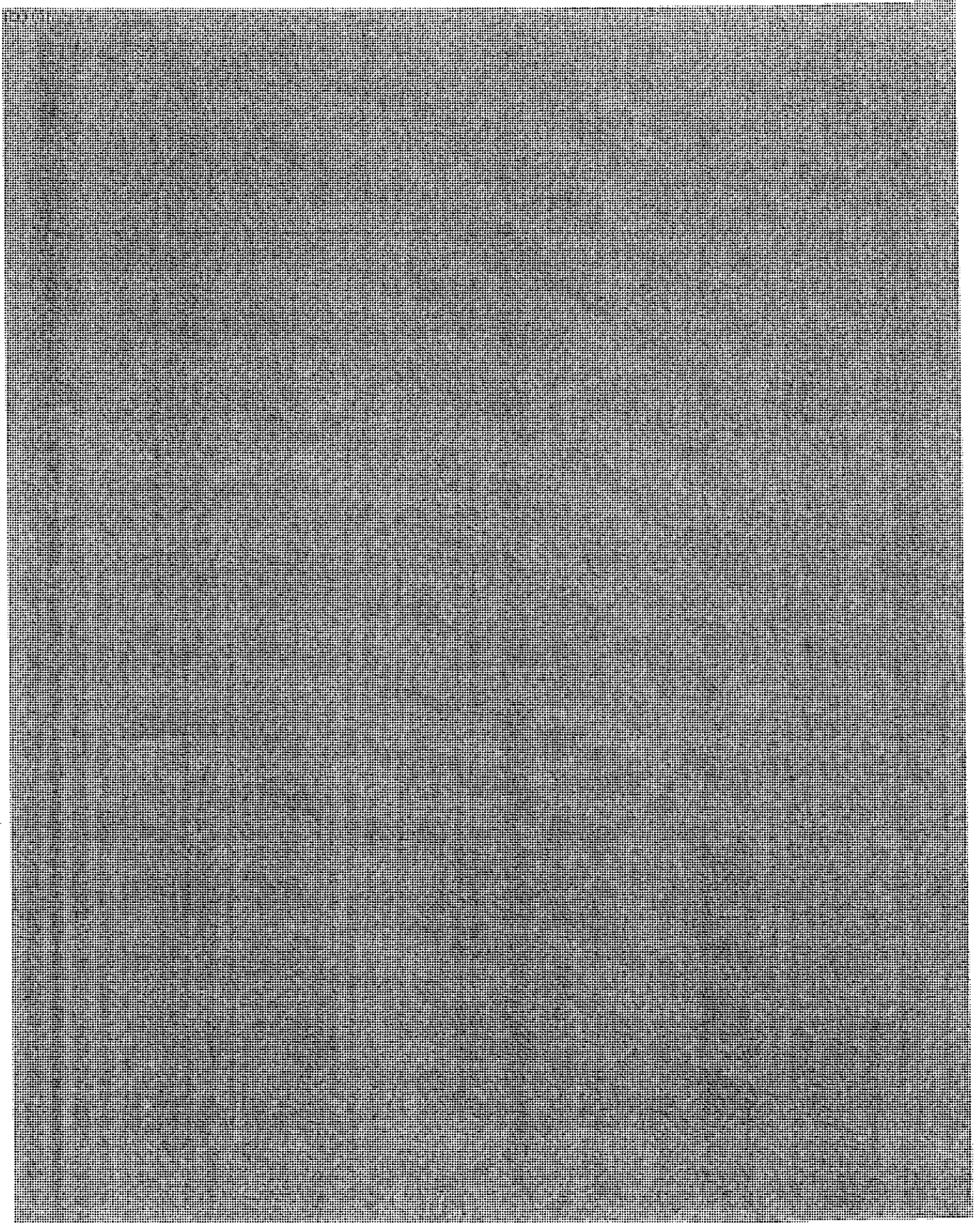
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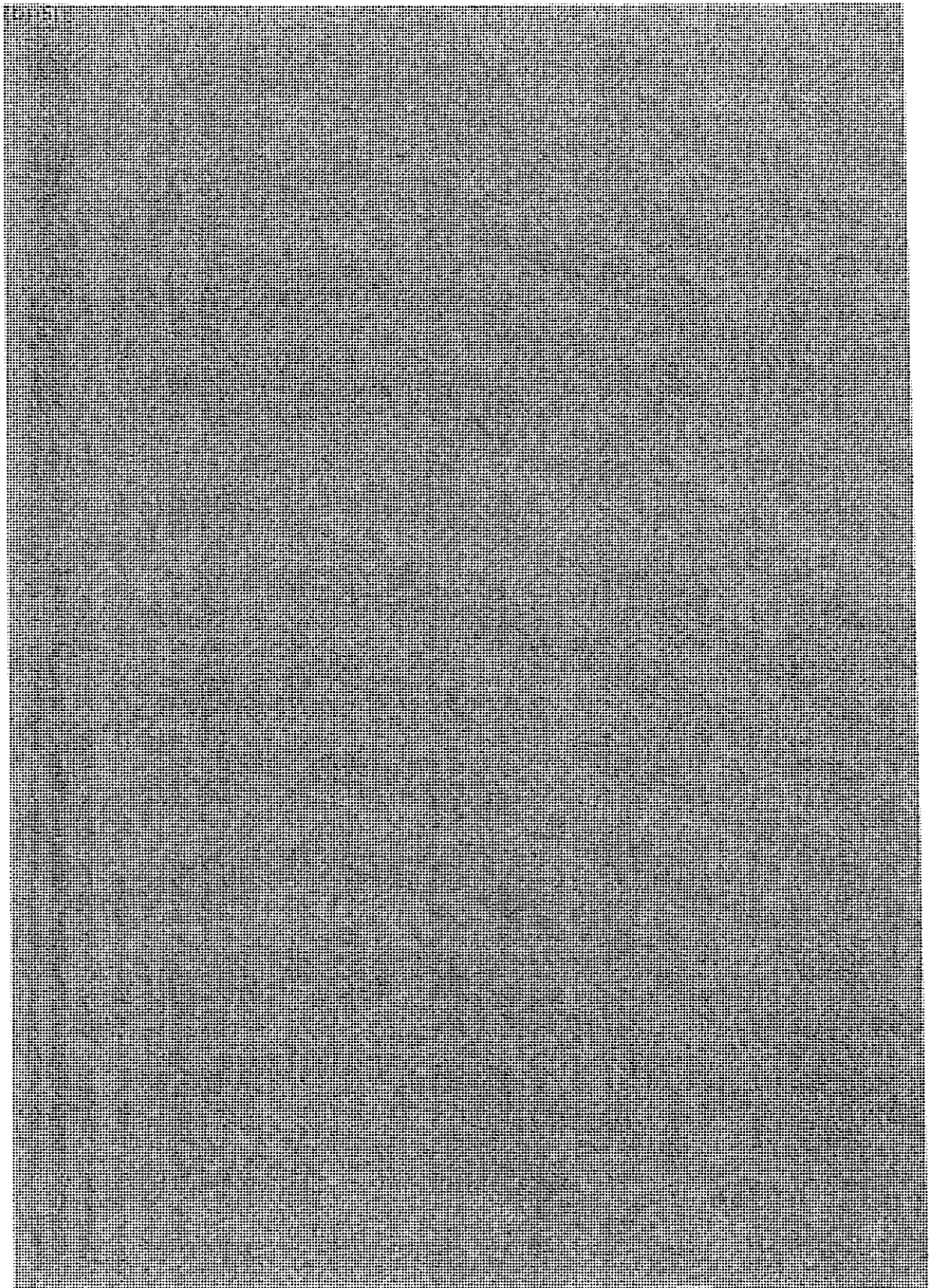
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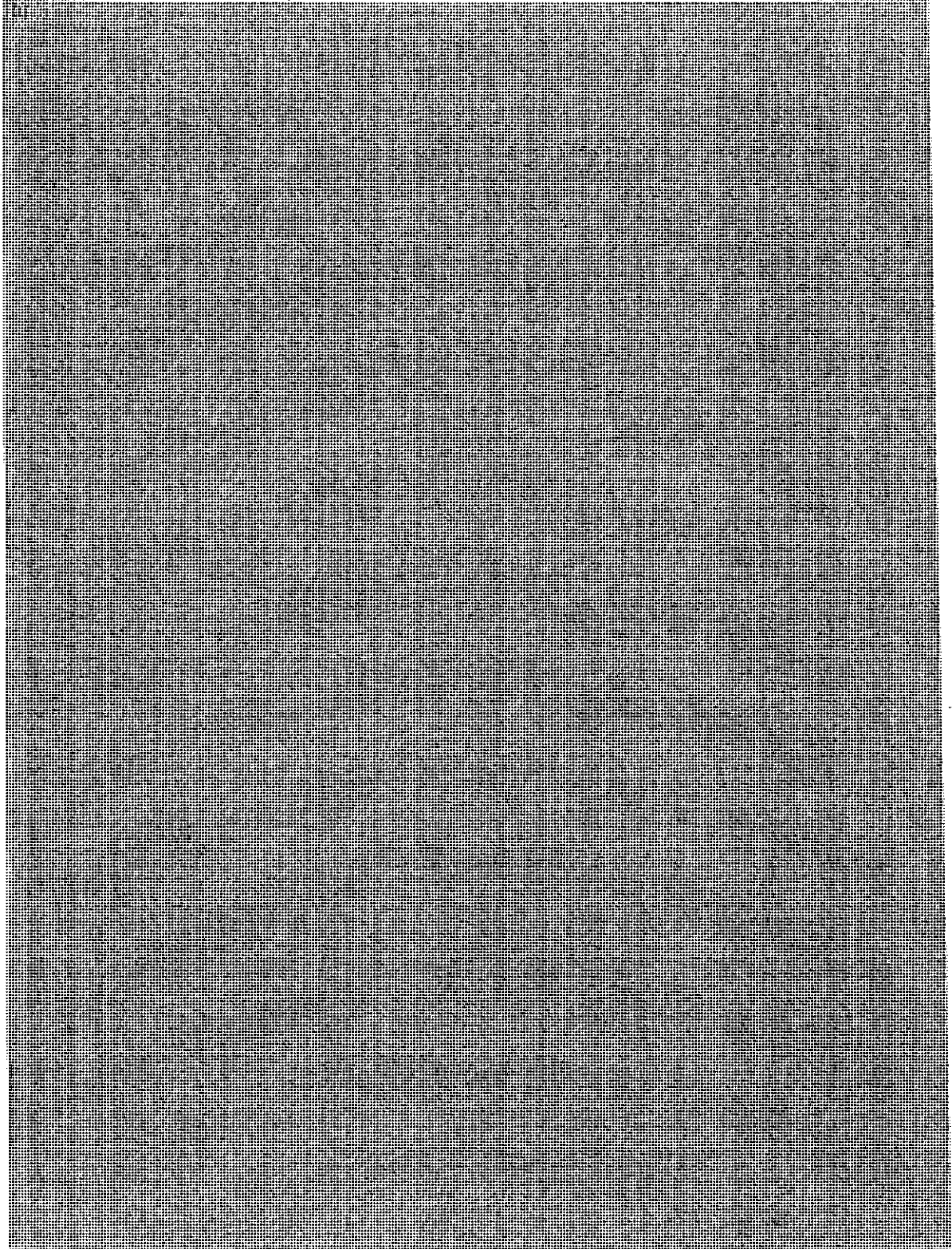
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Martins, Mark (GTMO Task Force)

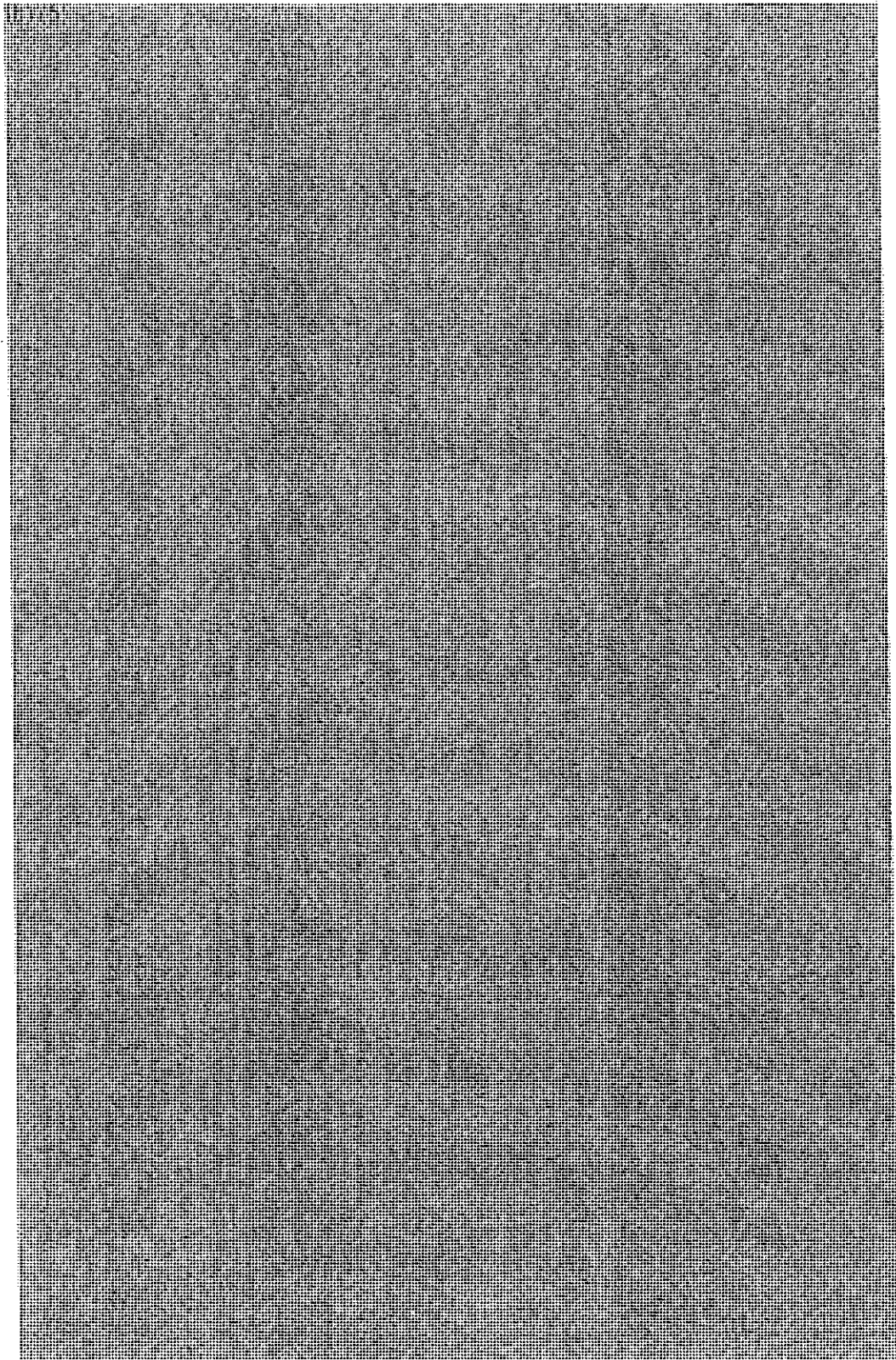
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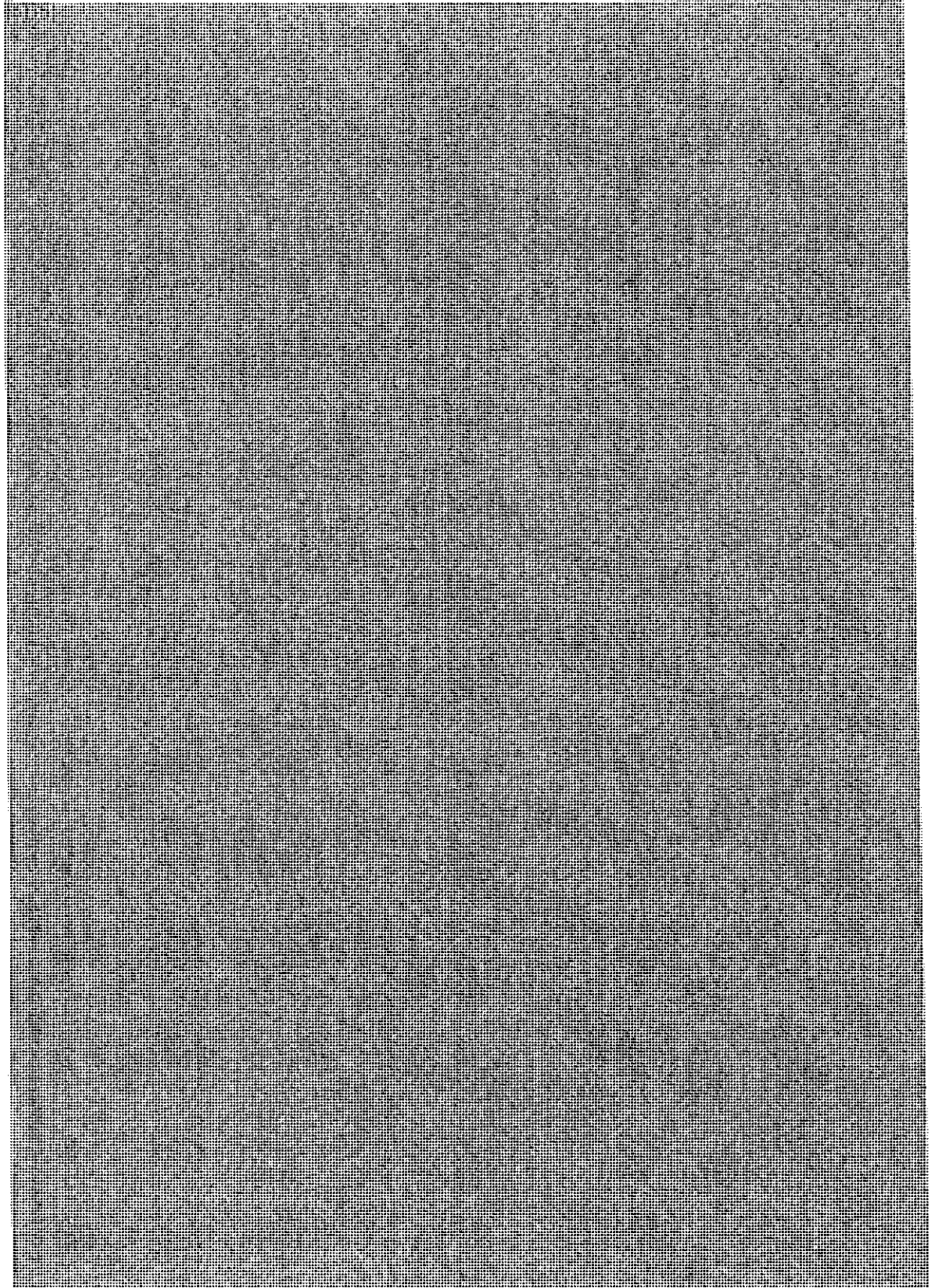
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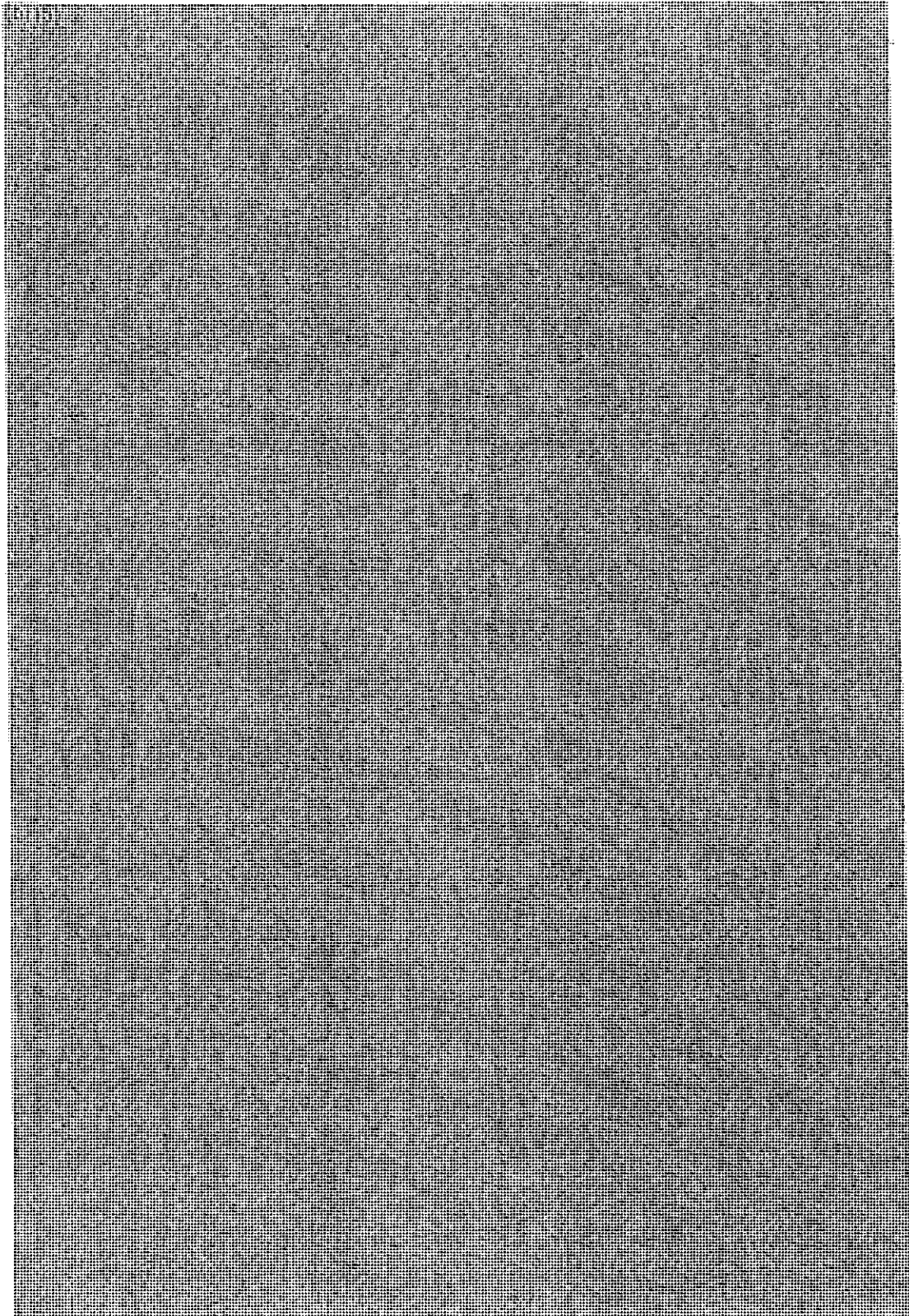


