From:

(b)(6)

Sent:

Tuesday, March 24, 2009 8:50 PM

To:

Wiegmann, Brad; Blum, Stephanie <TSA OCC>:(b)(6)

Subject:

RE: Preventive Detention Subgroup Paper (UNCLASSIFIED)

Attachments:

(b)(6) Edits-Preventive Detention Memo.doc

图)

(b)(6)

Classification: UNCLASSIFIED

Caveats: Tous

Stephanic and Brad--good work and collaboration. Please see my edits and comments in the attached. I think we're ready to circulate for tomorrow's Subgroup meeting.

Stephanie -- am looking forward to working with you.

Best regards,

(b)(6)

CAUTION: Information contained in this message may be protected by the deliberative process, attorney/client, attorney work product, or other privileges. Do not disseminate outside the Executive Branch without approval from the Co-Chairs and Executive Secretary of the Task Force on Decention Policy.

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rom: ent: o: :c:	Wiegmann, Brad Monday, March 23, 2009 12:10 PM Dick, Michael (b)(6)
ubject:	FW: Refined List of Issues (UNCLASSIFIED)
ttachments:	Task Group Refined List of Issues.doc
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sk Group Refined List of Iss	
(b)(5)
o: 'Deeks,	March 20, 2009 6:13 PM Ashley S'; 'johnsonj@dodgc.osd.mil'; Carlin, John P. (PBI);
)(6),(b)(7)(C) pavid: 'david.a (b)(6)	; (b)(6),(b)(7)(C) .martin@dhs.gov'; Hinnen, Todd (NSD);
liegmann, Brad;	[(b)(6)
:c: (b)(6) Subject:	Refined List of Issues
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(6)(6)	Brad Wiegmann, and (b)(6)
orivileges. Da	rocess, attorney/client, attorney work product, or other not disseminate outside the Executive Branch without the Co-Chairs and Executive Secretary of the Task Force on cy.
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Viegmann, Brad	(amo)	
om:	(b)(6)	
ent:	Saturday, April 04, 2009 7:35 PM	· Daniel Color
D:	Lederman, Marty: Wiegmann, Brad	
ubject:	RE: Law Of War Subgroup Meeting (UNCLASSIFIED)	
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rom: (b)(6)	na ang kagapanonong panamonto, ka nguno ga ang panamong panama a a a a a a a a a a a a a a a a a	
ent: Saturday,	April 04, 2009 7:28 PM	
o: (b)(6)	A STATE OF THE STA	*
ubject: FW: La	w Of War Subgroup Meeting	
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i/h//5)	April 04, 2009 7:28:22 PM	΄,
Subject: RE: La	w Of War Subgroup Meeting Auto forwarded by a Rule	
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)(6) Brad: Wa	sn't someone in the larger group (b)(6)	
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of this discret	e project, thanks	
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Original M	COS SQC Company of the second contract of the	
rom: (b)(6)	April 04, 2009 4:49 PM	
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Force) Subject: Law Oi	War Subgroup Meeting	
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(b)(6)

Caveats: 1000

Classification: UNCLASSIFIED

Sent: Fo: Subject:	(b)(6) Wednesday, April Wiegmann, Brad RE: Any discussion	08, 2009 4:55 AM in at DoD this afternoon on the Bagram process issue? (UNCLASSIFIED)
lassification	: UNCLASSIFIED	
Caveats: Yeso	are a best constitution of the highlight a state of the state of the constitution of the state o	NAME OF PROPERTY OF THE PROPER
(5),(b)(6)		
Sent: Tuesday,	, Brad [mailto:Brad. April 07, 2009 10:3 my discussion at DoD	Wiegmannquadoj.gov] 1 PM 1 this afternoon on the Bagram process issue?
)	e to the second	, <u></u>
Original	Message	
	Brad	Control of the Contro
Sent: Tue Apr Subject: RE: A (UNCLASSIPIED) Classification	Brad 07 22:18:06 2009 ny discussion at Dol) this afternoon on the Bagram pro
Sent: Tue Apr Subject: RE: A (UNCLASSIPIED) Classification Caveats: Pero	Brad 07 22:18:06 2009 my discussion at Don	
Sent: Tue Apr Subject: RE: A (UNCLASSIPIED) Classification Caveats: Pero	Brad 07 22:18:06 2009 my discussion at Don	
Sent: Tue Apr Subject: RE: A (UNCLASSIPIED) Classification Caveats: Pero	Brad 07 22:18:06 2009 my discussion at Don	
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Sent: Tue Apr Subject: RE: A (UNCLASSIPIED) Classification Caveats: Perc	Brad 07 22:18:06 2009 ny discussion at Don 1: UNCLASSIFIED	this afternoon on the Bagram pro
Sent: Tue Apr Subject: RE: A (UNCLASSIPIED) Classification Caveats: Peso b)(5)	Brad 07 22:18:06 2009 ny discussion at Don : UNCLASSIFIED	this afternoon on the Bagram pro
Sent: Tue Apr Subject: RE: A (UNCLASSIPIED) Classification Caveats: Pero b)(5)	Brad 07 22:18:06 2009 my discussion at Don :: UNCLASSIFIED Message , April 07, 2009 5:5	this afternoon on the Bagram pro
Subject: RE: A (UNCLASSIPIED) Classification Caveats: Perso b)(5) Criginal From: (b)(6) Sent: Tuesday	Brad 07 22:18:06 2009 my discussion at Don :: UNCLASSIFIED Message , April 07, 2009 5:5	this afternoon on the Bagram pro
Sent: Tue Apr Subject: RE: A (UNCLASSIPIED) Classification Caveats: Pess b(5) Cover of the cove	Brad 07 22:18:06 2009 my discussion at Don :: UNCLASSIFIED Message , April 07, 2009 5:5	this afternoon on the Bagram pro

Subject: Any discussion at DoD this afternoon on the Bagram process

issue?

Auto forwarded by a Rule

Classification: UNCLASSIFIED Caveats: 7000

Classification: UNCLASSIFIED

Caveats: Pour

(b)(6) From: Tuesday, April 07, 2009 10:18 PM Sent: Wiegmann, Brad RE: Any discussion at DoD this afternoon on the Bagram process issue? (UNCLASSIFIED) To: Subject: Classification: UNCLASSIFIED Caveats: Touc-(b)(5) From: (b)(6)

From: Wiegmann, Brad Sent: Tuesday, April 07, 2009 5:54:36 PM

Sent: Tuesday, April 07, 2009 5:55 PM

To: (b)(6) Subject: Any discussion at DoD this afternoon on the Bagram process

Subject: FW: Any discussion at DoD this afternoon on the Bagram process

issue?

Wiegmann, Brad (SMO)

Auto forwarded by a Rule

Classification: UNCLASSIFIED

Caveats: Four

To: (b)(6)

issue?

From:

(b)(6)

Wednesday, April 15, 2009 5:52 PM Wiegmann, Brad Sent:

To:

Subject:

RE: Bagram Procedures

Great. Talked to CENTCOM this morning, and we think we can deliver on all of these (pr v counsel and transcript v. media access, though). Pls get from (b)(6) a person with whom I could link up the experts I've got.