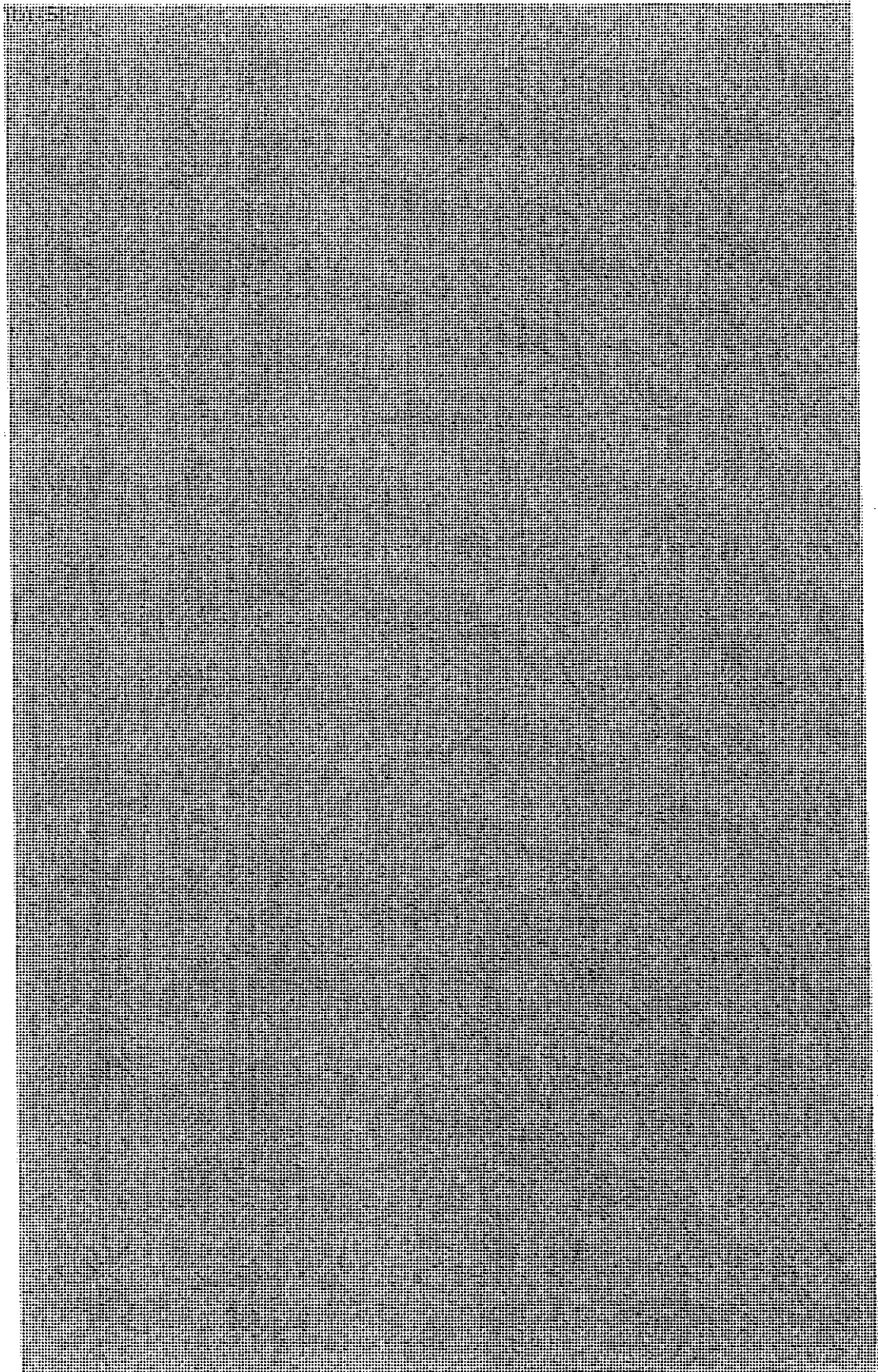




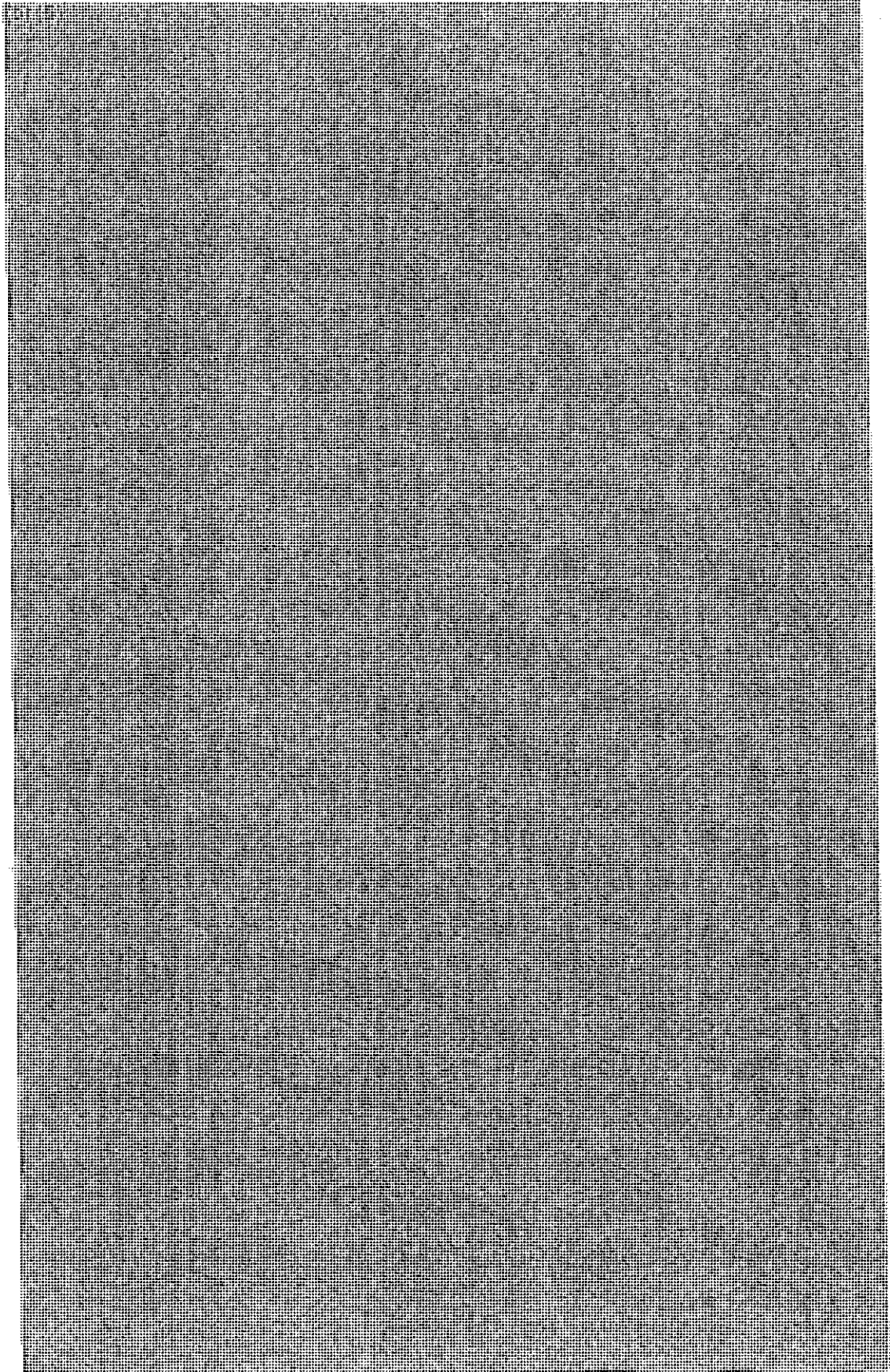


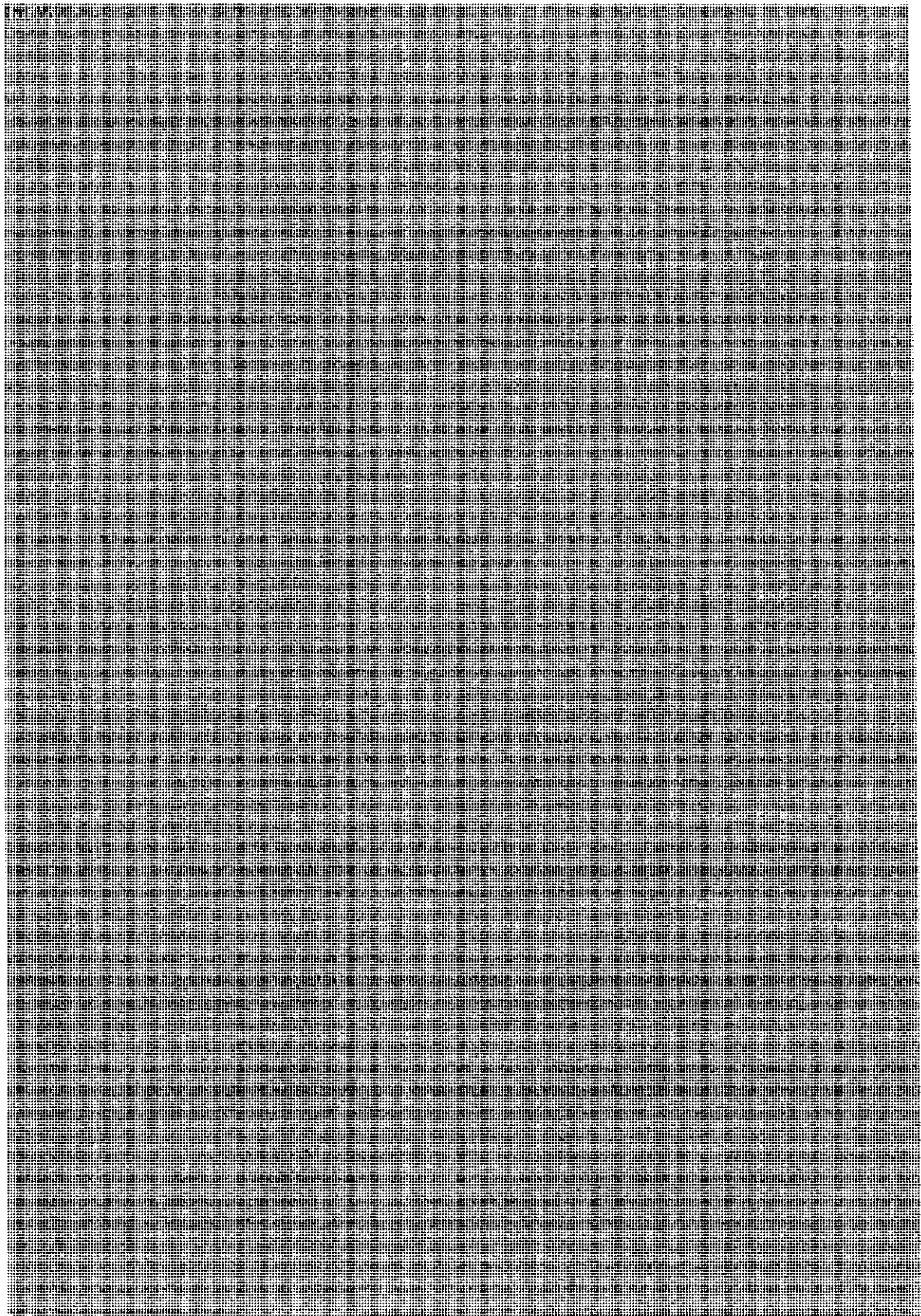


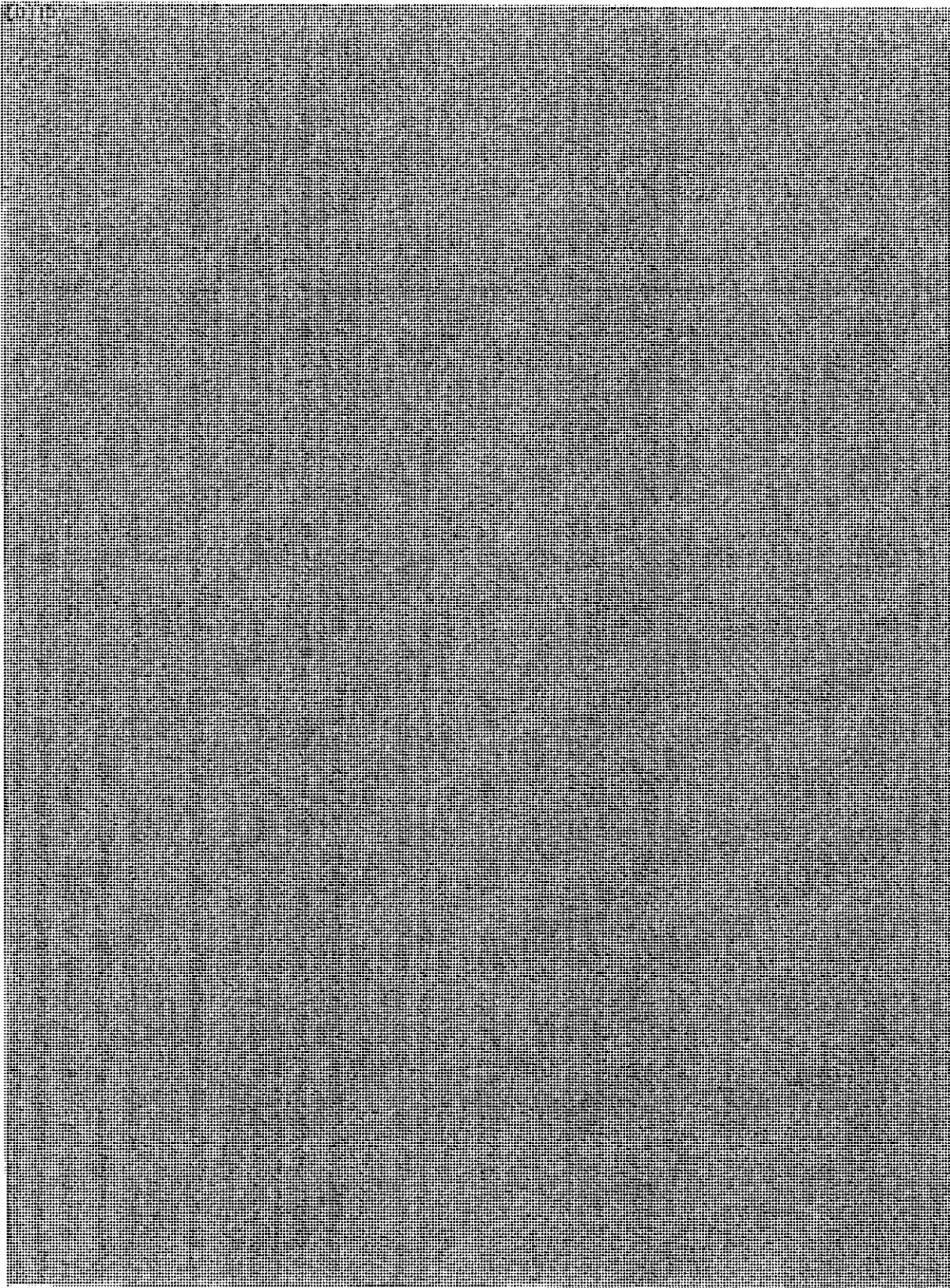


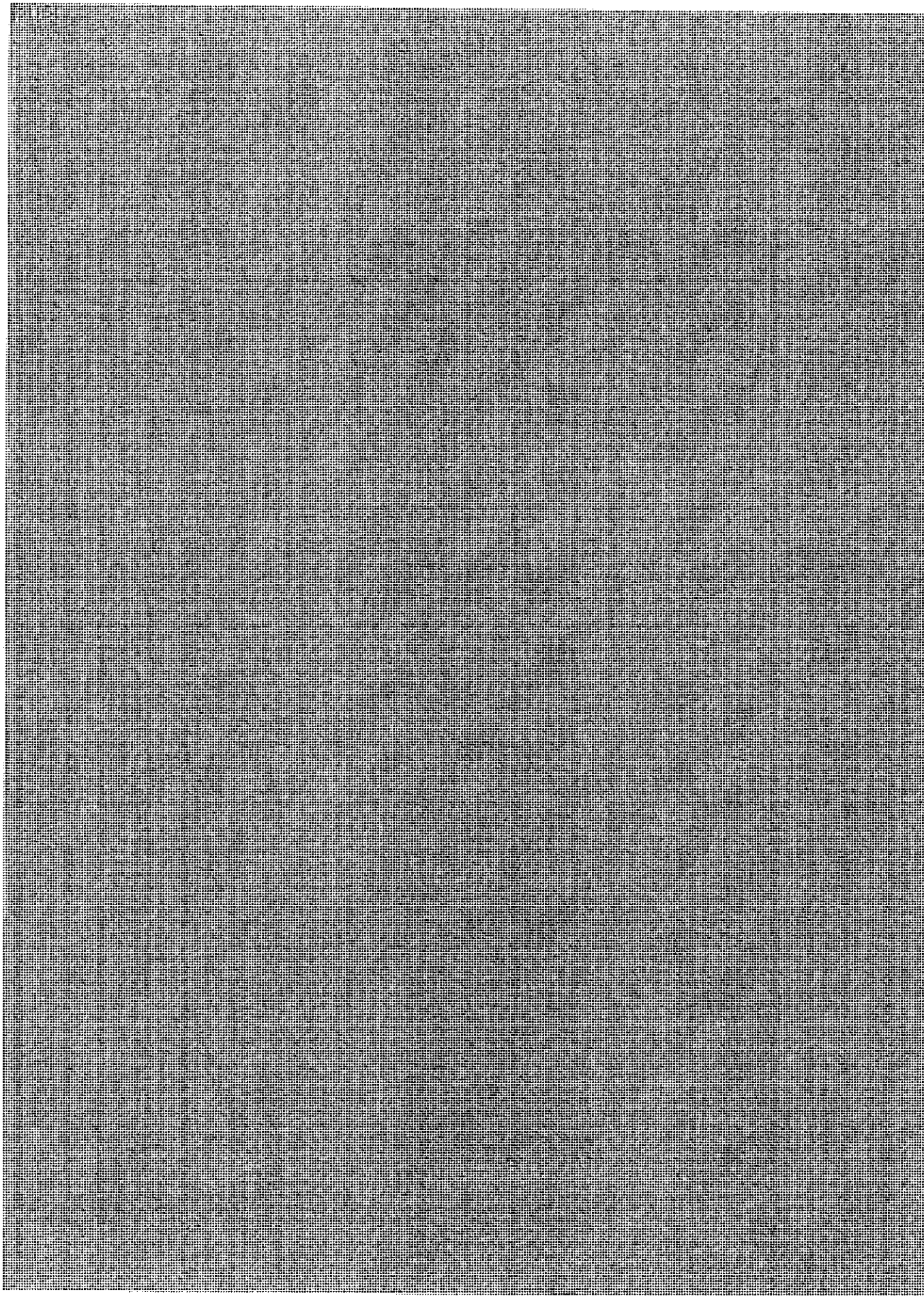


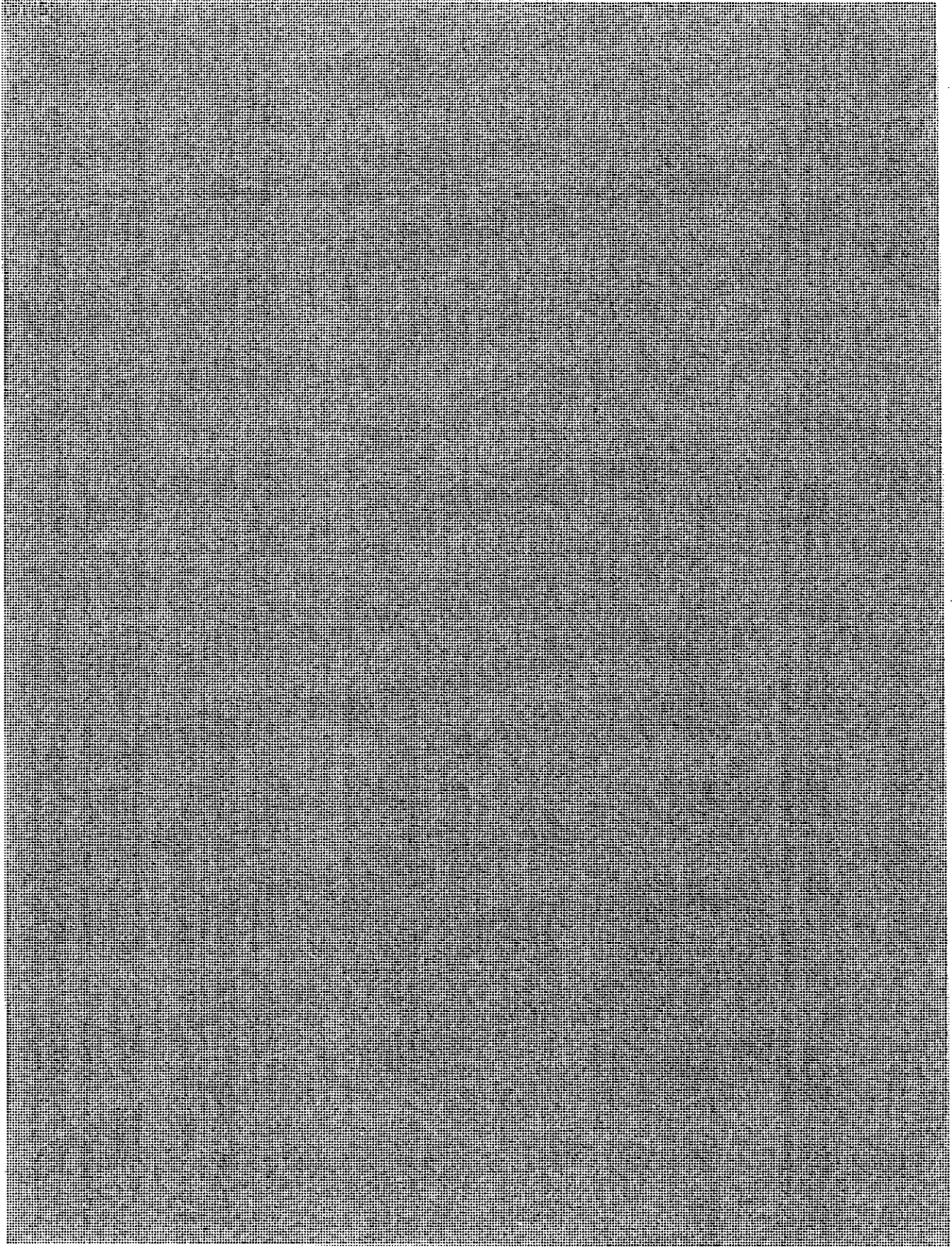


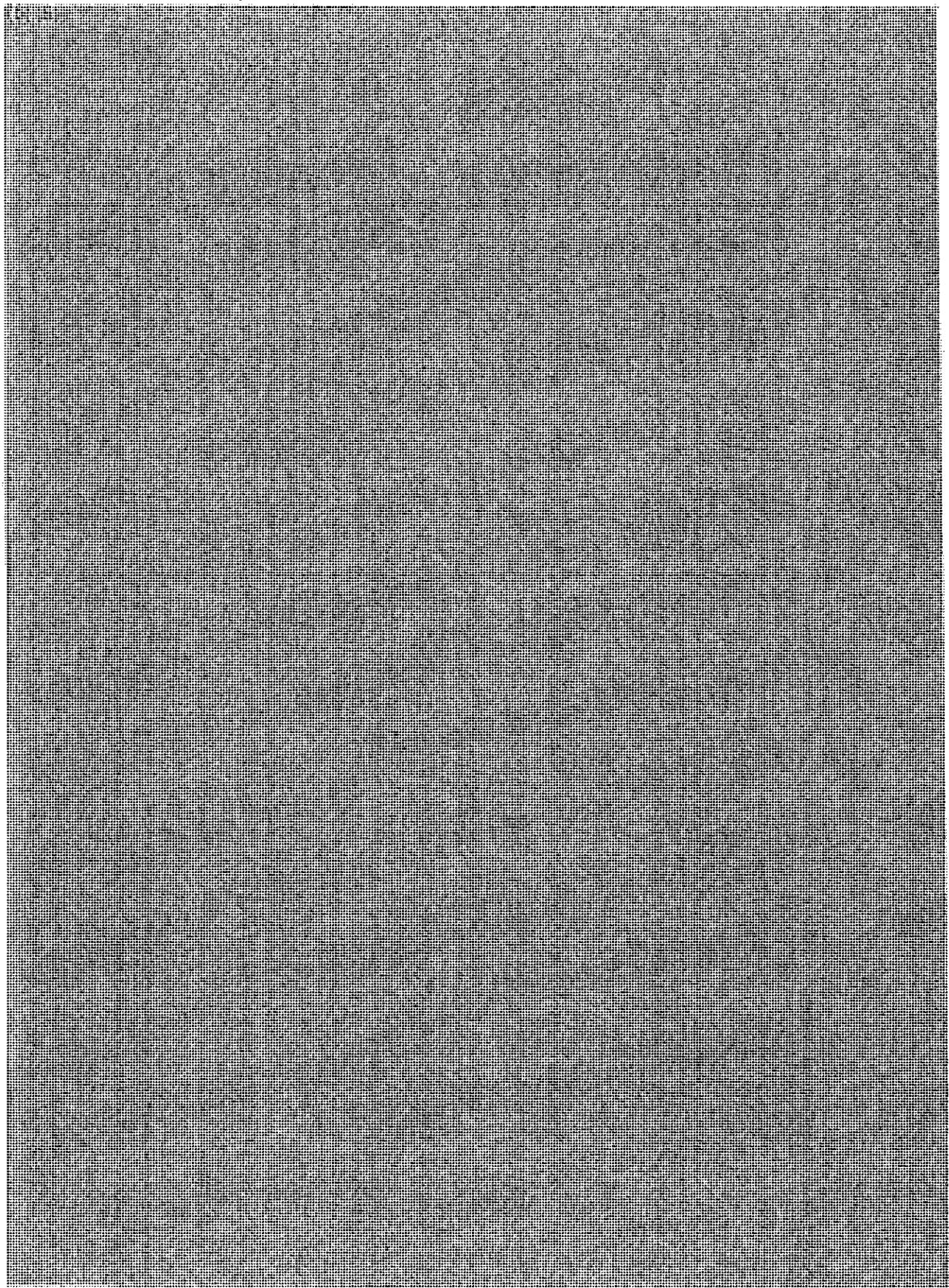


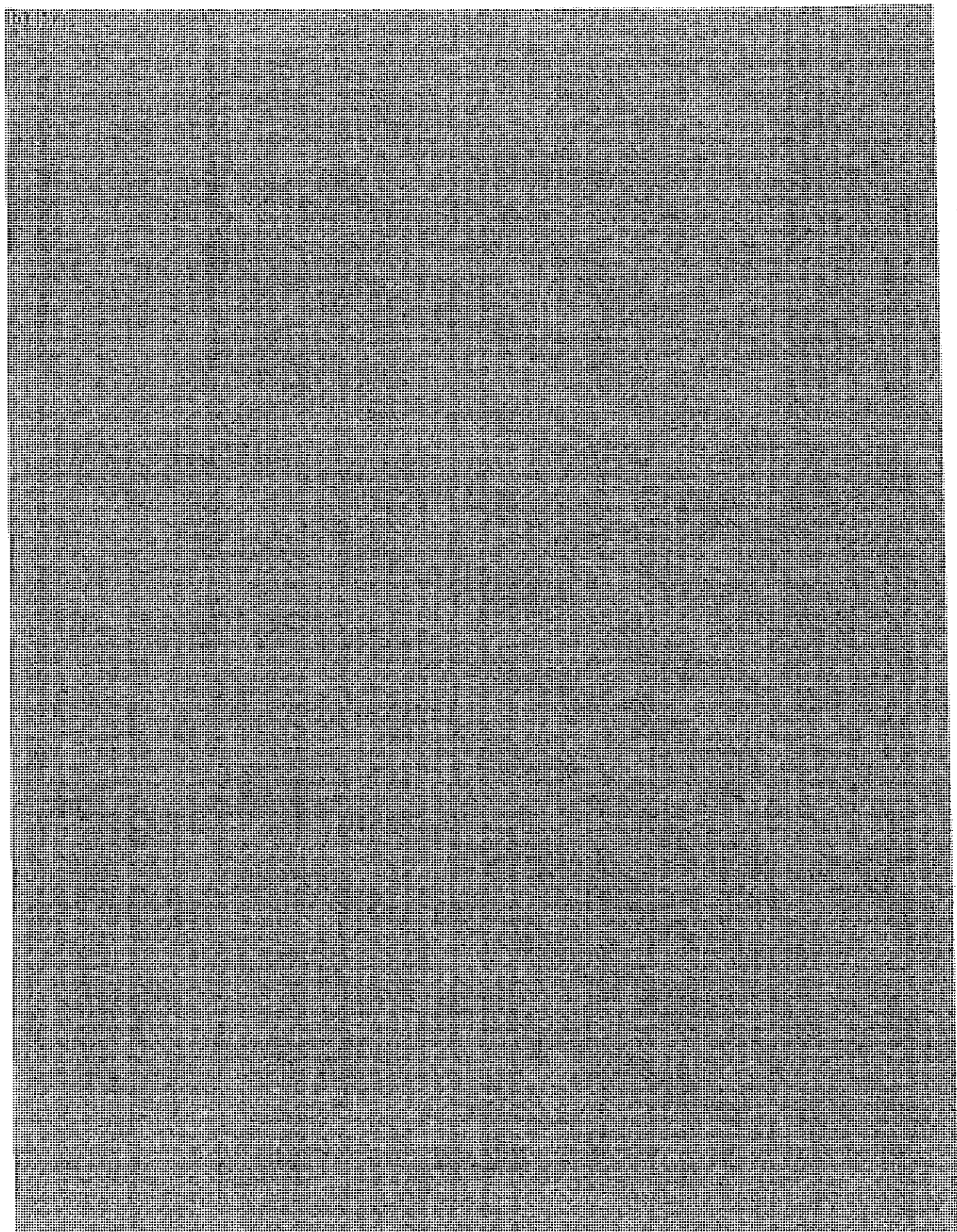


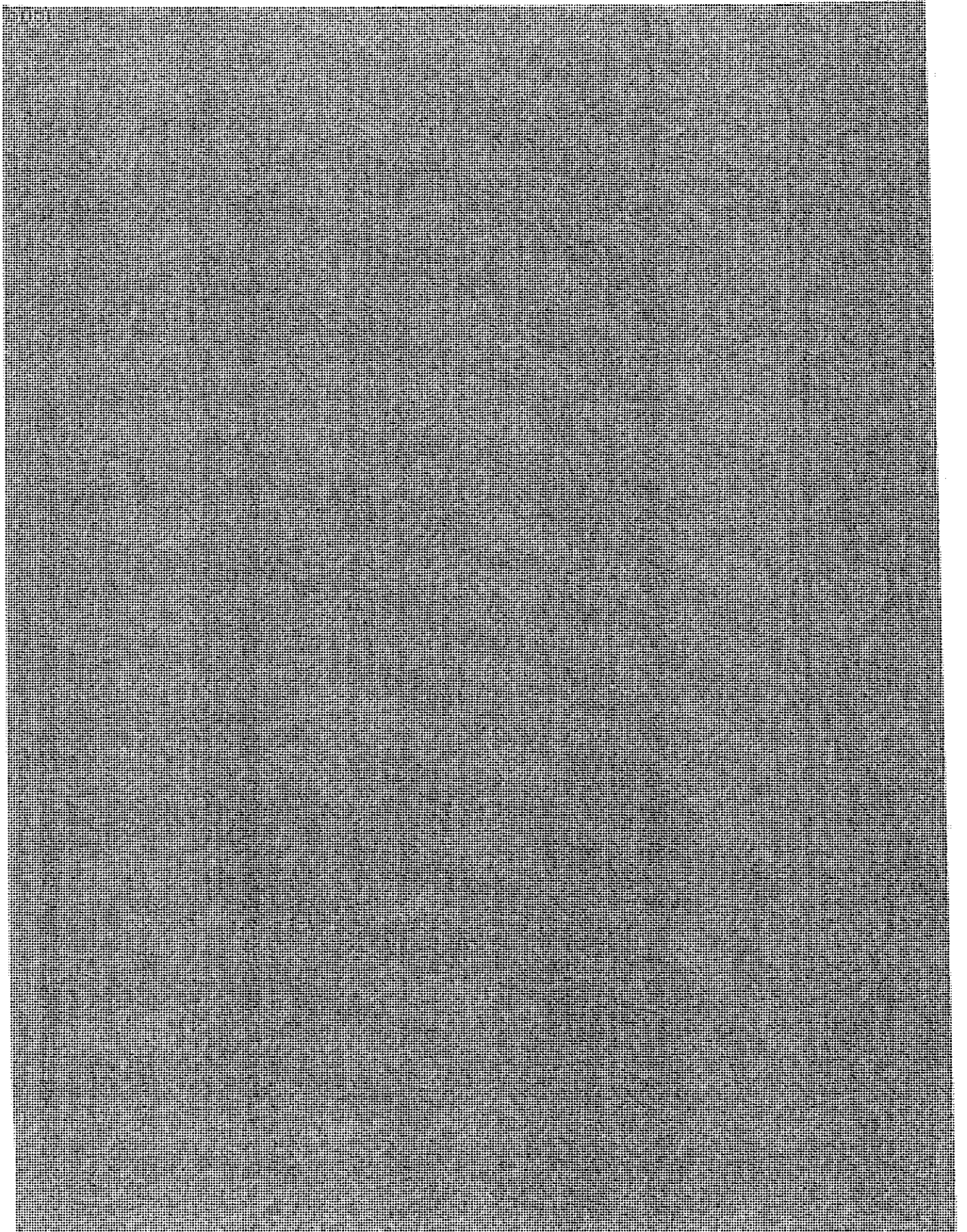




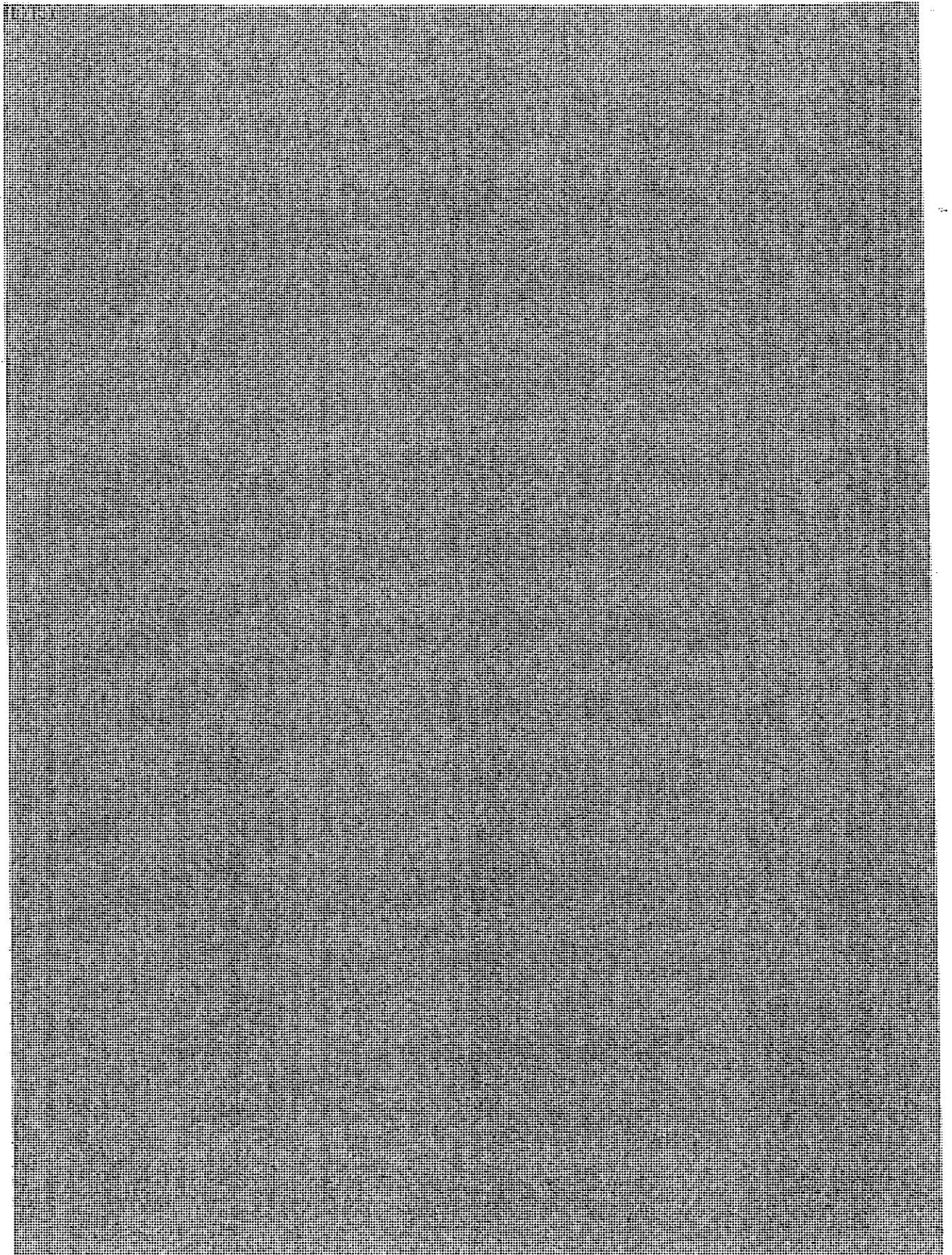


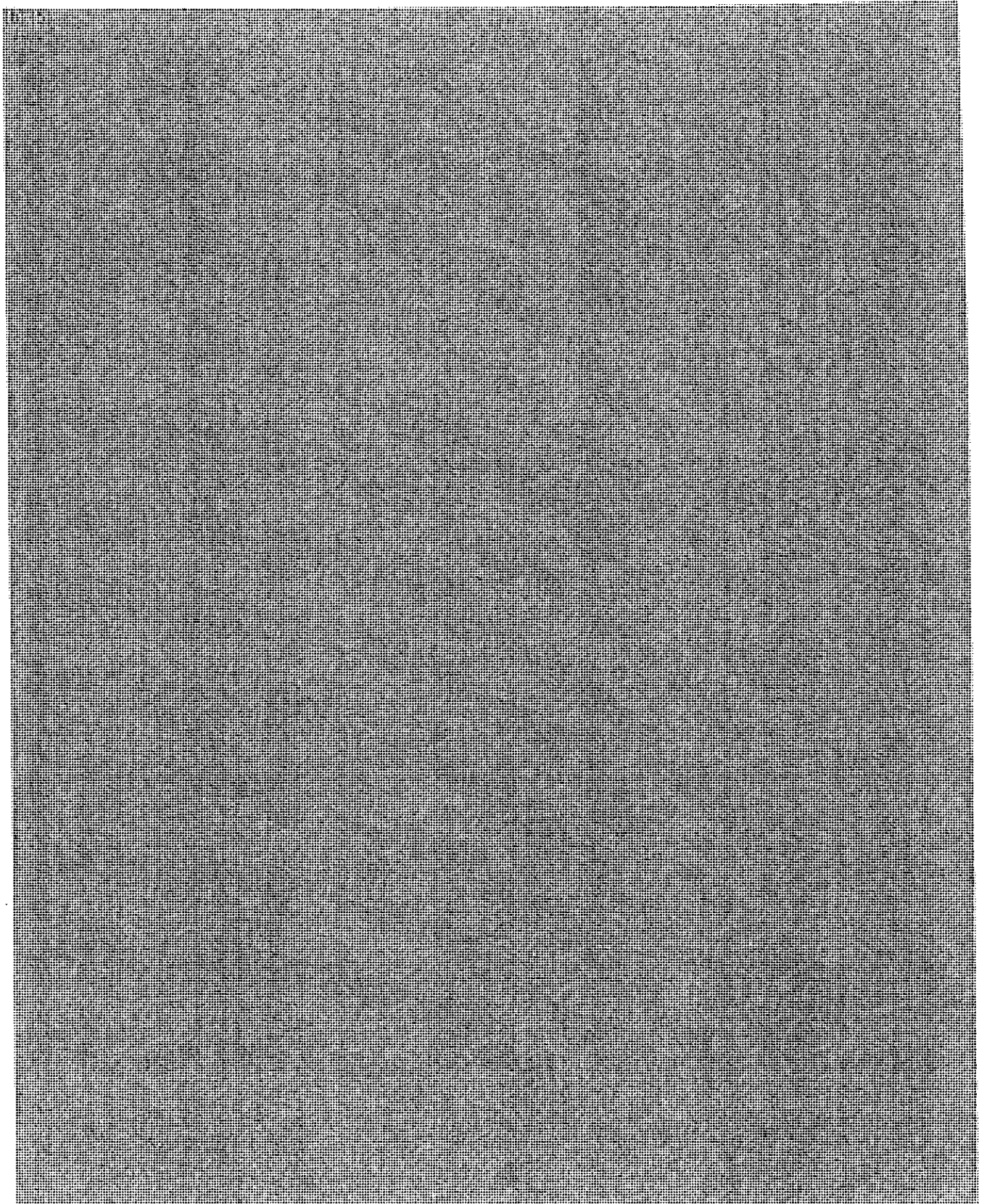