Sent:	Monday,	March 16, 2009 8	3:15 PM		
To: Subject:	(b)(6) FW: Pap	er and Project To	pics (UNCLASSIFIE	D)	
Attachments:	Task Gro	oup List of Topics		; Assignment of Previ	entive Detention Study to
	M				
the sub-groups identifies the	rojects. (N if we cover groups, thou	udy to Sub Att ot sure wheth it all in the igh we may wis at is the way	er we need form tone memo from the to have a bit we go.) Anywa	al separate memo: the TF on all the more granularit	y in the projects think. You'll see
From: (b)(6) Sent: Sunday, M To: Wiegmann, E Subject: Paper	arch 15, 200 Fad	9 10:40 PM	ASSIFIED)		
Classification: Caveats: #000	UNCLASSIPIE	ED			
Brad I went the meetings, and a send out to the	ttempted to	consolidate 1	of topics, pape them into a draf	rs, projects, an t memo we could	d
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From:

Wiegmann, Brad

(b)(5)

See you at 9 a.m.

Classification: UNCLASSIFIED Caveats: Toub

From:	(b)(6)
riom. Sønt: To: Subject:	Tuesday, March 17, 2009 8:42 AM Wiegmann, Brad RE: Paper and Project Topics (UNCLASSIFIED)
Attachments:	Task Group List of Topics for Further Study Changes Accepted.doc
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Task Group List of	The second state of the second state of the second state of the second state of the second se
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b)(6)	
Original M	iessage
ro: Wiegmann, B	March 17, 2009 8:19 AM Brad Liper and Project Topics (UNCLASSIFIED)

(b)(6)

From: Wiegmann, Brad [mailto:Brad.Wiegmann@usdoj.gov] Sent: Monday, March 16, 2009 8:15 PM

To: (b)(6)
Subject: FW: Paper and Project Topics (UNCLASSIFIED)

Attached are my comments on the memo from the TF on assignment of projects. (Not sure whether we need formal separate memos assigning work to the sub-groups if we cover it all in the one memo from the TP on all the projects that identifies the groups, though we may wish to have a bit more granularity in the projects drawn from your memos if that is the way we go.) Anyway, see what you think. You'll see that I envision a few more sub-groups. I'd like to get it all done in the one memo if possible.

----Original Message----

From: (b)(6)
[mailto:(b)(6)

Sent: Sunday, March 15, 2009 10:40 PM

To: Wiegmann, Brad

Subject: Faper and Project Topics (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveaus: 1000

Brad--I went through the separate lists of topics, papers, projects, and meetings, and attempted to consolidate them into a draft memo we could send out to the membership for review.

(b)(5)

(b)(5)

See you at 9 a.m

Classification: UNCLASSIFIED

From: Sent:	(b)(6) Tuesday, March 17, 2009 8:19 AM
To: Subject:	Wiegmann, Brad RE: Paper and Project Topics (UNCLASSIFIED)
Attachments:	Task Group List of Topics for Further Study(b) Edits.doc
Task Group List of Topics for	
Bra also like your	dI like your idea of the standing, separately named Subgroups. additional comments up front, as well as the idea of a we include sufficient granularity in the one memo.
(b)(5)	The state of the s
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Am creating a chulleting.	leaned up copy, as Track Changes tends to disrupt
(b)(6)	
Sent: Monday, M	lessage Brad [mailto:Brad.Wiegmann@usdoj.gov] [arch 16, 2009 8:15 PM
To: (b)(6) Subject: FW: Pa	per and Project Topics (UNCLASSIFIED)
projects. (Not work to the sub all the project a bit more gran the way we go.)	by comments on the memo from the TP on assignment of sure whether we need formal separate memos assigning organized by the cover it all in the one memo from the TP on its that identifies the groups, though we may wish to have mularity in the projects drawn from your memos if that is Anyway, see what you think. You'll see that I envision groups. I'd like to get it all done in the one memo if
From: (b)(6)	lessage
To: Wiegmann, N	Warch 15, 2009 10:40 PM

Classification: UNCLASSIFIED

Caveats: +848

Brad--I went through the separate lists of topics, papers, projects, and meetings, and attempted to consolidate them into a draft memo we could send out to the membership for review.

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See you at 9 a.m.

Classification: UNCLASSIFIED Caveats: 7000

From:

(b)(6)

Sent:

Tuesday, March 17, 2009 1:11 PM Wiegmann, Brad

To: Subject:

RE (b)(6)

Attachments:

Task Group List of Topics for Further Study (b)(6)

Task Group List of

Topics for ...

Incorporating comment for Rendition/Transfers Subgroup re outright

releases.

----Original Message

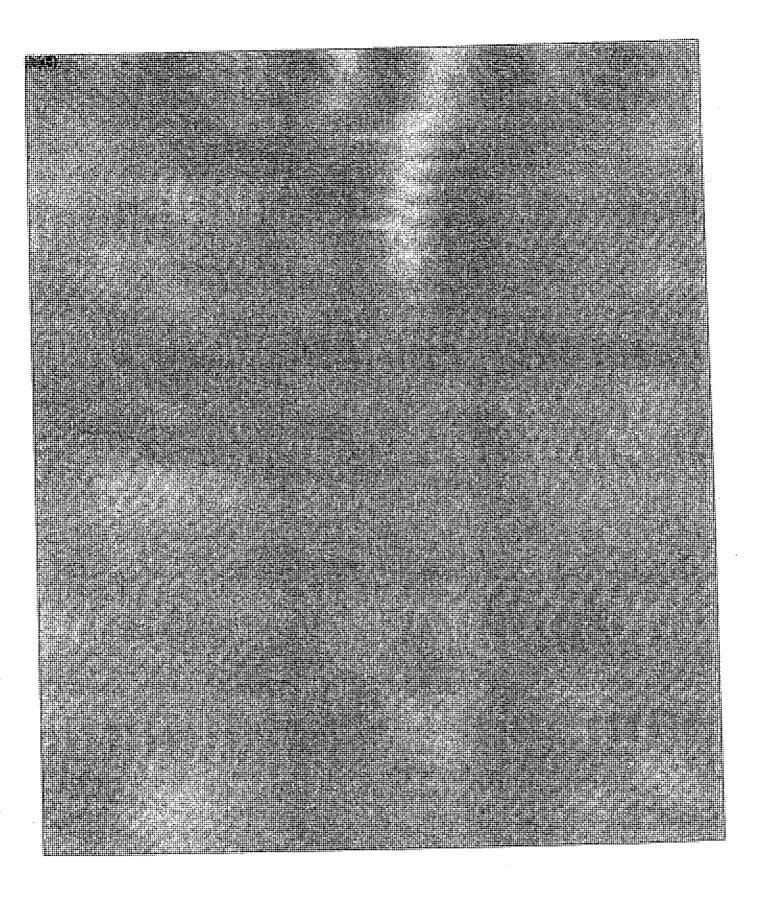
From: (b)(6)