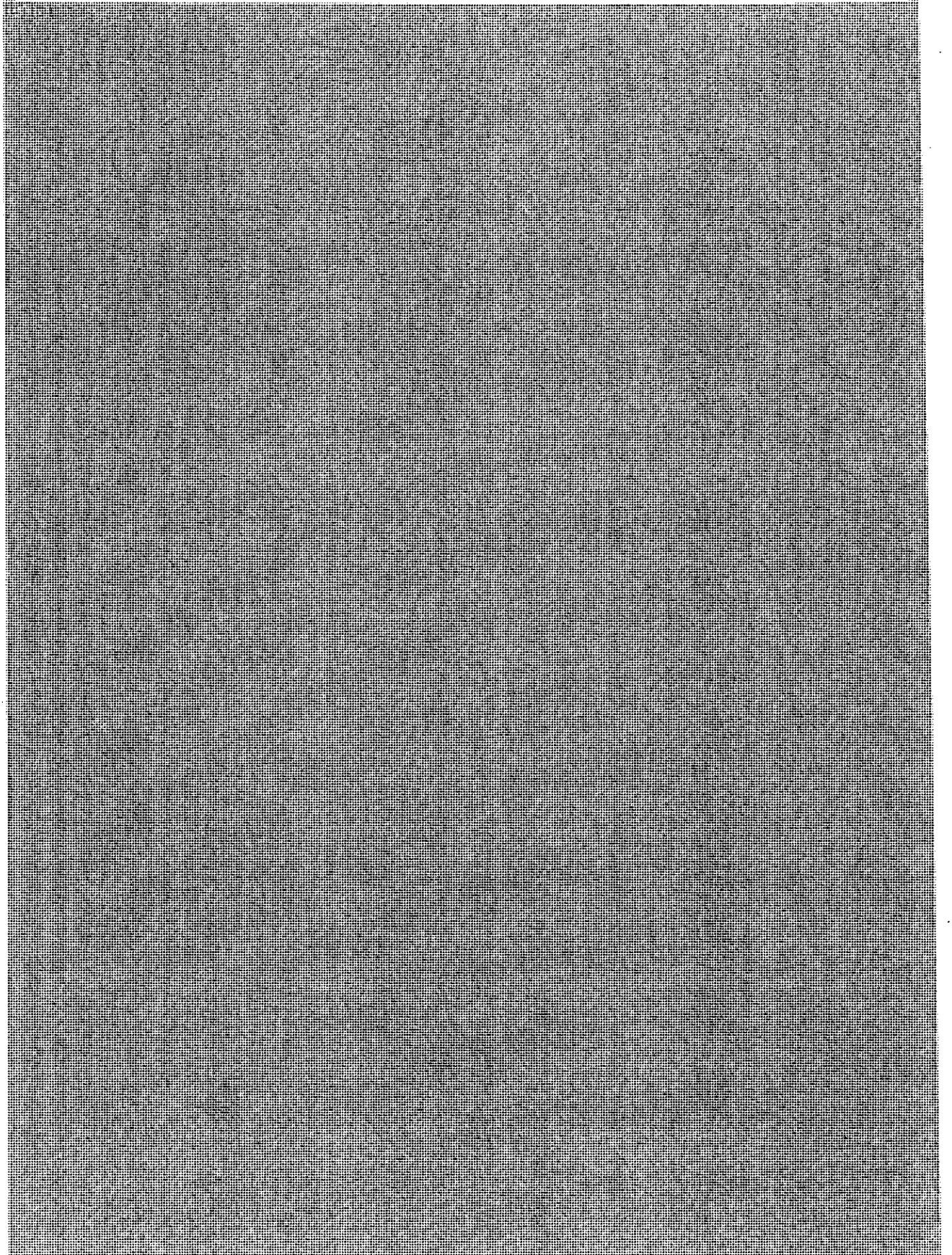


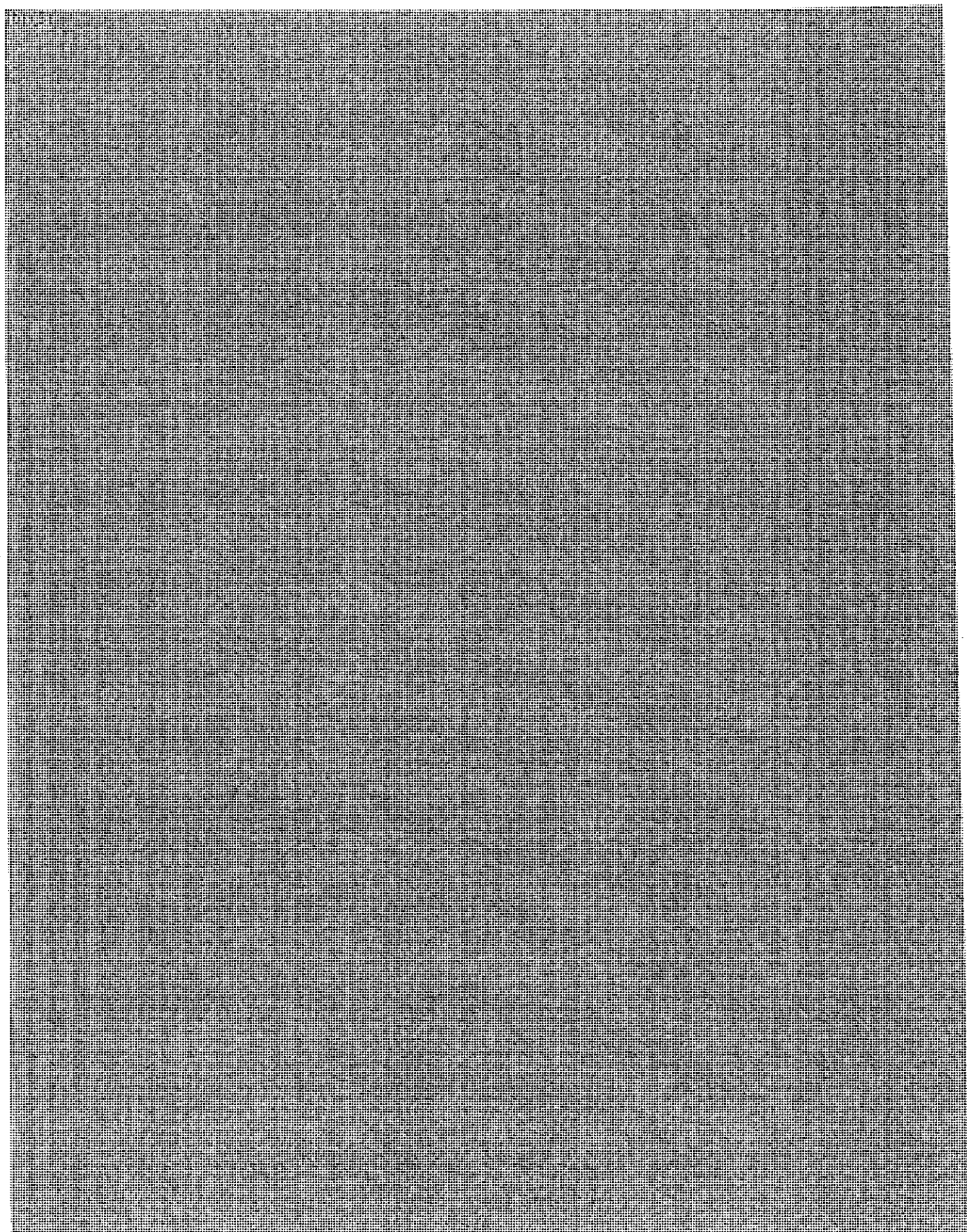


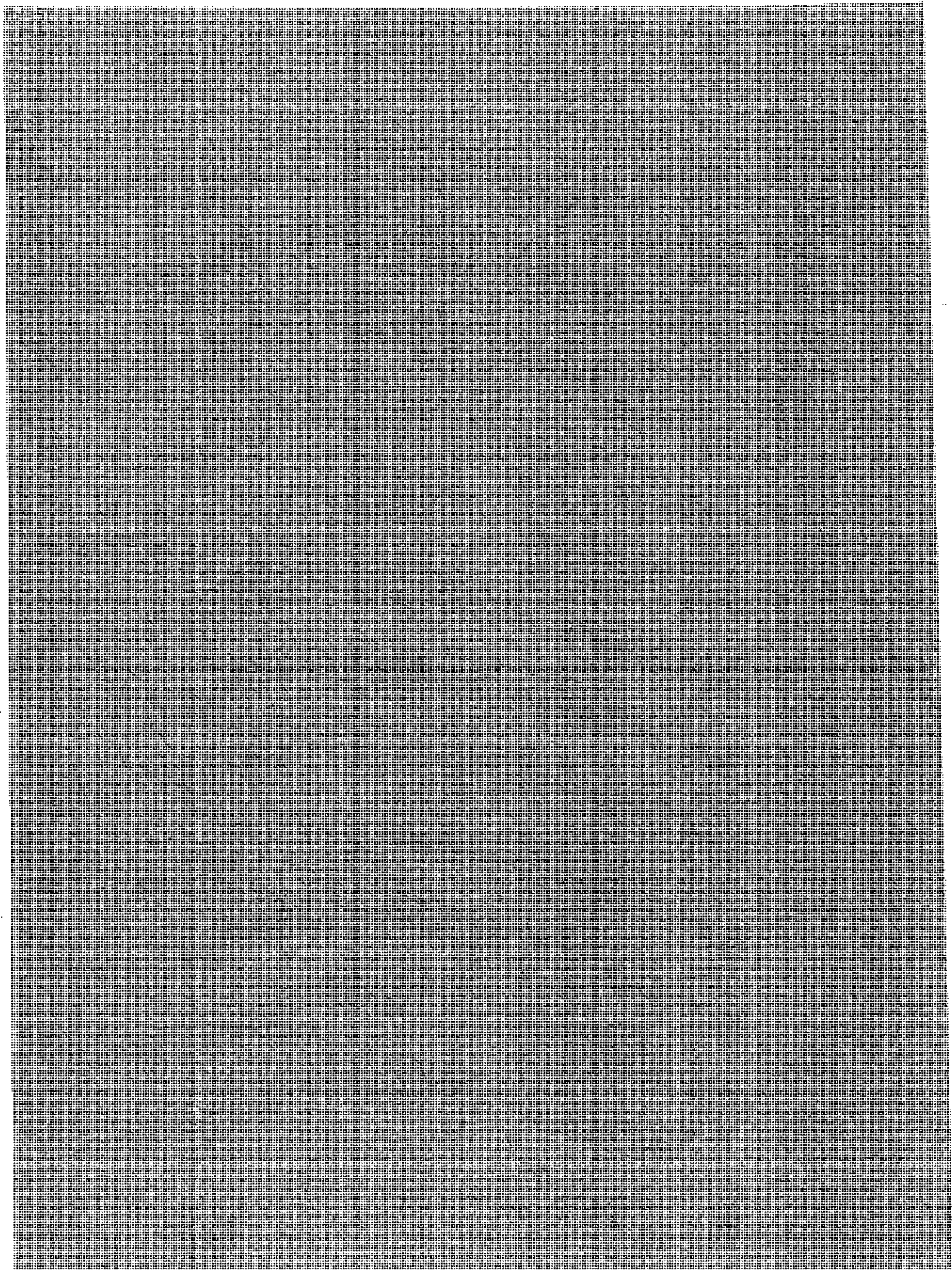


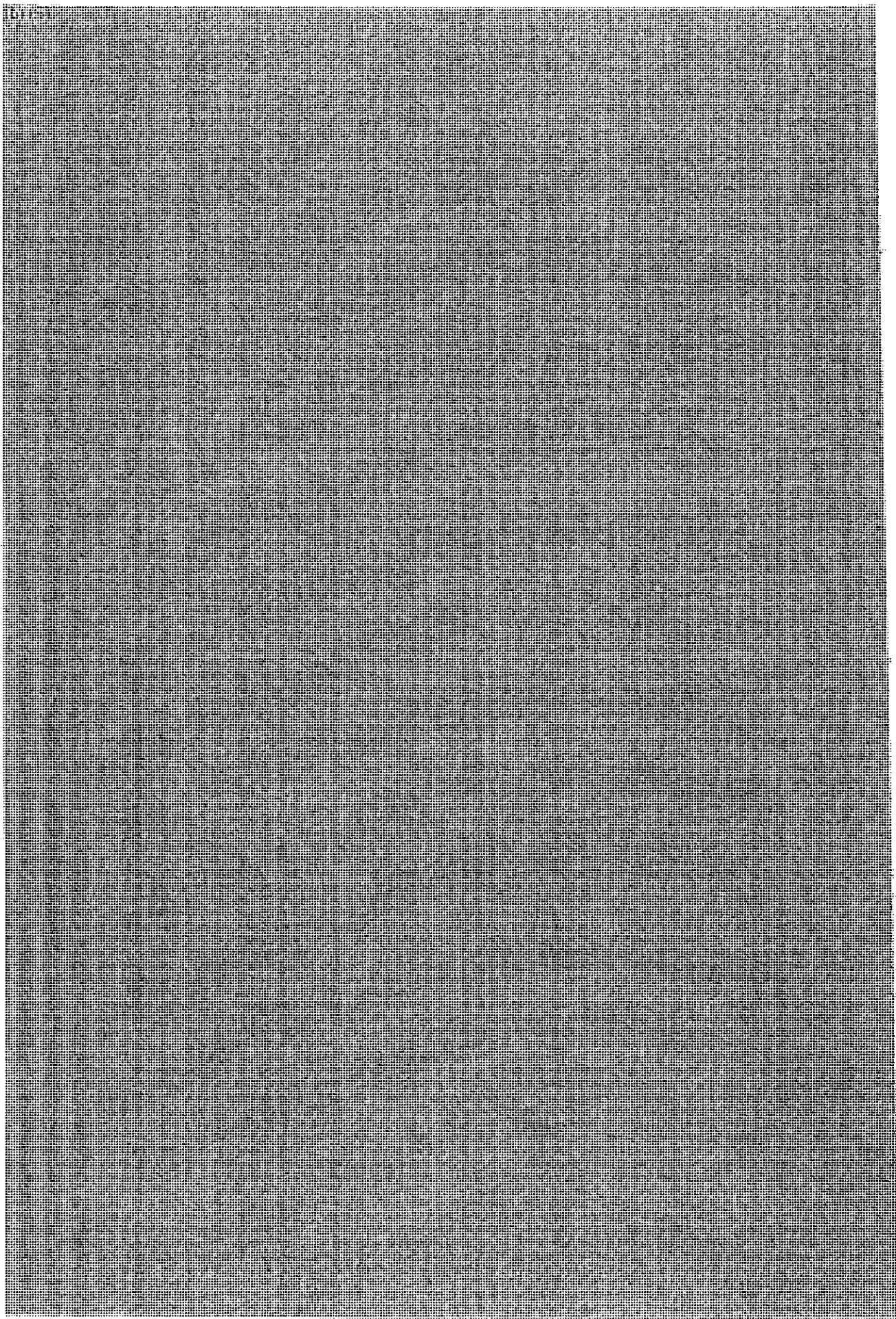


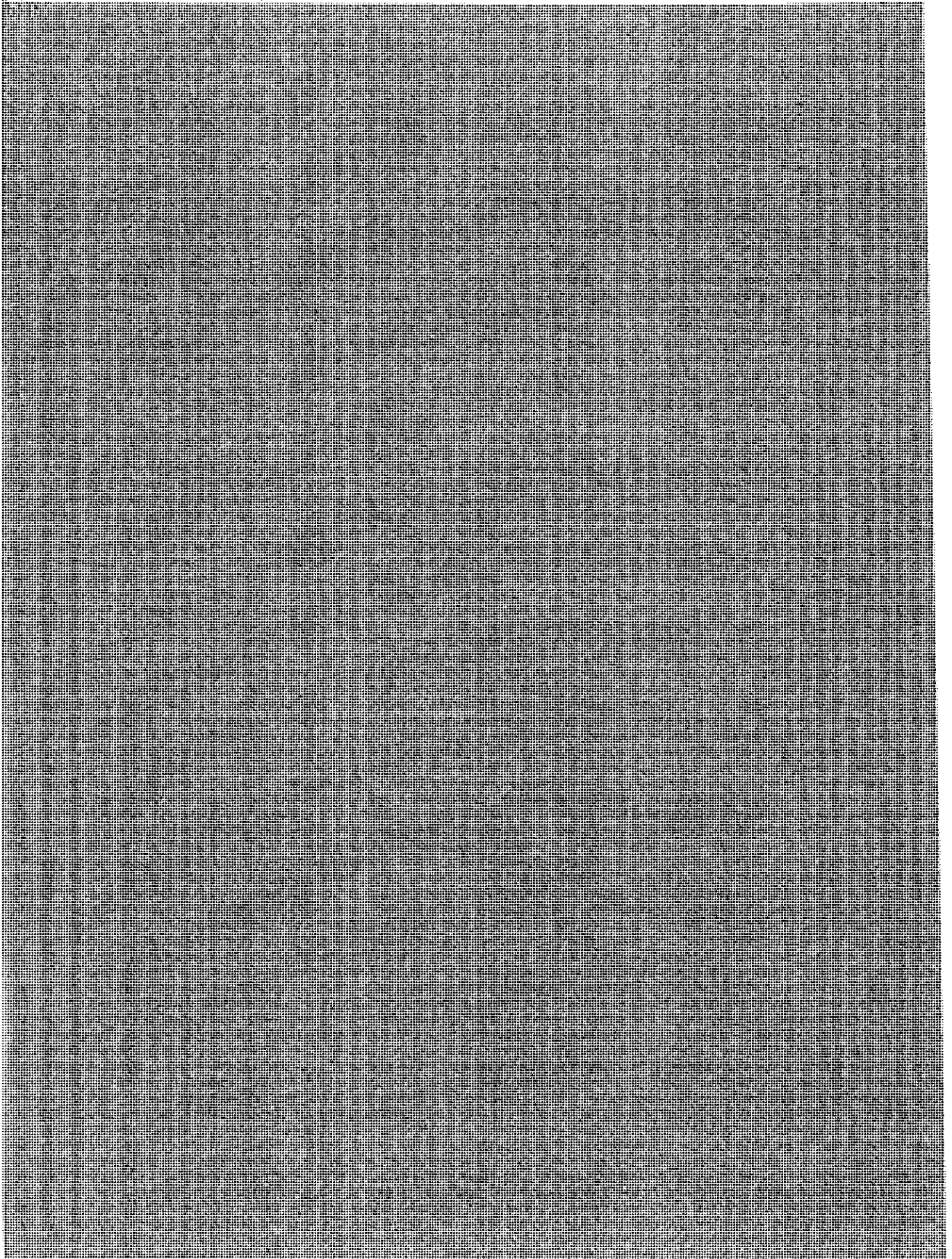


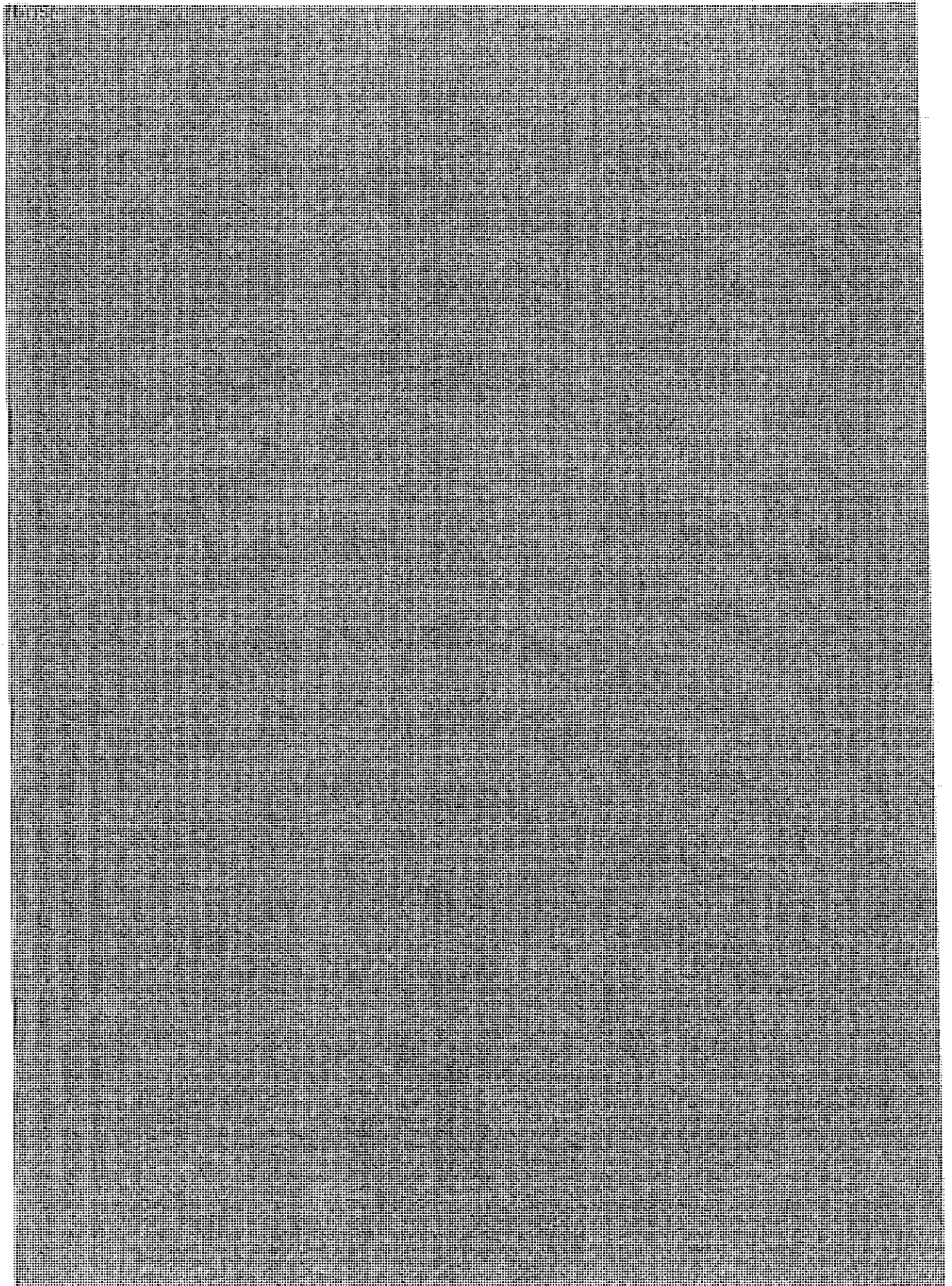