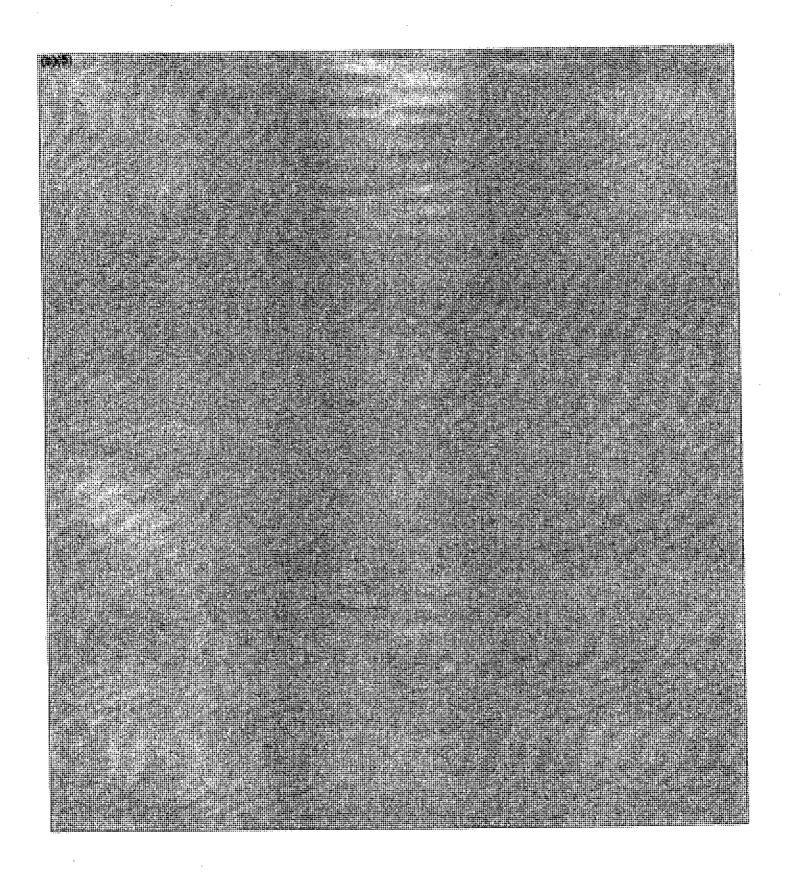
Sent: Tuesday, March 17, 2009 12:47 PM

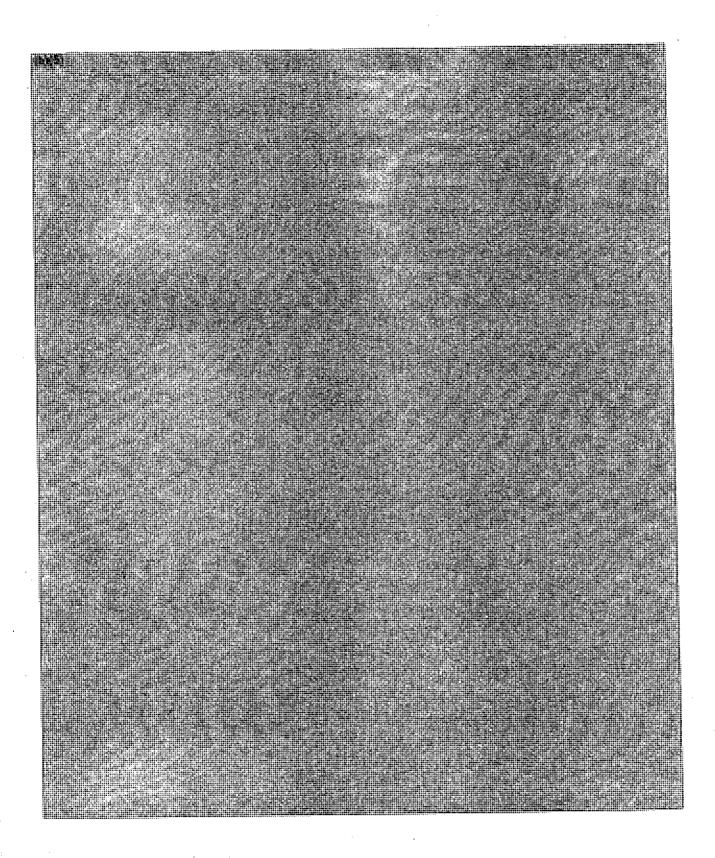
To: 'Wiegmann, Brad' Subject: (b)(6)

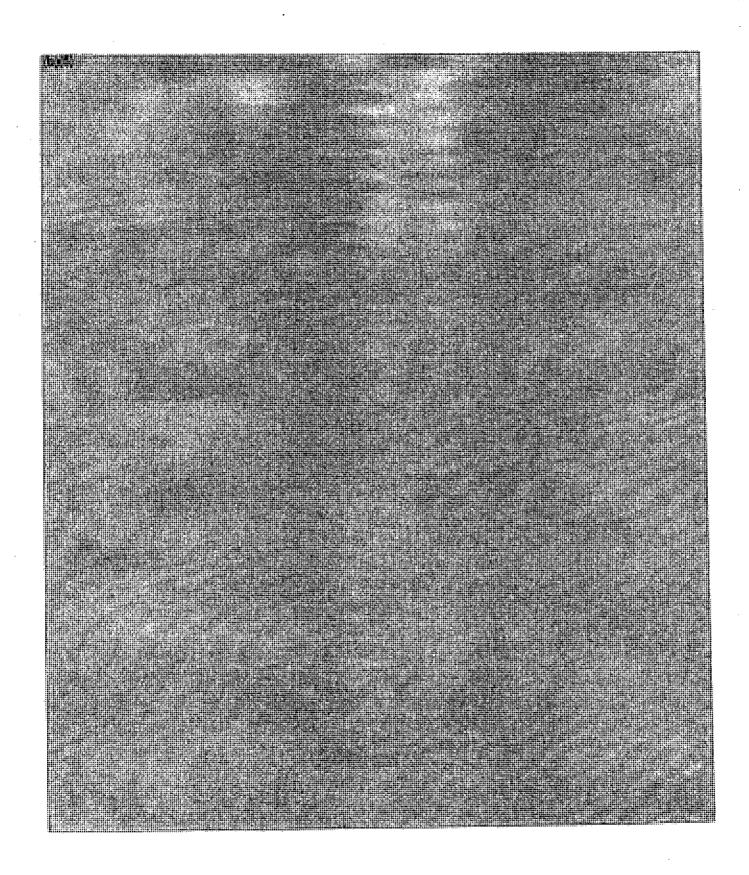
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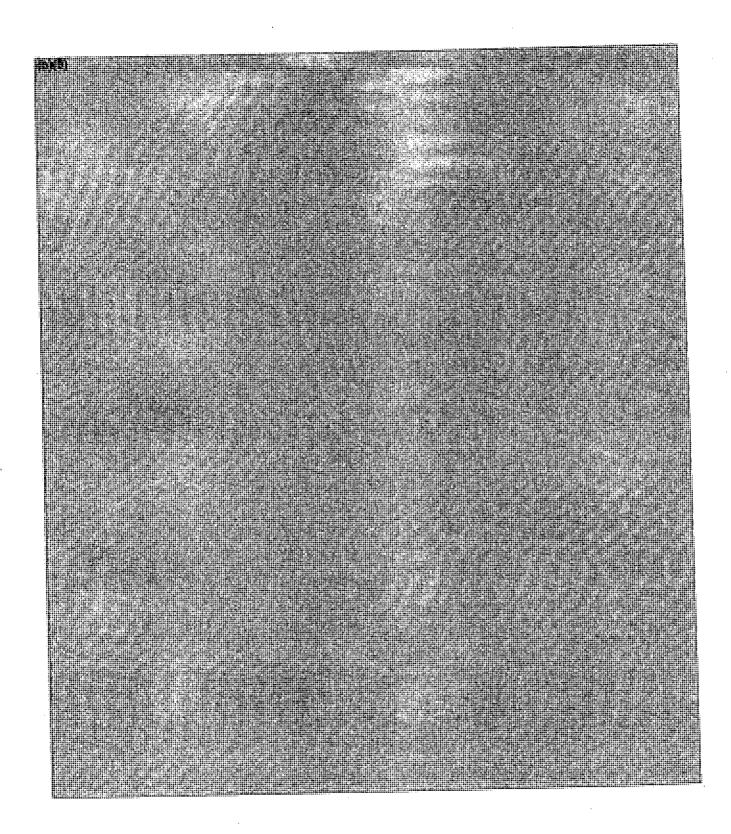
Brad--if you're okay with these, I'll incorporate and publish to group.