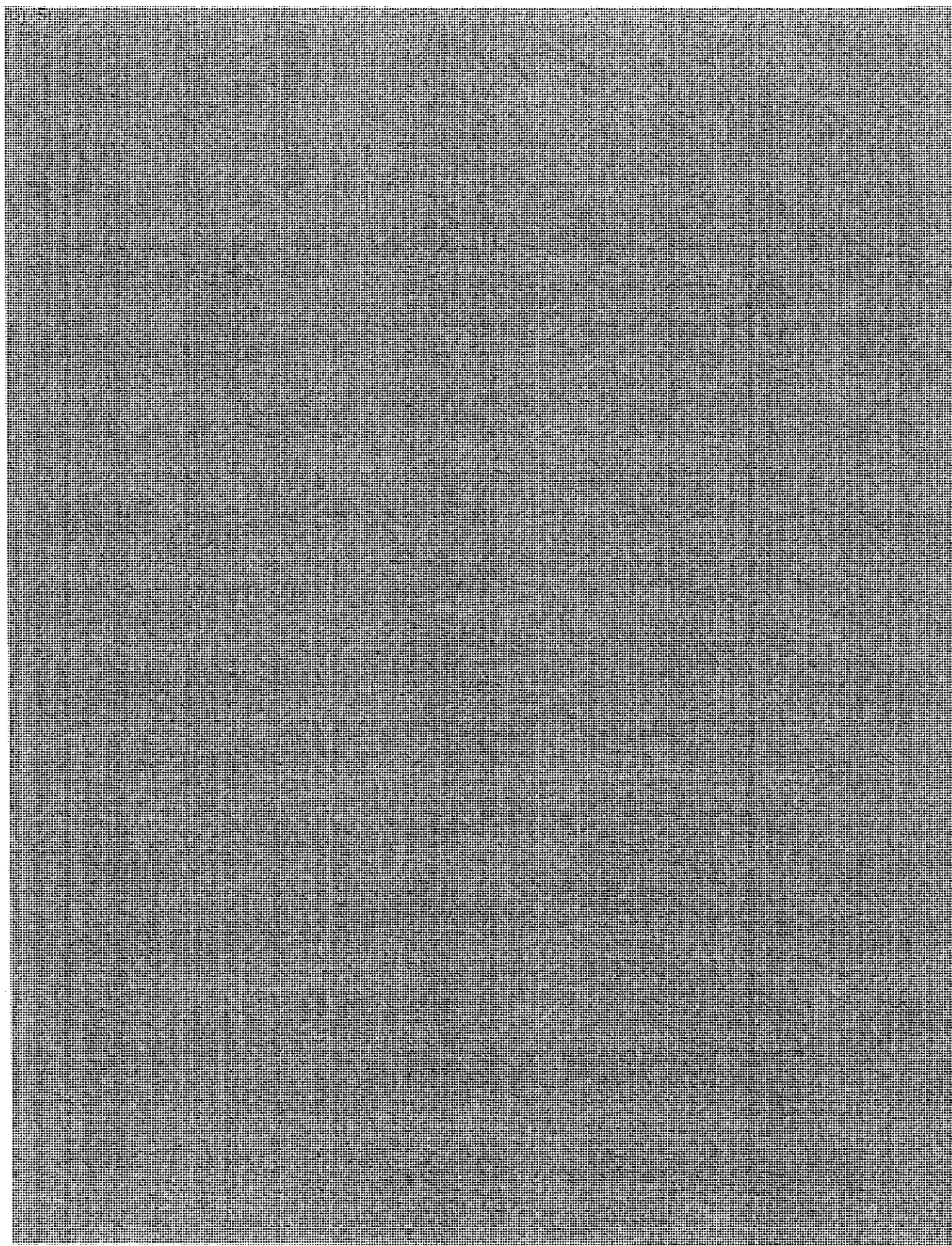


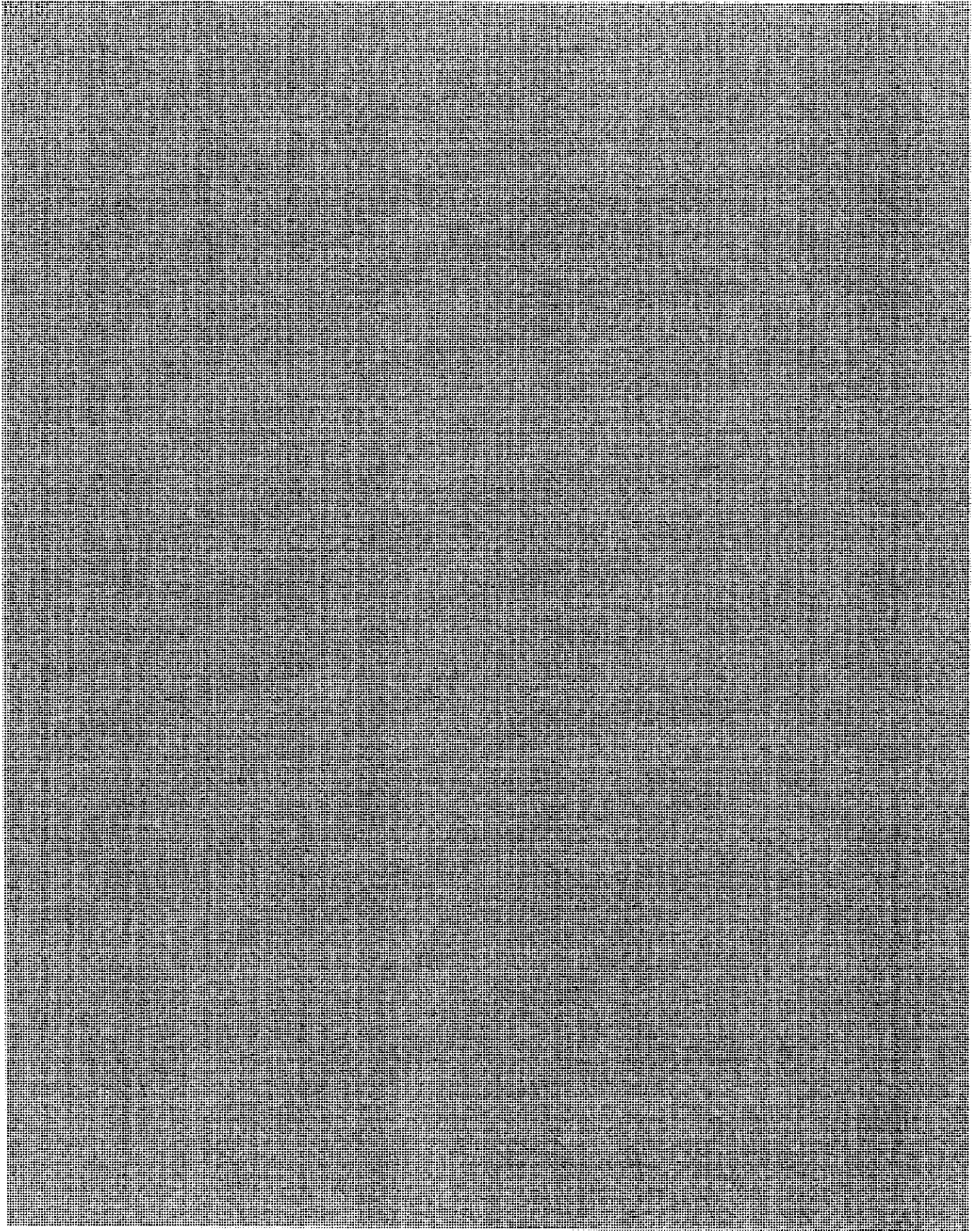


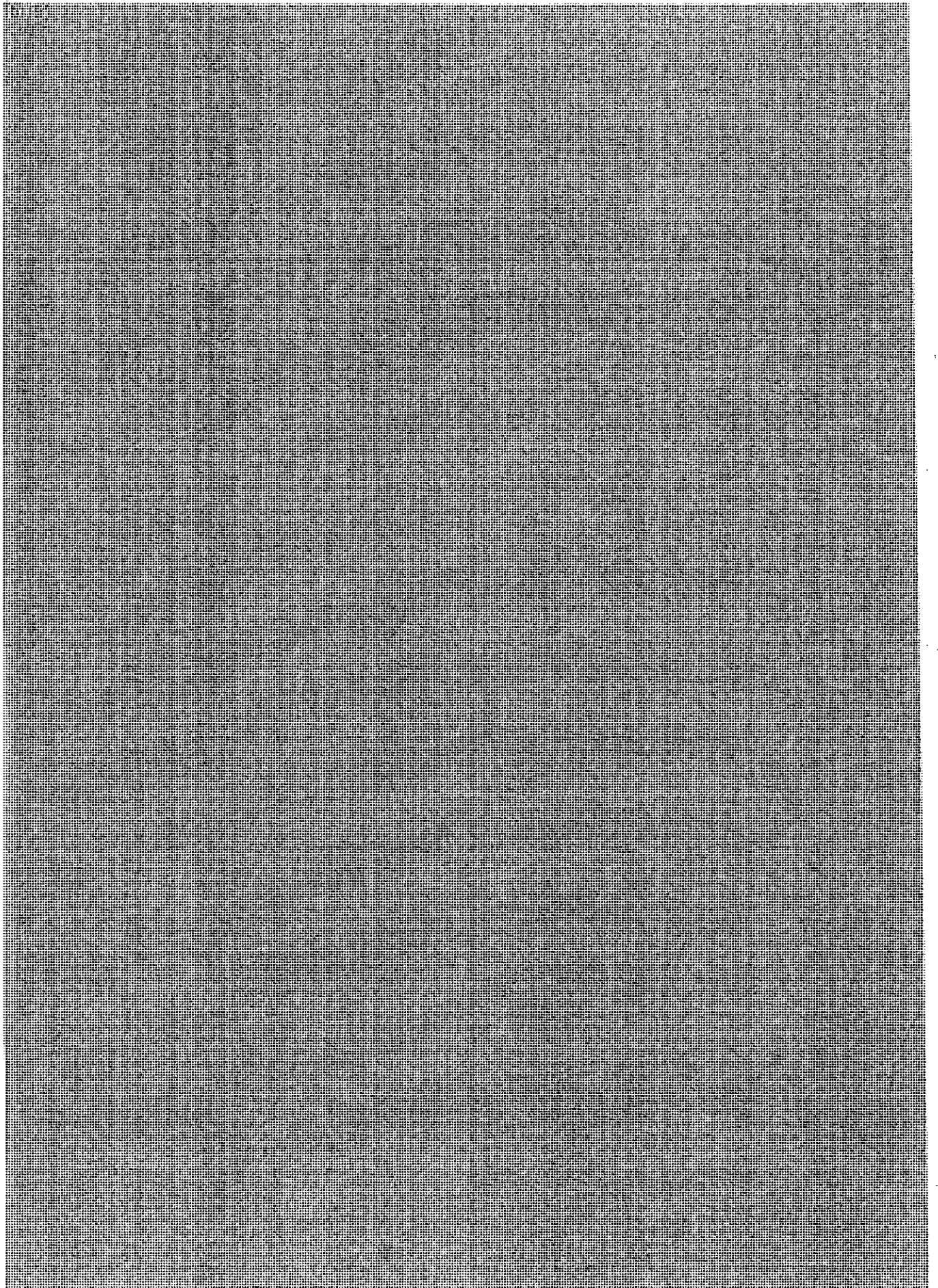


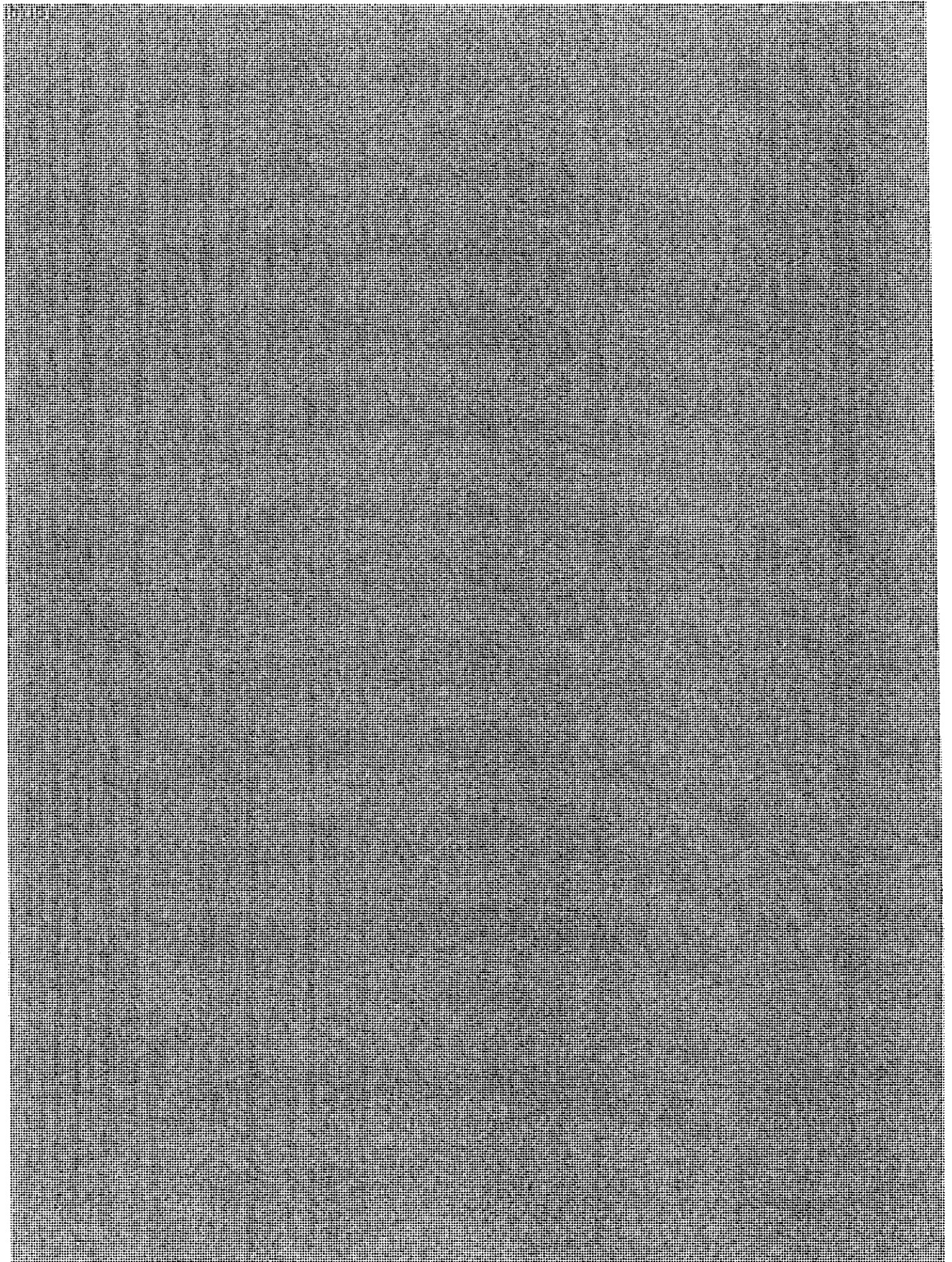


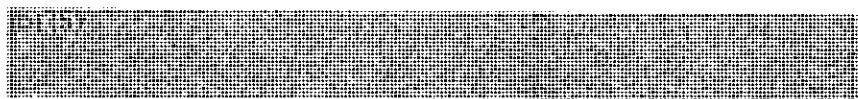
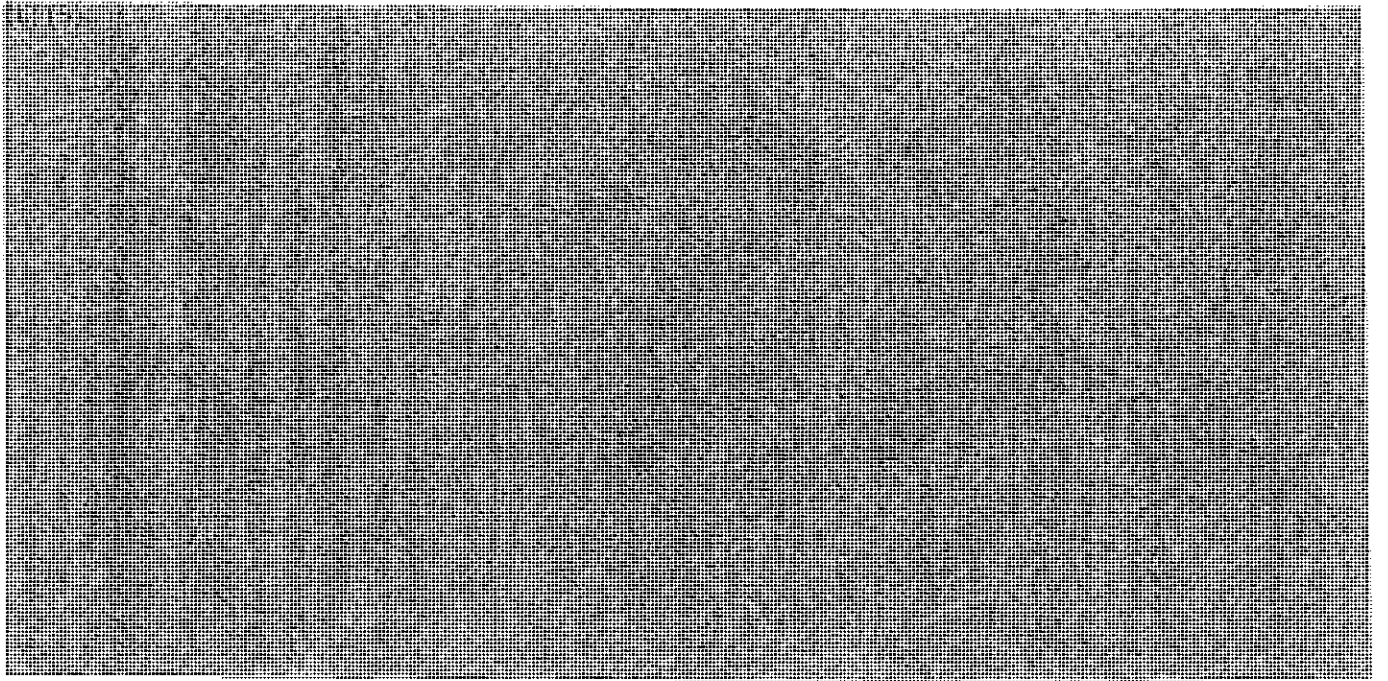