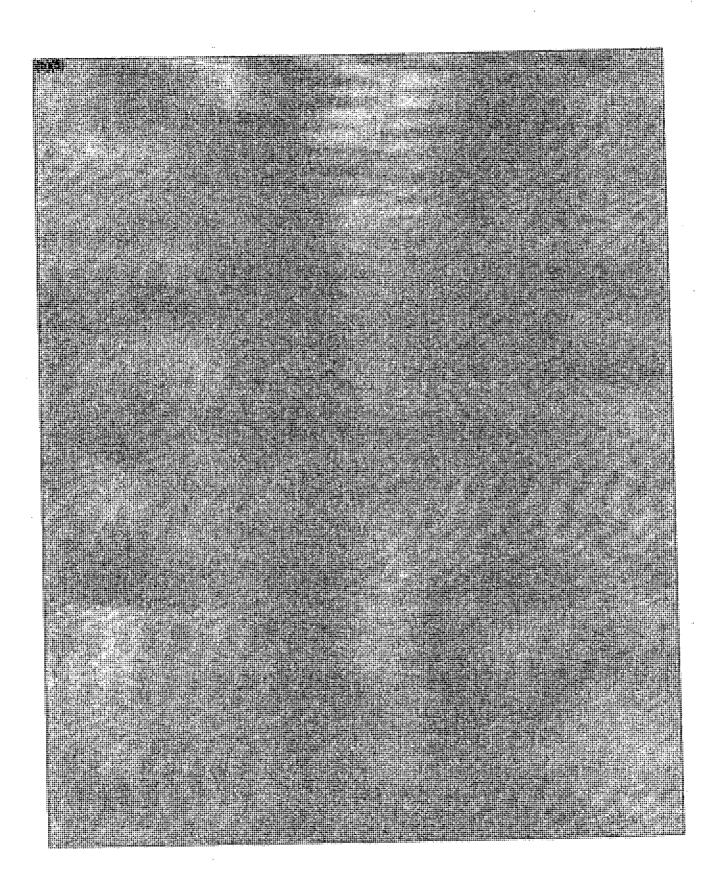


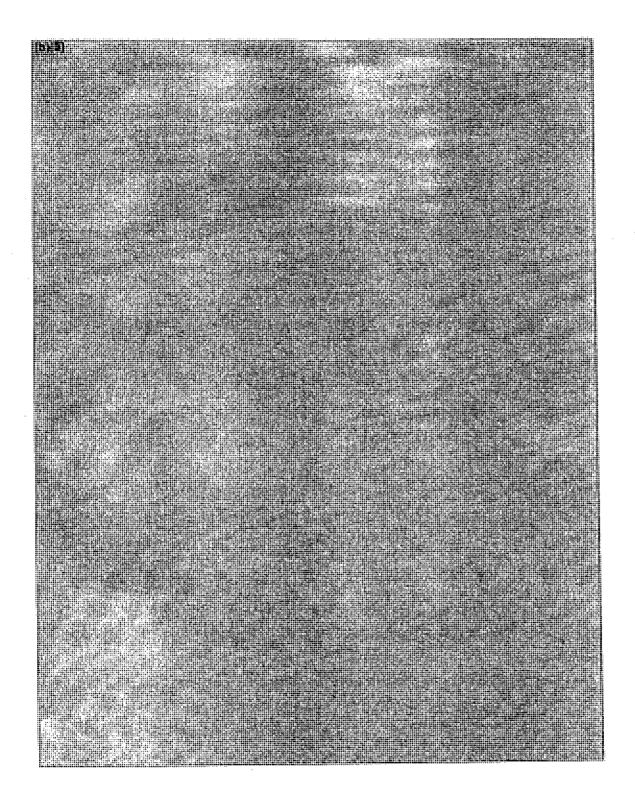


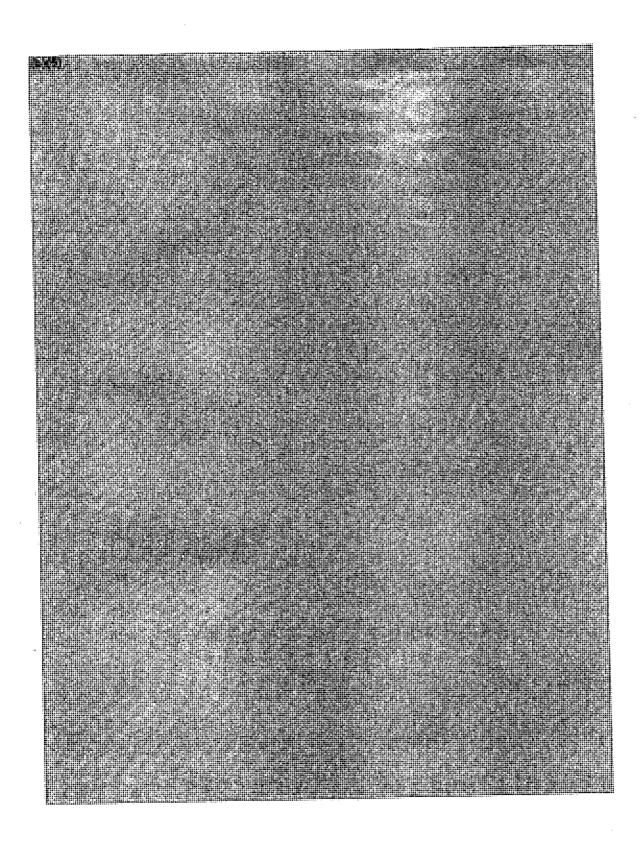


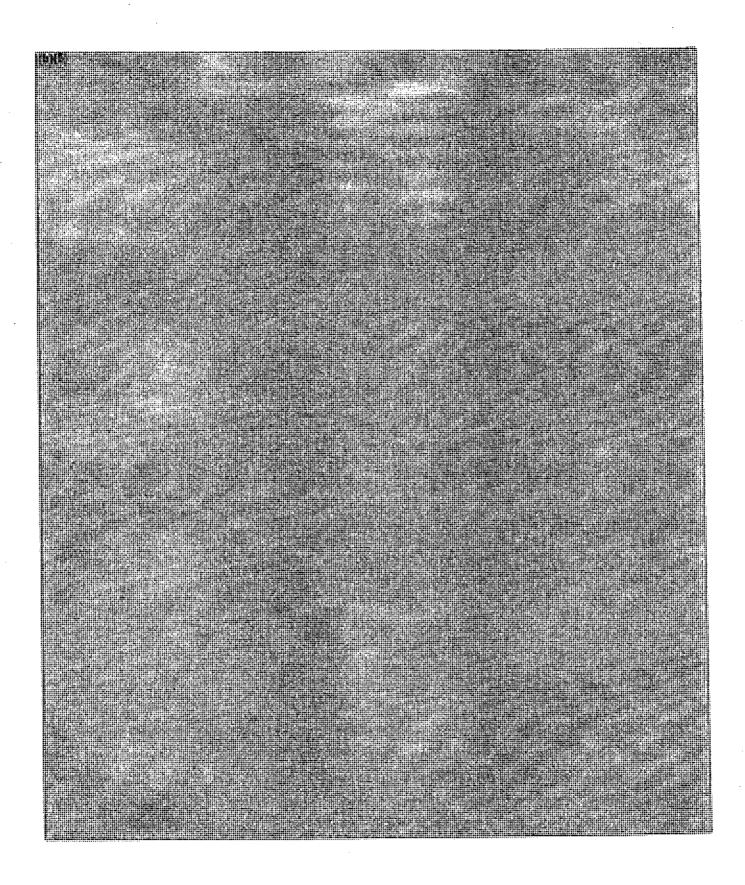




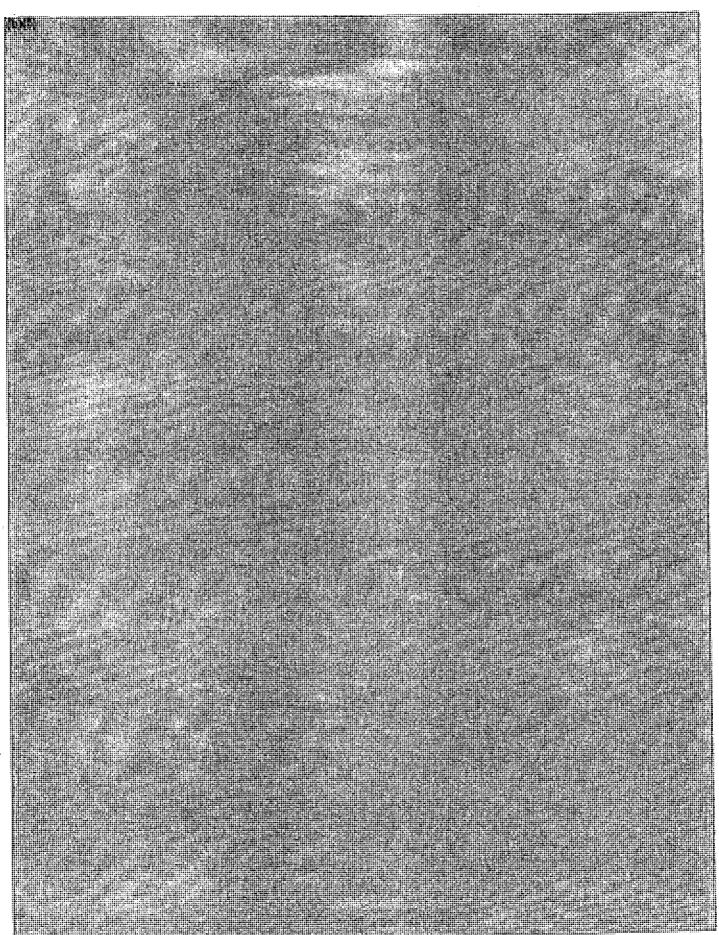




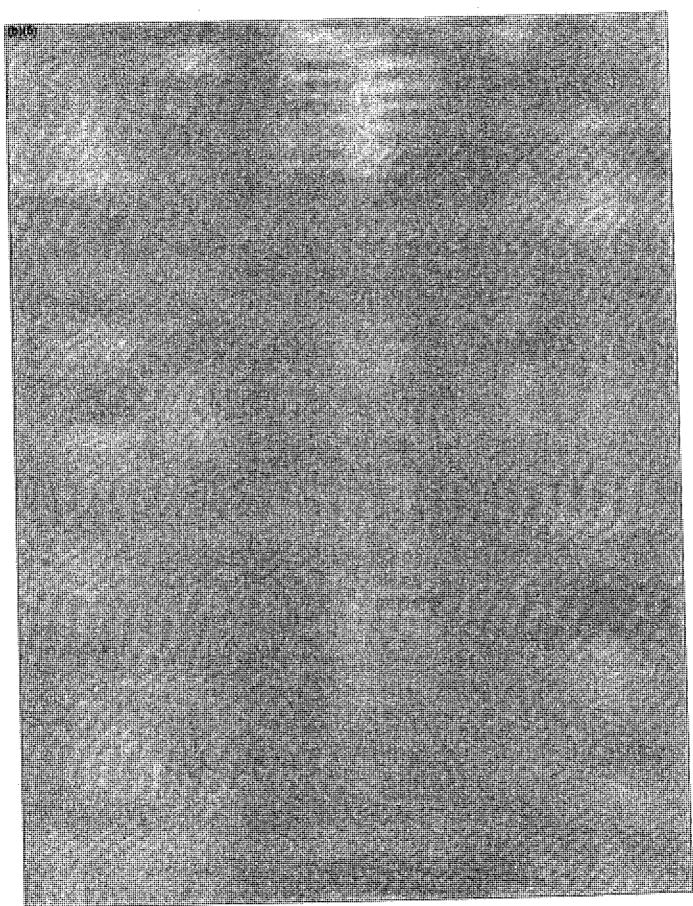




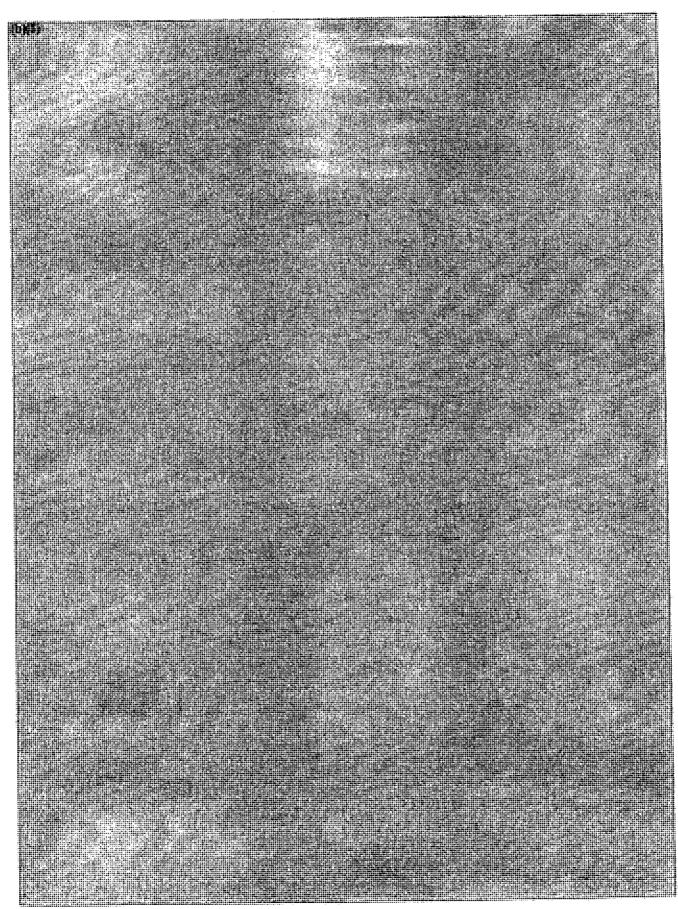
	(b)(B)		**
From: Sent:	Tuesday, March 17, 2009	3:08 PM	(b)(6).(b)(7)(C)
To:	Deeks, Ashley S. Johnso	n. Jen Chanes, Hon, Duy Day.	Agreed Francisco
	Control of the state of the second state of the second state of the st	Barron, David, david a martin@dhs.gov, Hinn	en, Todd (NSD);
	(b)(6)	Donoghue (b)(6)	The No. 10-less while is his open process to be a second to the second t
	(b)(6)		
Cc: Subject:	Wiegmann, Brad; (b)(6) Initial List of Issues Requ	HON, OSD-POLICY Liring Study	
Attachments:	Task Group List of Issue	s for Further Study.doc	
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That Court list of			•
Task Group List of Issues for Memb	ers of the Task Force	on Detention Policy,	
	_tal the initial list (of issues requiring study. We	
impand to procee	d on the bases describ ints, input, or concern	CO riotarii	
		follow-up memos to particular	
In the coming of	e vou designatein or	der to form the subgroups	
identified in th	e attachment and sched	ule initial subgroup meetings.	
	مستملي الماليان	essed solely to those who have been	
Note that this	correspondence is addic	d in Executive Order 13493 as	
product of the	Task Force be channeled	through the members themselves.	
in your agency	or department, we ask t	that you do so only on a	
need-to-know ba	sis and that you reproc	duce the CAUTION statement printed	
below.	And the state of t	or y a grant between the productive development of making 1 (Marcia).	
_](b)(8)	Brad Wiegmann, and (b)(6)	
CARPTON: Infor	marion contained in th	is message may be protected by the	•
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	he Co-Chairs and Execu	tive Secretary of the lask force on	