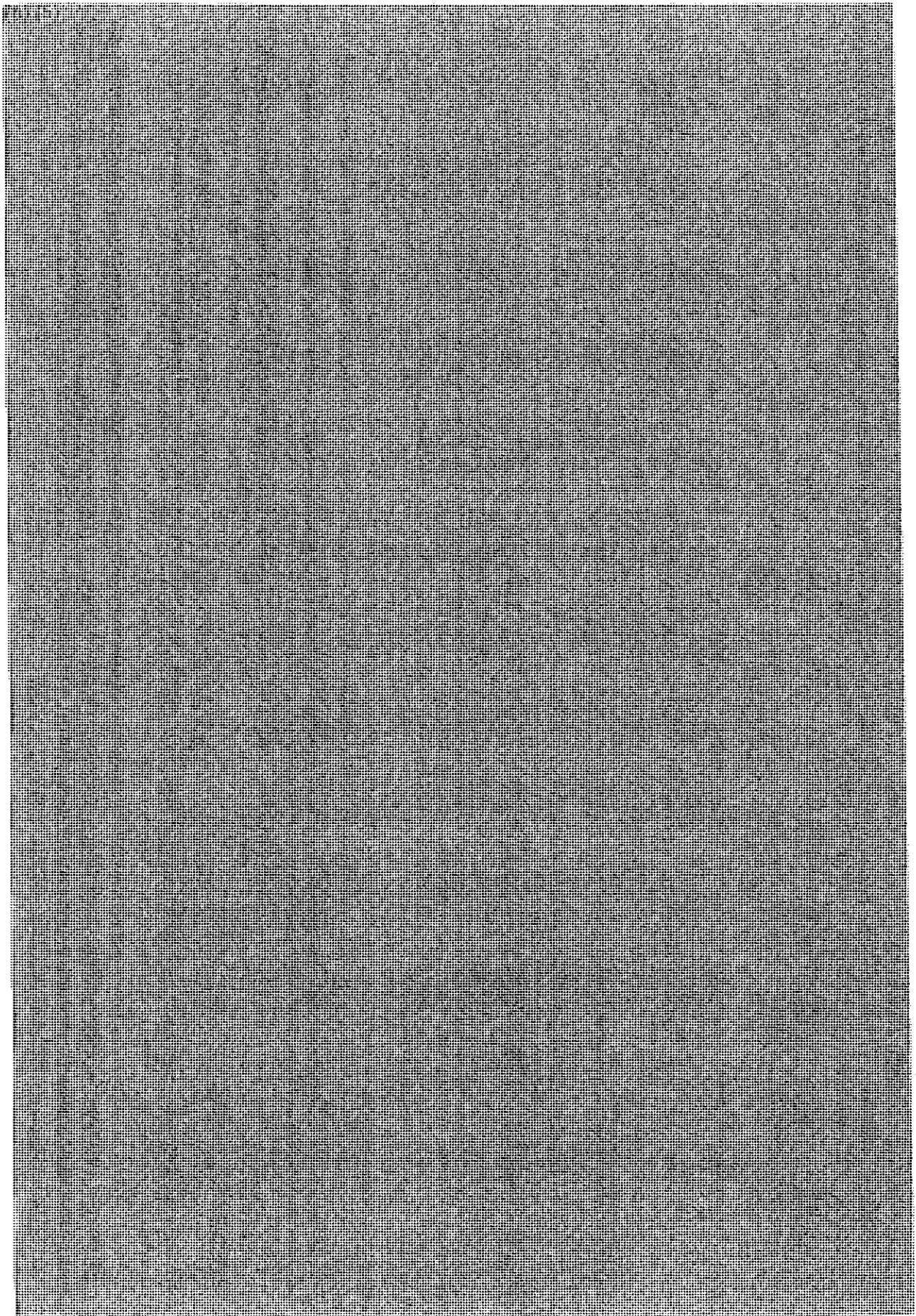


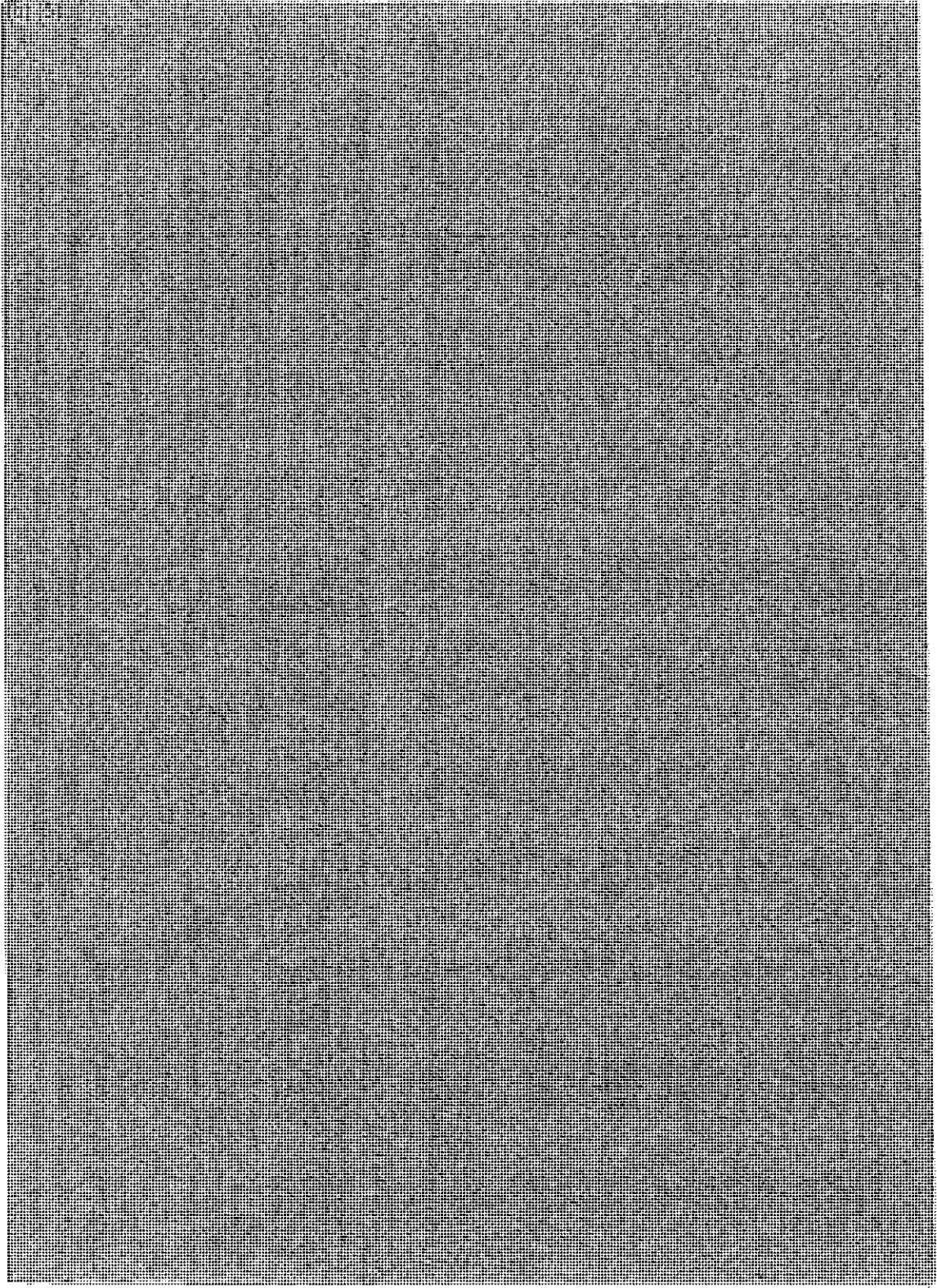


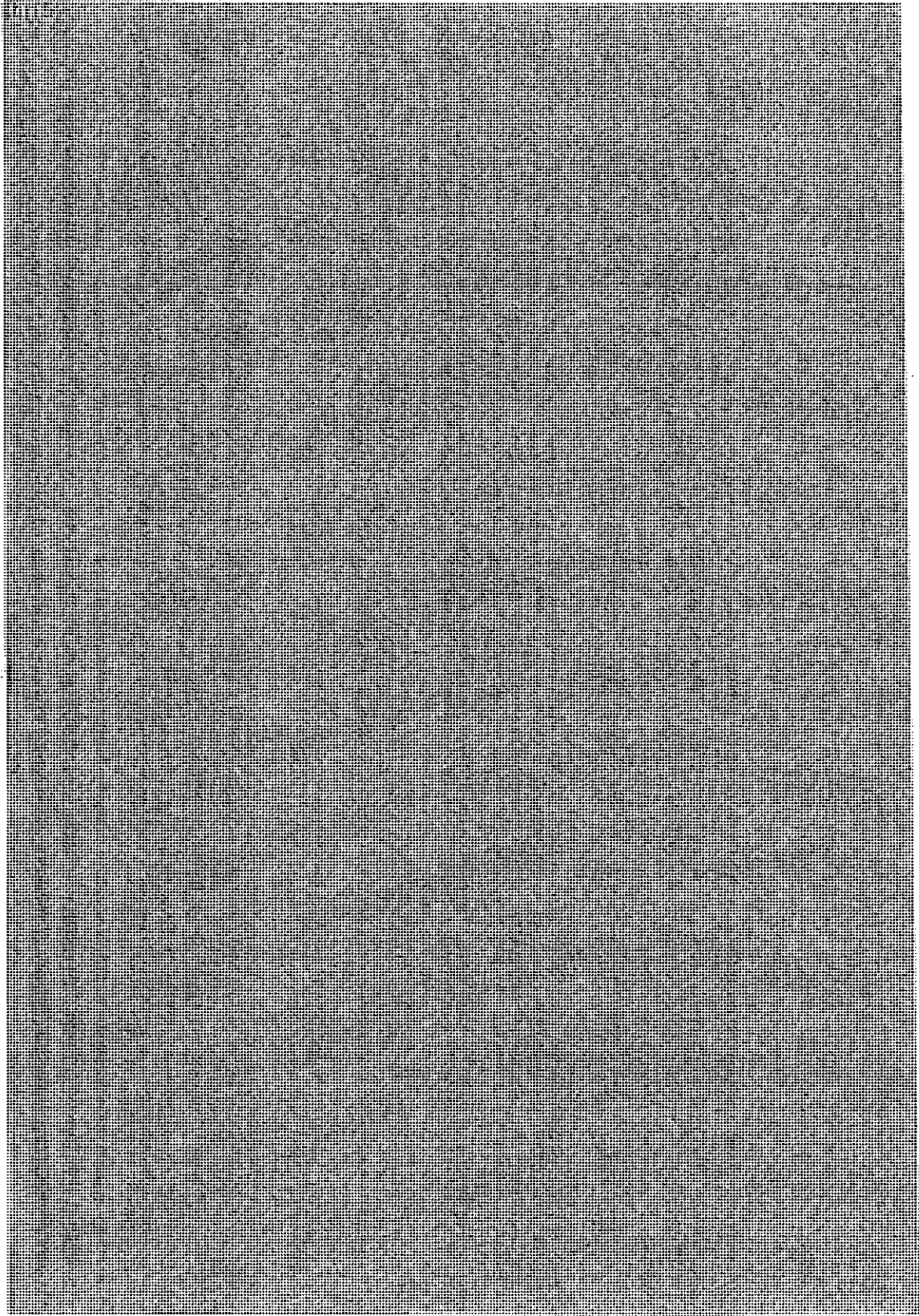




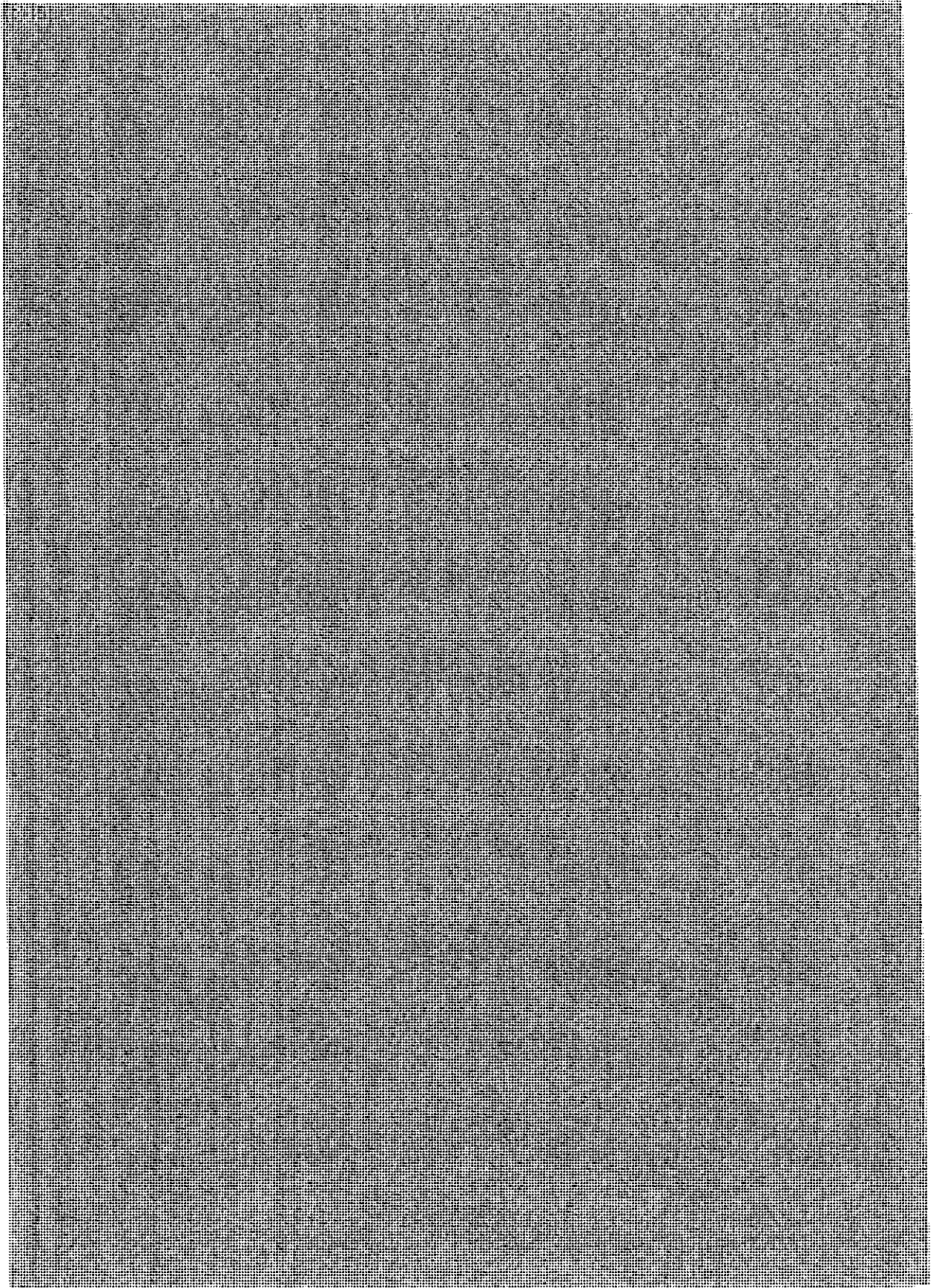


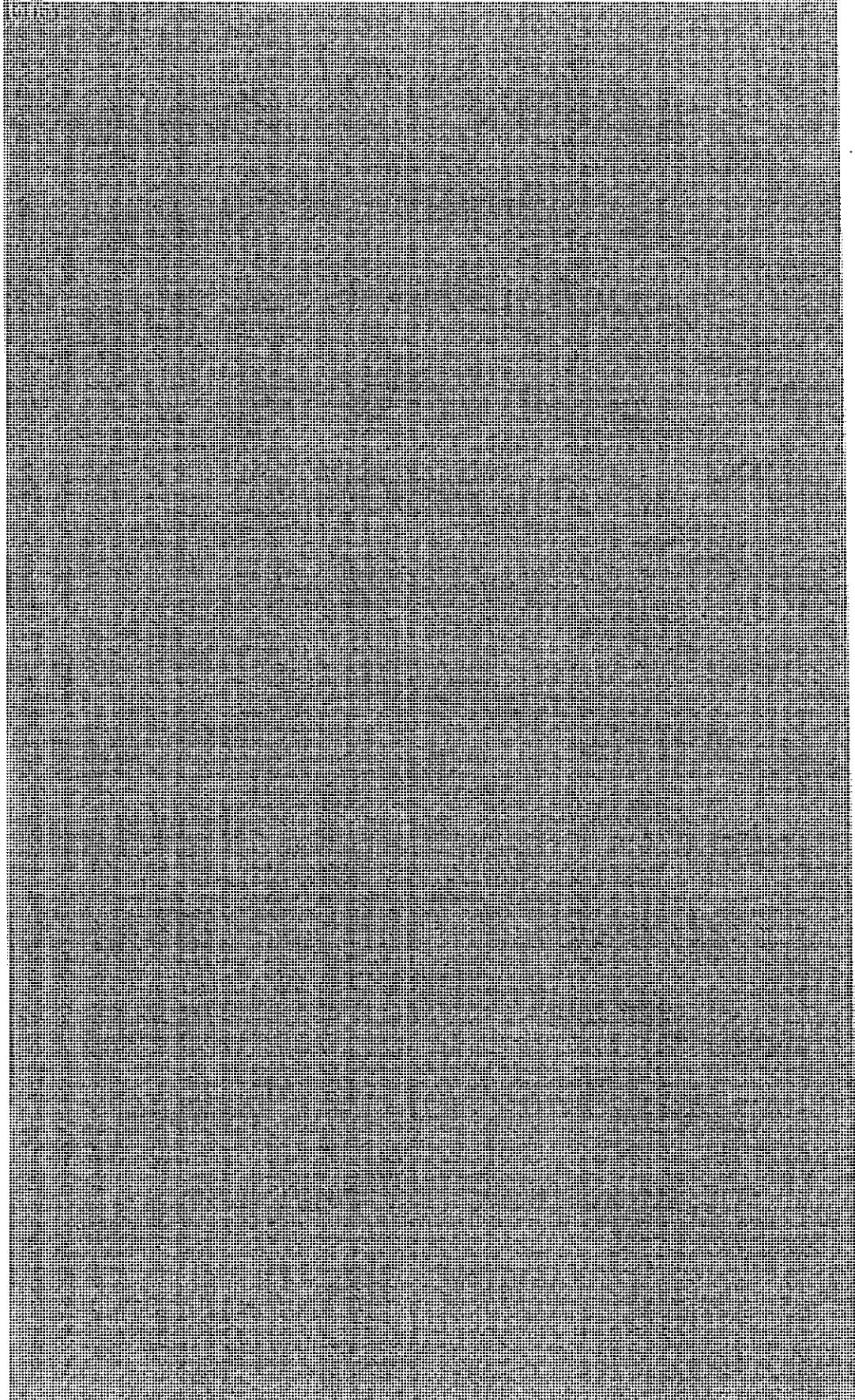


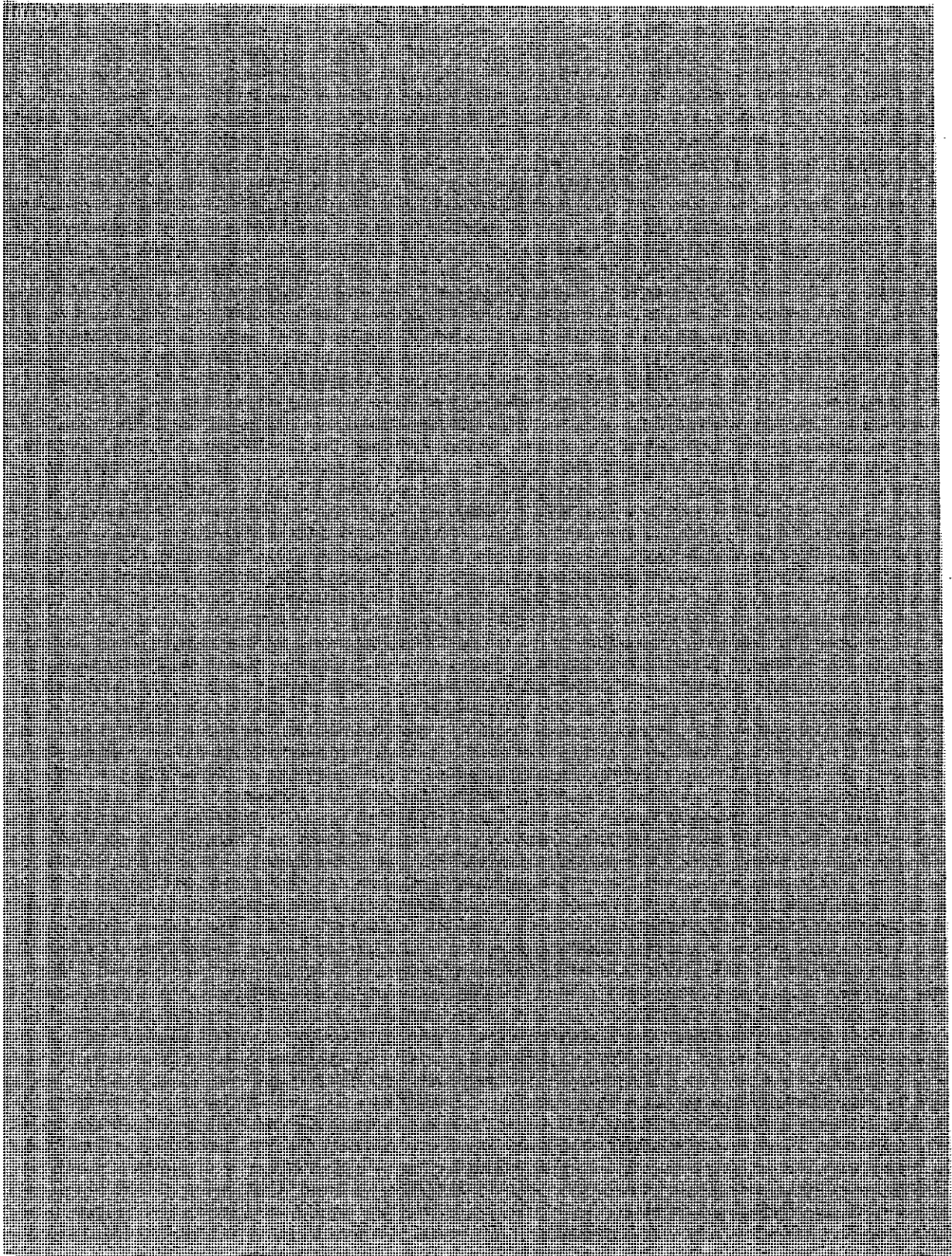


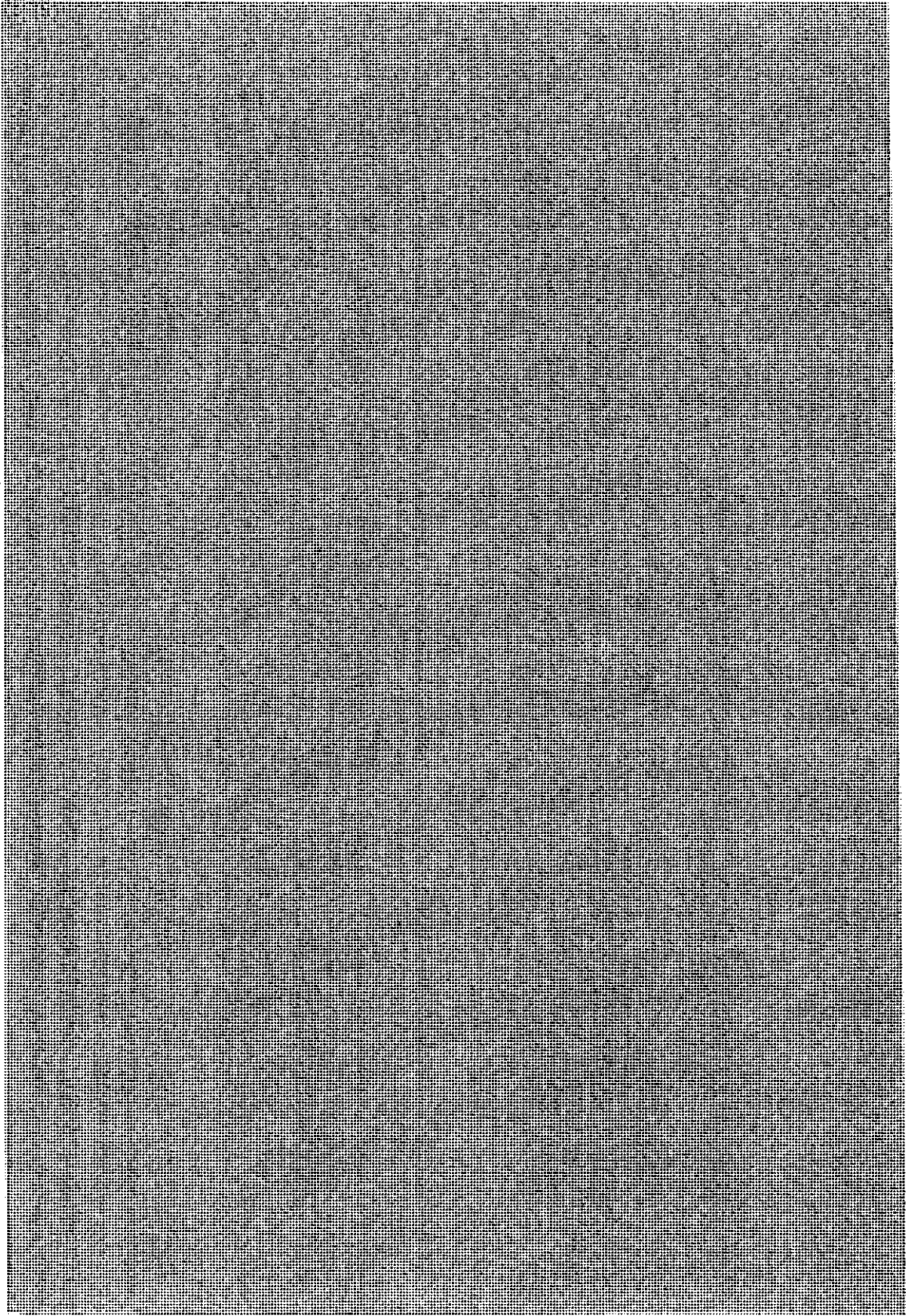


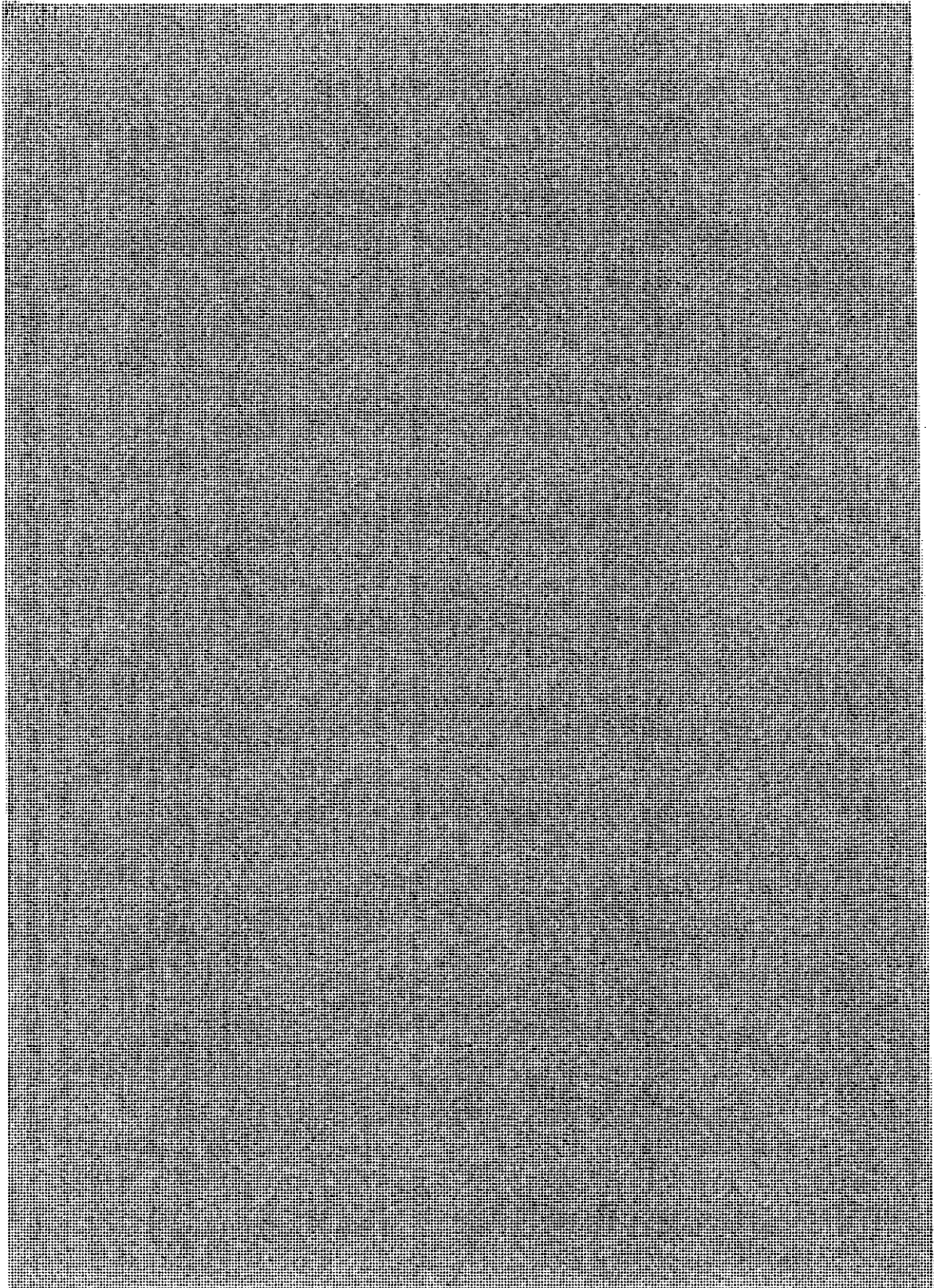


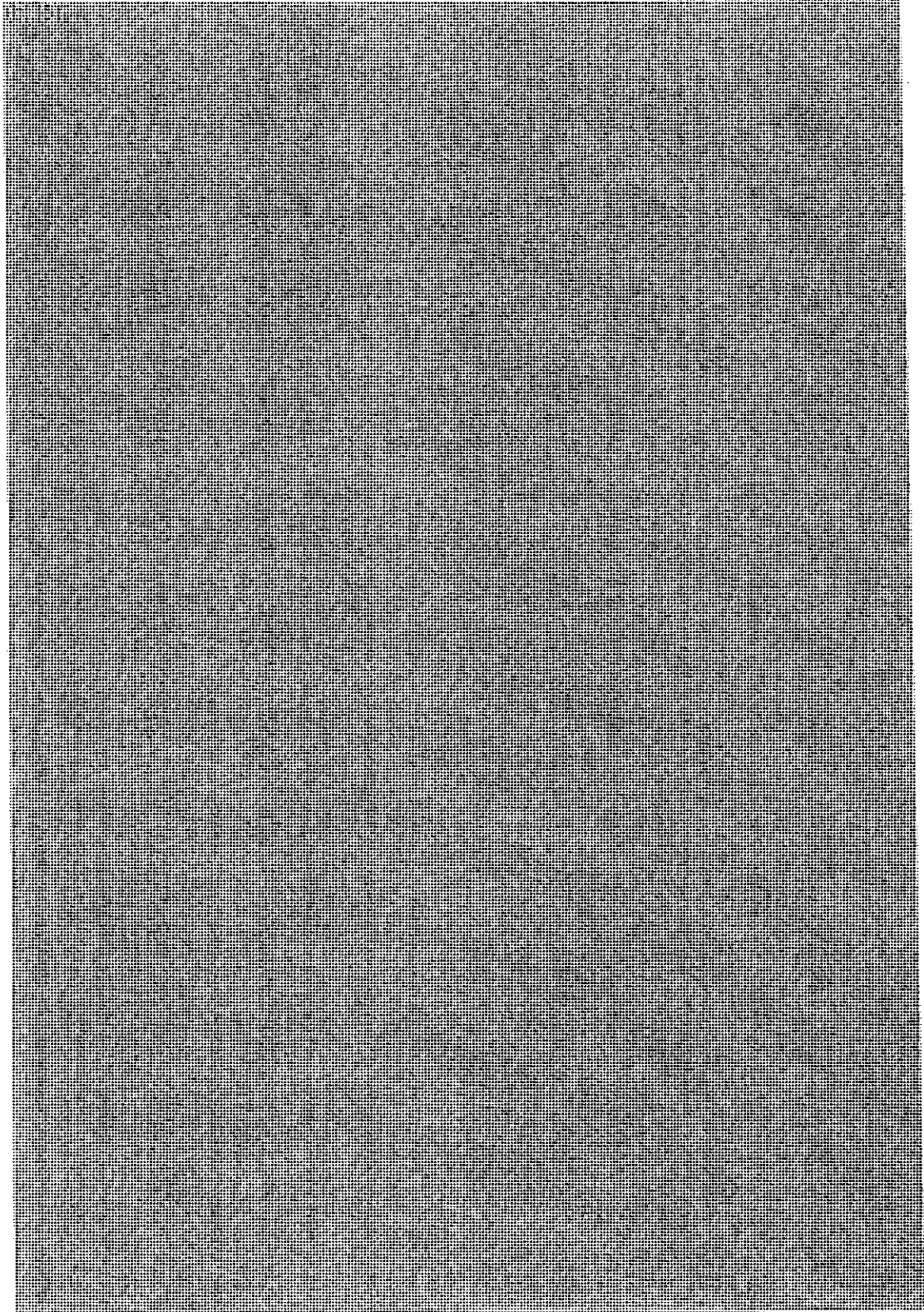


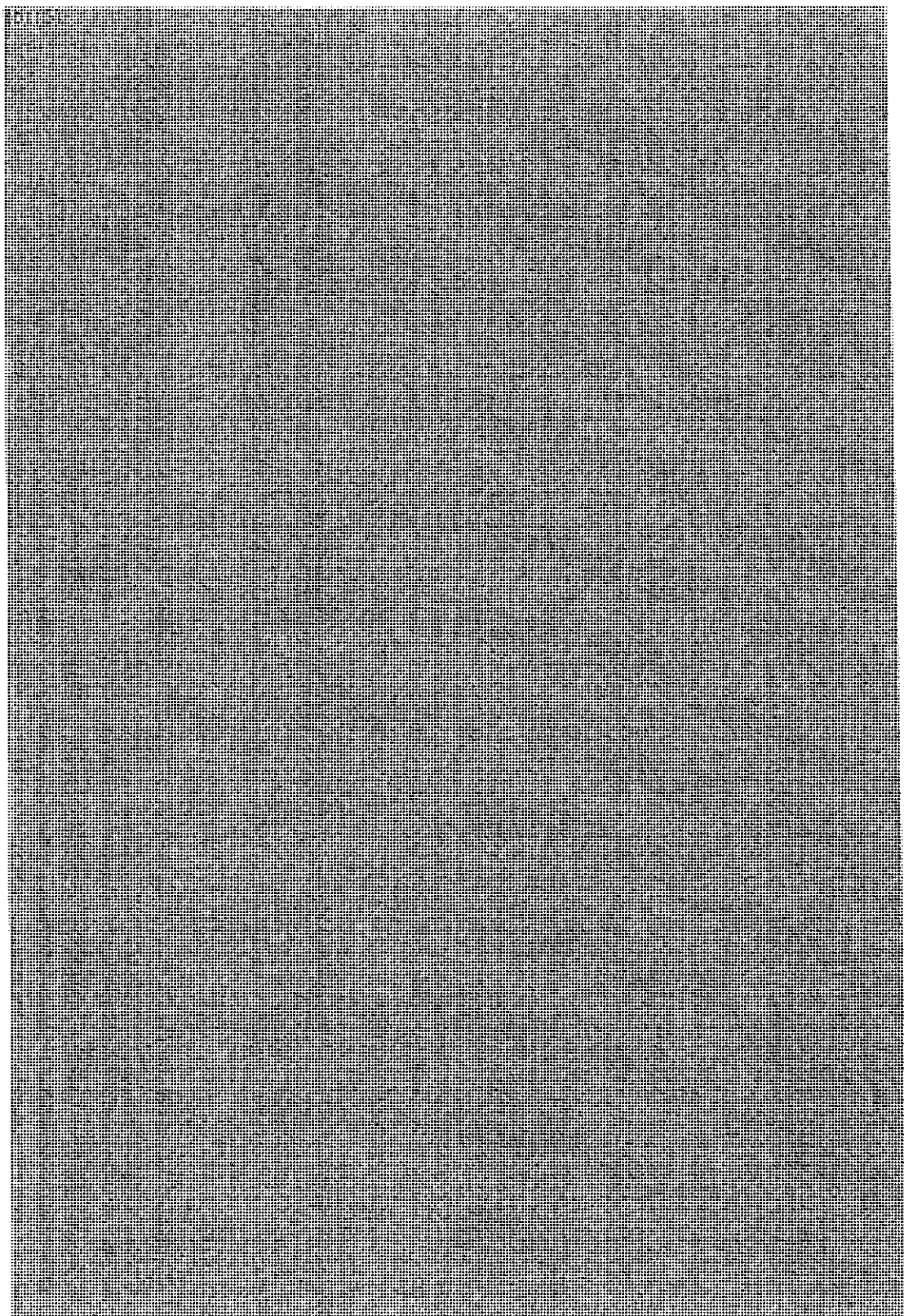


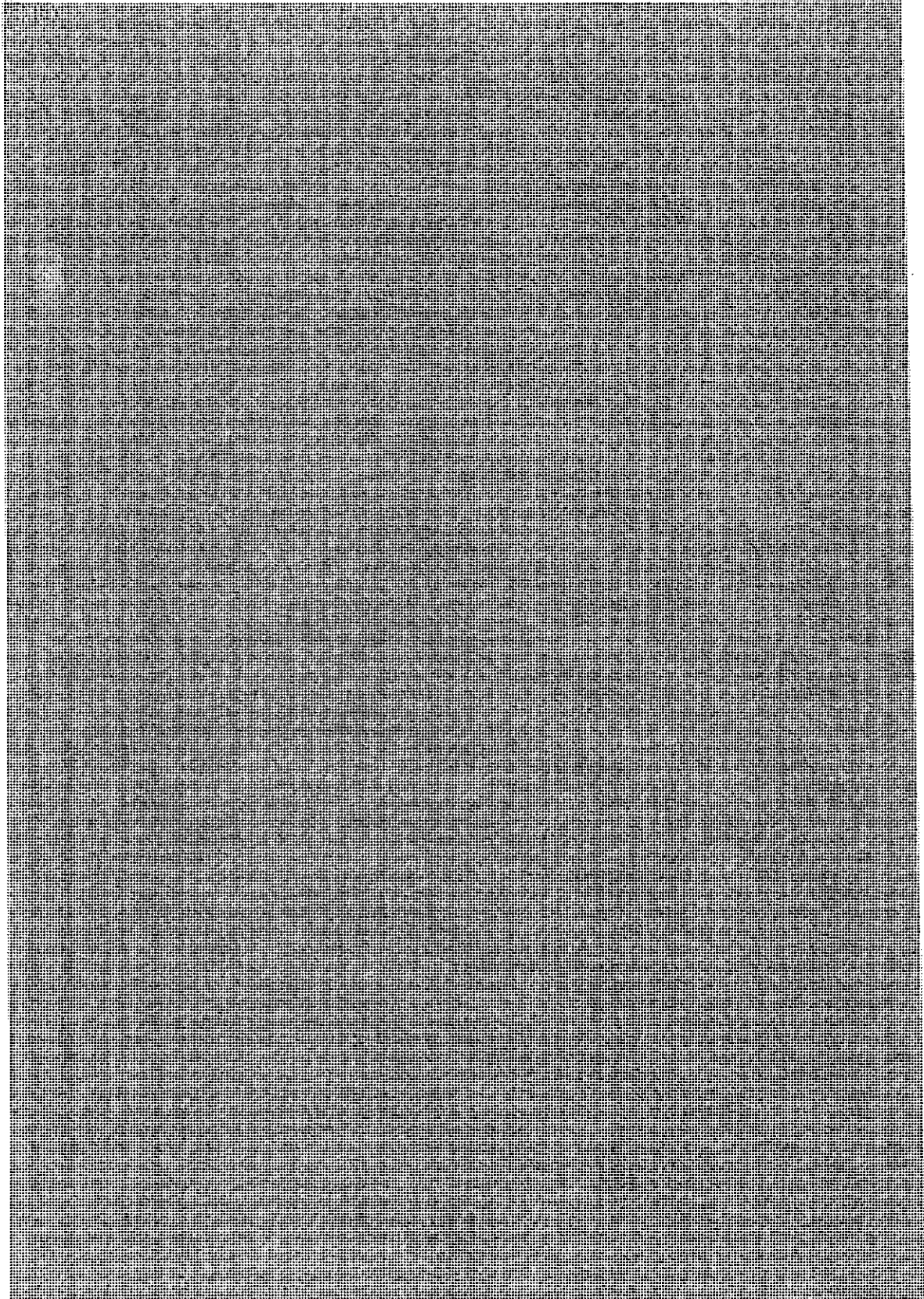




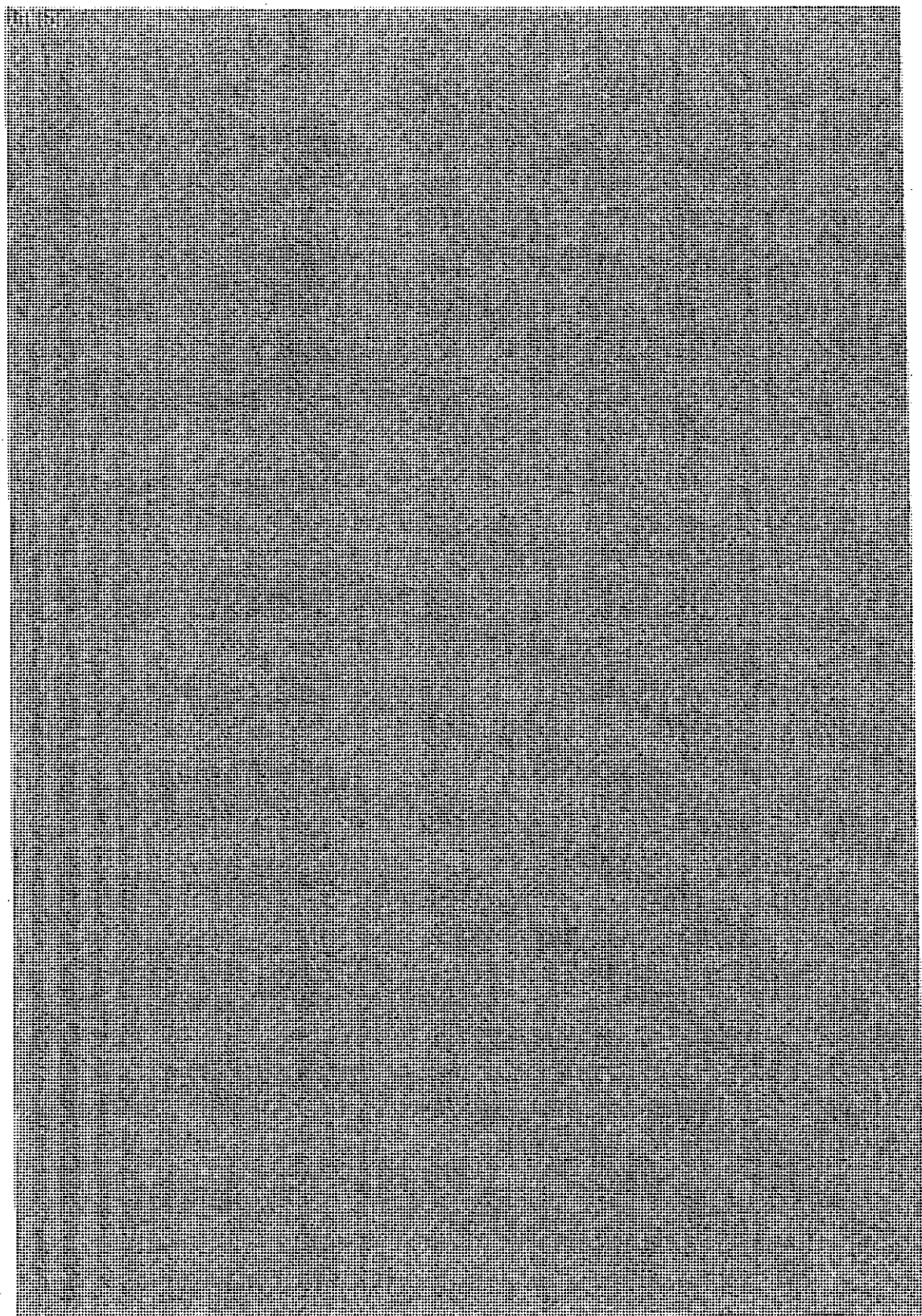


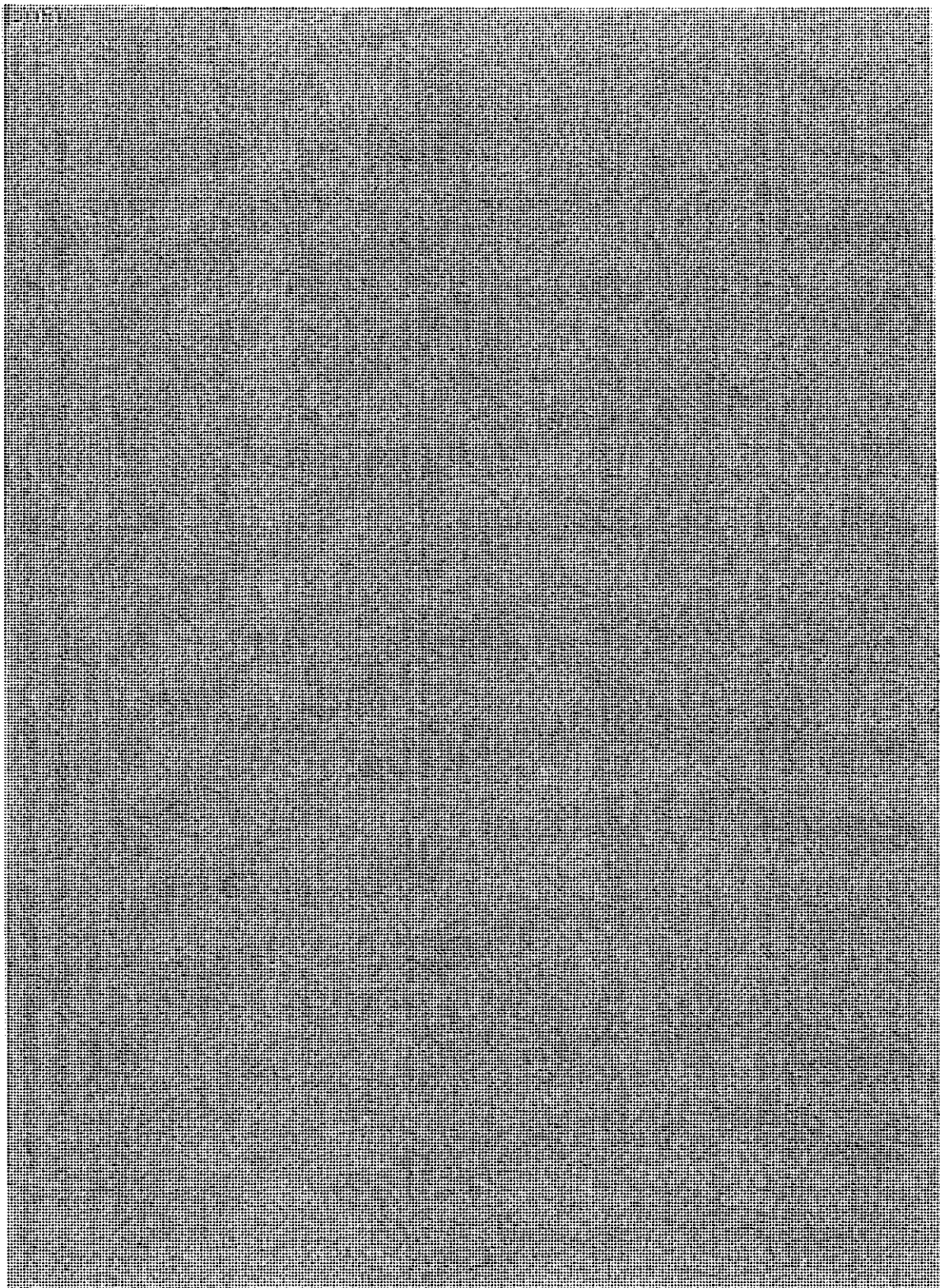


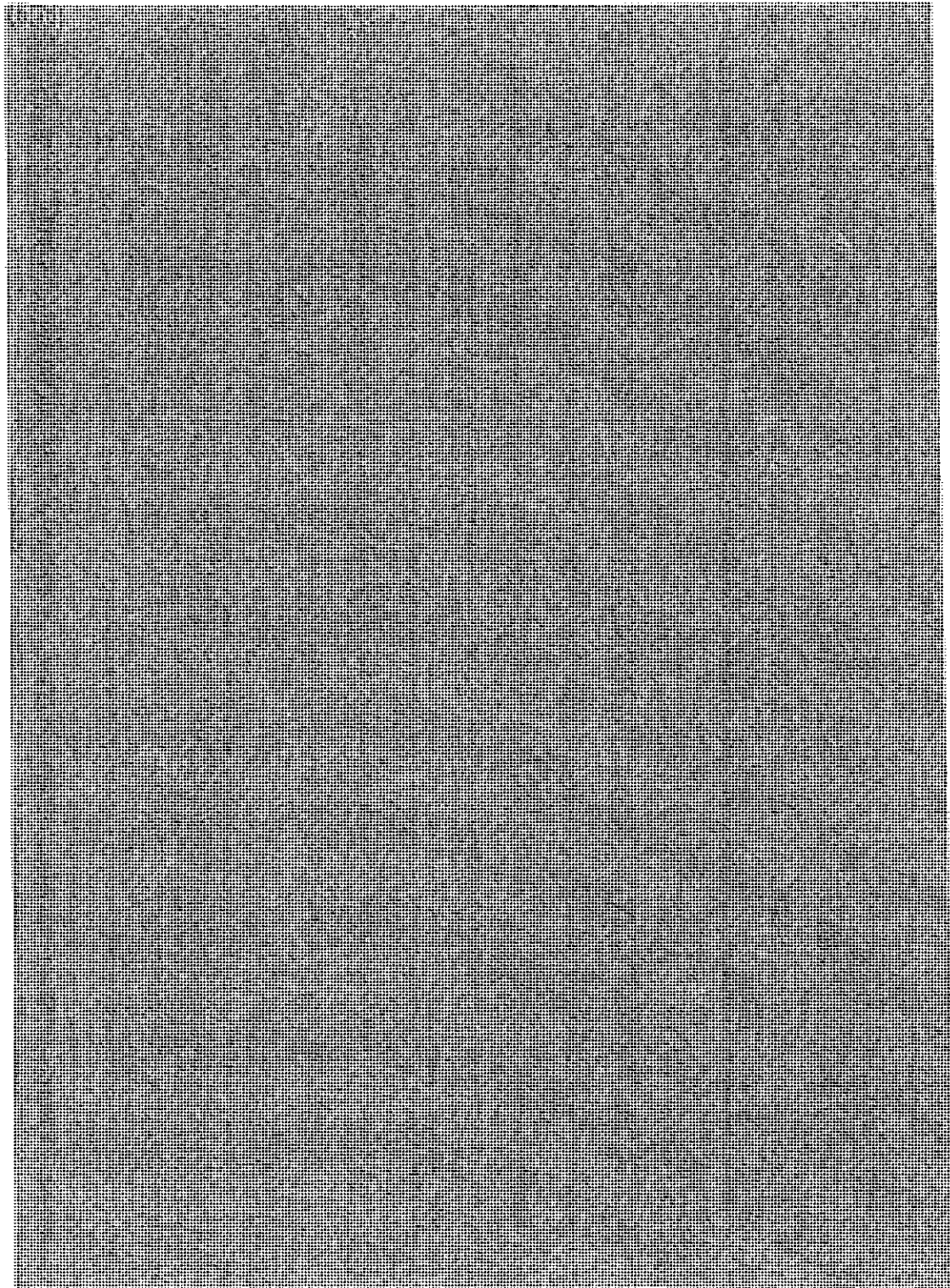


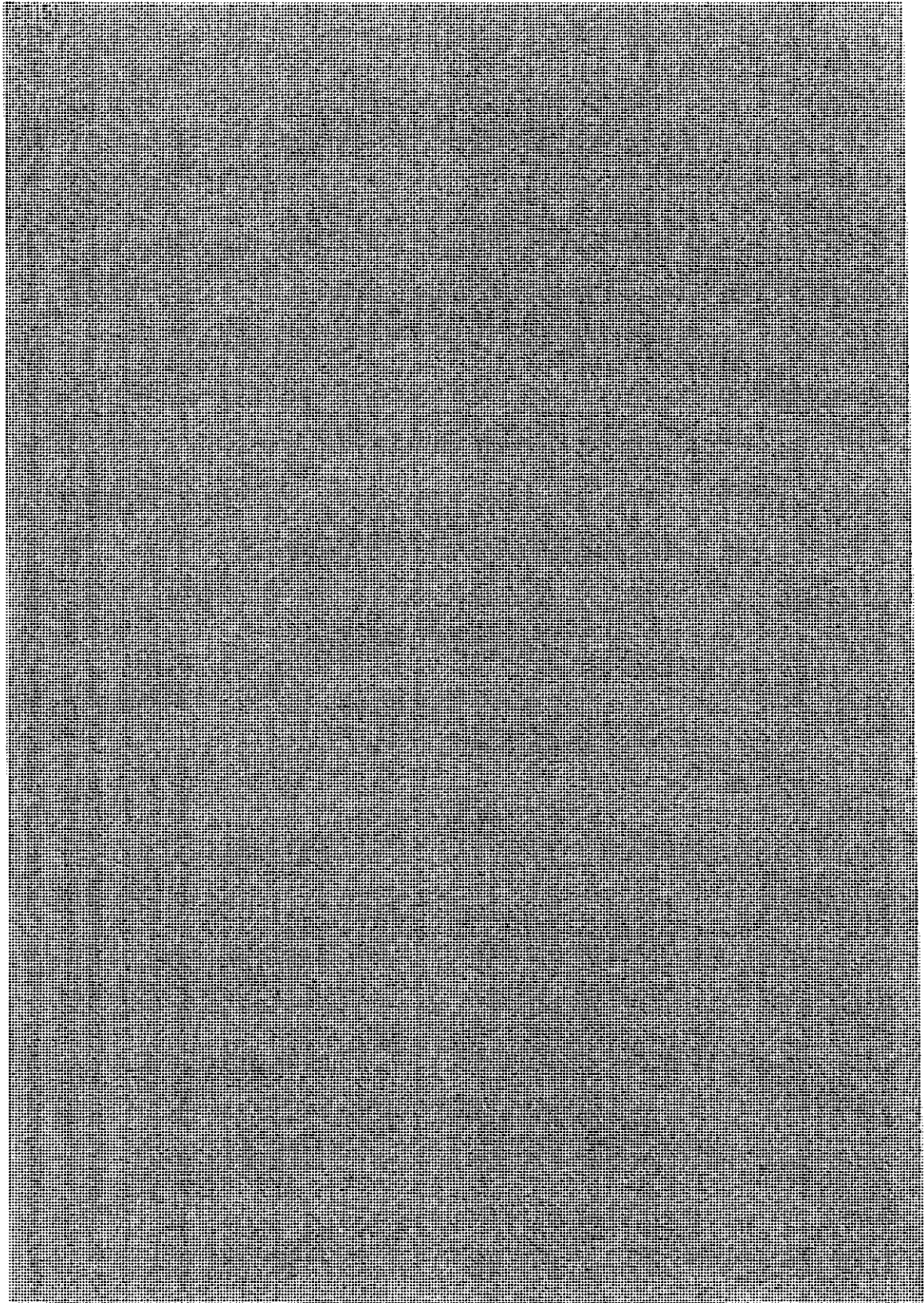


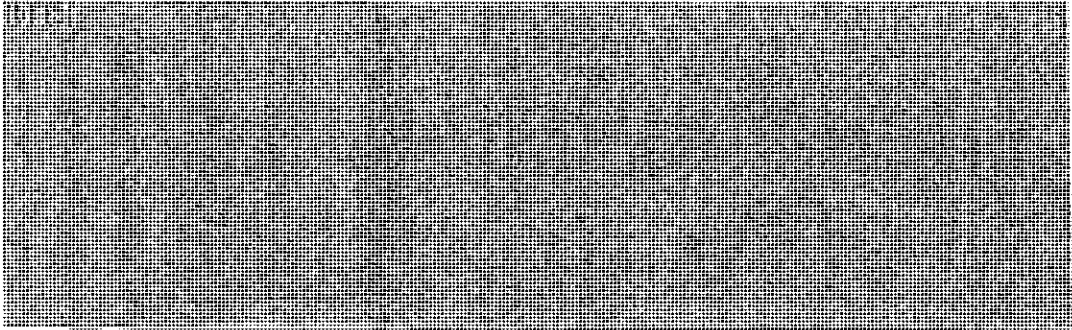




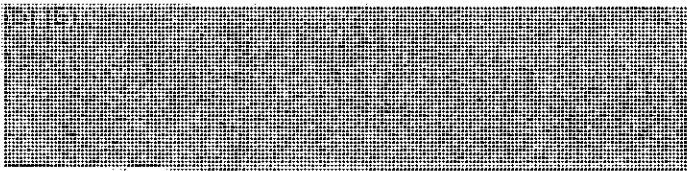








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**Wiegmann, Brad (SMO)**

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**From:** Maher, Joseph (b)(6)  
**Sent:** Wednesday, March 18, 2009 5:44 PM  
**To:** Wiegmann, Brad  
**Subject:** DHS attorney  
**Attachments:** Thesis - Blum - NPS-NS-08-003.pdf; SC BLUM.pdf

Brad,

Following up on our conversation – I'm attaching the thesis paper we discussed and Stephanie's resume. We've been in touch with her late this afternoon, and she will be getting back to us tomorrow on her personal availability to work here. My sense is that she is very interested in trying to make this work if possible. I'll give you a call as I receive some of the other information we discussed.

Joe

Joseph B. Maher  
Deputy General Counsel  
Office of the General Counsel  
U.S. Department of Homeland Security

(b)(6)

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