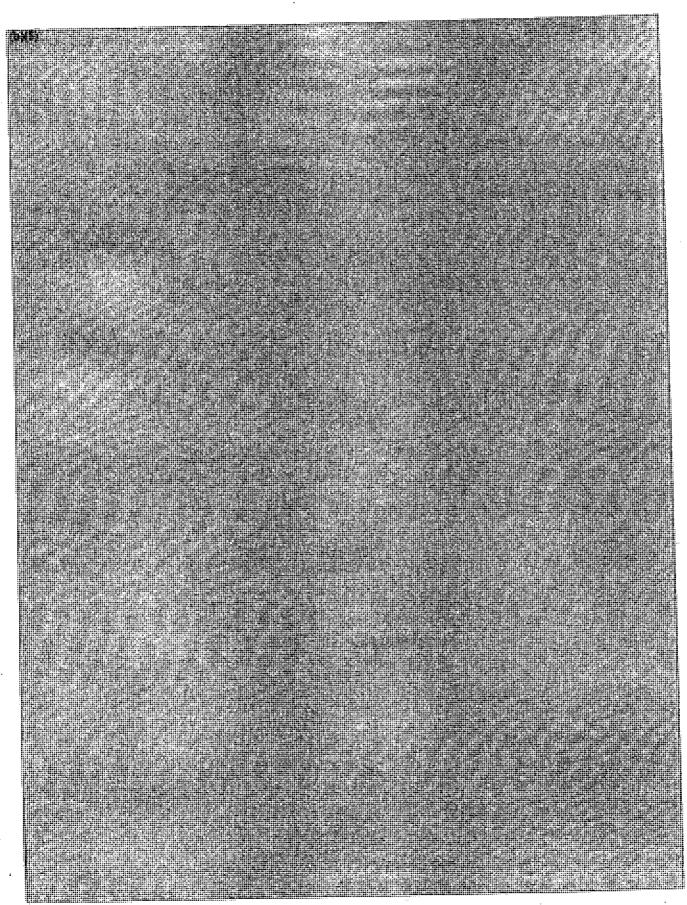
NSD ACLU Goodman 000032



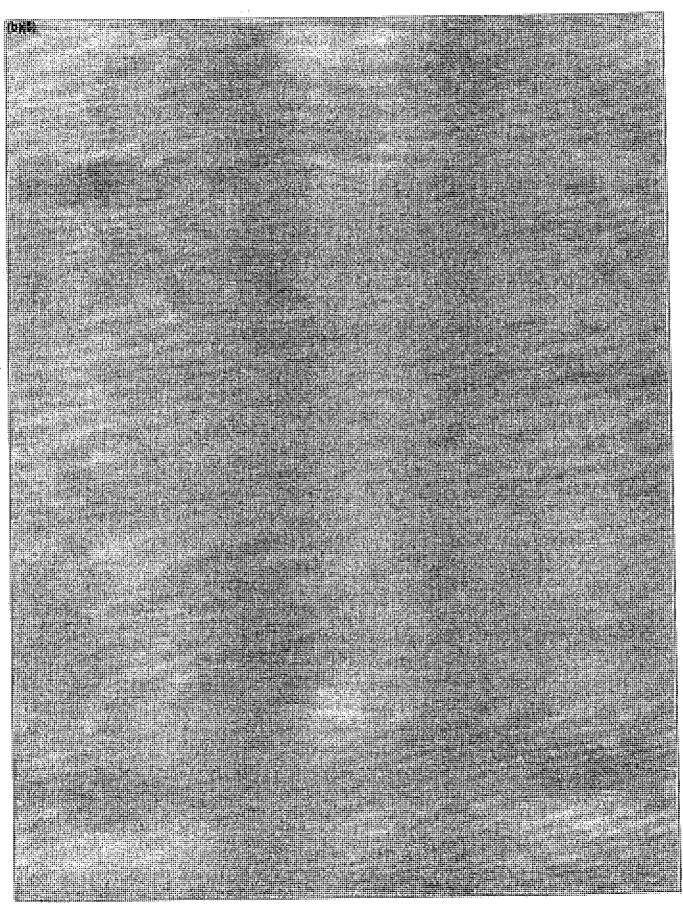
NSD ACLU Goodman 000033



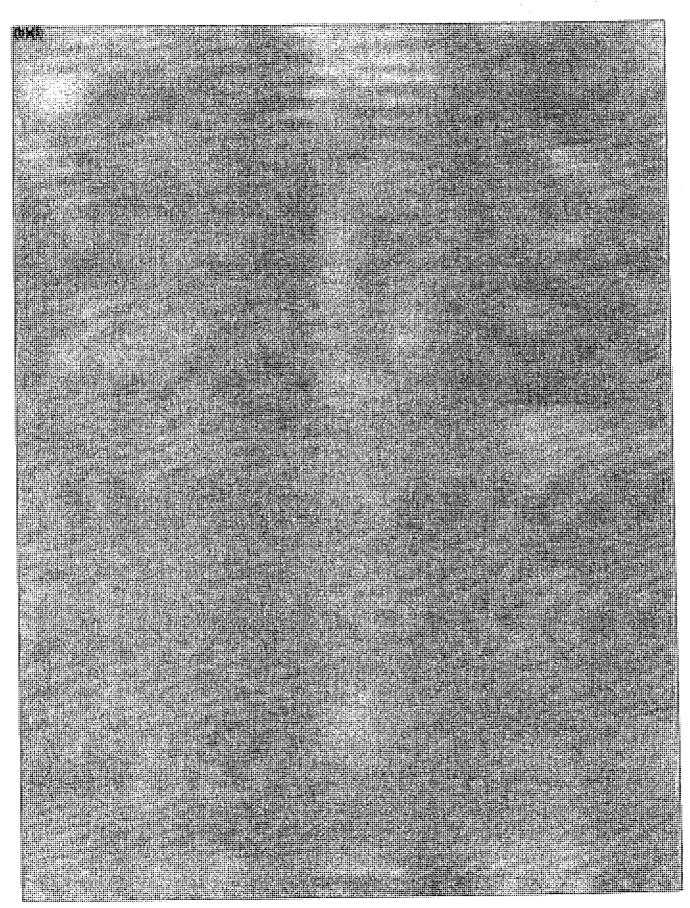
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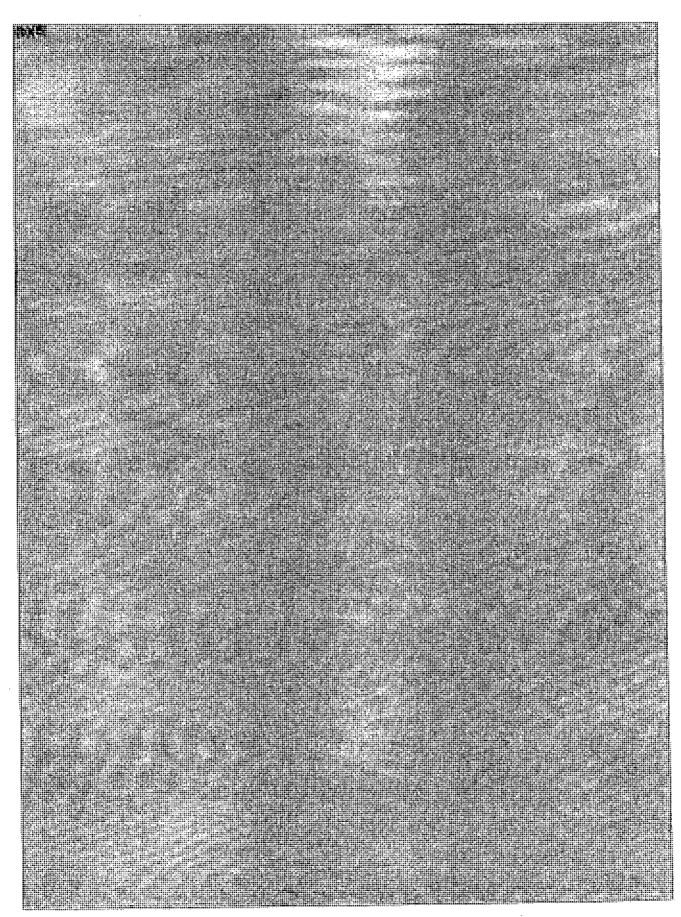
NSD ACLU Goodman 000035



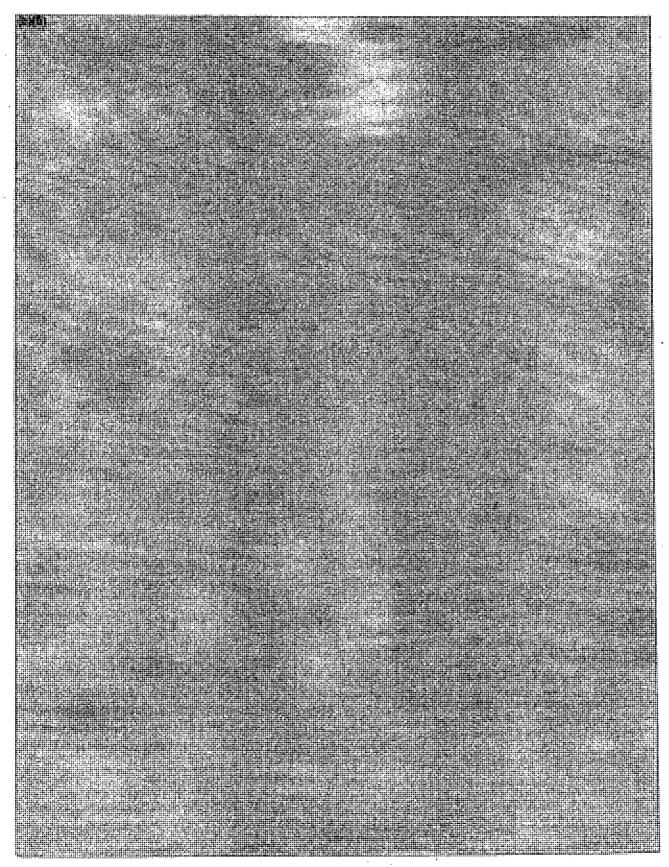
NSD ACLU Goodman 000036



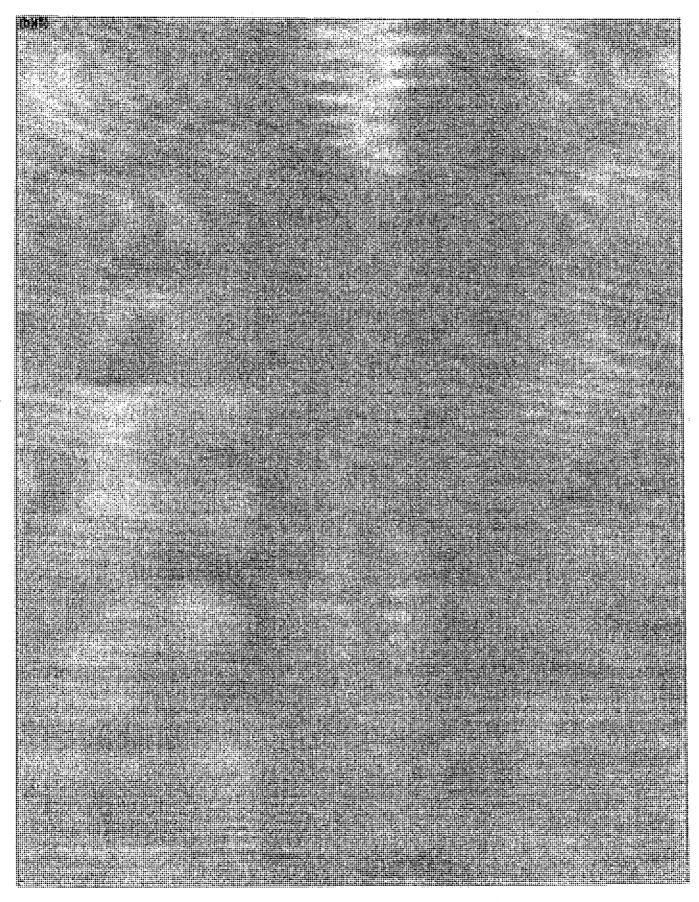
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NSD ACLU Goodman 000038



NSD ACLU Goodman 000039



NSD ACLU Goodman 000040

Wiegmann, Brad	(SMO)	
From:	(b)(6)	
Sent: To:	Tuesday, March 17, 2009 3:11 PM (b)(6) OSD-POLICY: Liotta, Alan, CIV, OSD-POLICY: (b)(6) (USAF) OSD POLICY: (b)(6)	
	(b)(6)	#****** 11 Pt 1/4 1/4 1/4
Cc: Subject:	Wiegmann, Brad FW: Initial List of Issues Requiring Study	
Attachments:	Task Group List of Issues for Further Study.doc	
W		
Task Group List of Issues for	for your information. Pls note the cautionary statements rel	atin
to dissemination	n of formal Task Force communications and work-product.	
(b)(6)		
8 - cm . (b)(6)	easage	
Sent: Tuesday, To: 'Decks, Ash (b)(6)	March 17, 2009 3:08 PM ley S'; Johnson, Jeh Charles, Hon, DoD OGC;	
(b)(6) Todd (NSD); (b)(6 (b)(6)	Barron, David; david.a.martin@dhs.gov; Hinnen, (b)(6)	
Cc: Wieomann. B	rad; (b)(6) HON, OSD-POLICY	
Members of the	Task Force on Detention Policy,	
intend to proce	ached the initial list of issues requiring study. We sed on the bases described herein, and we welcome your sents, input, or concerns.	•
	days. we will be sending follow-up memos to particular ose you designate in order to form the subgroups the attachment and schedule initial subgroup meetings.	
designated by members of the	correspondence is addressed solely to those who have been the Principals identified in Executive Order 13493 as Task Force. We have done this to establish clear lines on, and we ask that all formal communications and work	
product of the If you must sh	Task Force be channeled through the members themselves. are Task Force materials or correspondence with colleagues or department, we ask that you do so only on a asis and that you reproduce the CAUTION statement printed	
	Brad Wiegmann, and (b)(6)	
deliberative p	rmation contained in this message may be protected by the rocess, attorney/client, attorney work product, or other to not disseminate outside the Executive Branch without the Co-Chairs and Executive Secretary of the Task Force on .cv.	

NSD ACLU Goodman 000041

Detention Policy.

ient: 'o:	Frid Wie	rad (SMC) ay, March gmann, Br Refined L	20, 200 ad	9 2:46 PM wes	, e 1944 - 30 P						
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Wiegmar From: Sent: To:	nn. Brad (SMO) (b)(6) Friday, March 20, 20('Deeks, Ashley S'; 'jol (b)(6)(b)(7)(C)	09 6:13 PM hnsonj@dodg	c.osd.mil';	b)(6),(b)(7)(C)				, Janes e	
	(b)(6) ; Barron, David; 'david.a.martin@dhs.gov'; Hinnen, Todd (NSD); (b)(6) 'donoghueje@state.gov'; (b)(6) Wiegmann, Brad;								
Cc: Subject:	Refined List of Issuer		: :	·					
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Brad Wiegmann, and (b)(6)



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Wiegman		(b)(6)	
From:		the same comments that restricted to the same same same same same same same sam	**************************************
Sent:		Saturday, March 21, 2009 11:18 AM	
To: Cc:		Wiegmann, Brad	
uc: Bubject:		FW: Refined List of Issues (UNCLASSIFIED)	
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Attachmer	its:	Task Group Refined List of Issues.doc	
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Task Group R	efined		
List of Iss	 ലൂട്ടു	ification: UNCLASSIFIED	
Caveata:		* * * * * * * * * * * * * * * * * * * *	
		for your information. Given that we're still	
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decided.	this is a	a particularly sensitive document.	
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(b)(6) Brad Wiegmann, and (b)(6)

CAUTION: Information contained in this message may be protected by the deliberative process, attorney/client, attorney work product, or other privileges. Do not disseminate outside the Executive Branch without approval from the Co-Chairs and Executive Secretary of the Task Force on Detention Policy.

<<Task Group Refined List of Issues.doc>>

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Classification: UNCLASSIFIED

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Wiegman	n, Brad (SMO)					
Sent: To:	Monday, March 23, 2009 6:13 PM 'Deeks, Ashley S'; 'johnsonj@dodgc.osd.mil'; ((b)(6),(b)(7)(C)					
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		Barron, David; 'david.a.martin@dhs.gov'; Hinnen, Todd 'donoghueje@state.gov';				
-	(NSD); (b)(6) (b)(6)	DOUGHIDHARDSINE SON !				
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Co:	(b)(f)	the state of the s				
Subject:	Readahead Materials—Meeting of Task Force on Detention Policy, Mar 25, 2009, 3 p.m4 p.m.					
Attachme	nts: Task Force Refined List o	f Issues,doc				
Building, 9	950 Pennsylvania Ave, in Room	n will take place at the Main Department of Justice 6150, at 3 p.m (note change in location from last time). to arrange for badging into the Building (Visitor's				
Entrance	is on Constitution near the come	er of 10th and Constitution).				
several m	increhences from the version V	Refined List of Issues Requiring Study, which contains ou received on Mar 20th. If you have not already done onnel who will be serving on the TF Staff and/or in the Subgroups.				
Thanks.						
(b)(6)	, Brad Wiegmann, and (b)(6)				
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Task Force List of 1						

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Wiegmann, Brad (SMO)

From:

(b)(6)

Sent:

Thursday, April 02, 2009 4:04 PM

To:

Wiegmann, Brad

Subject:

FW: [Nationalsecuritylaw] more thoughts on the Bagram habeas ruling (UNCLASSIFIED)

Signed By:

Verifying the signature. Click the icon for details.

importance:

High

Classification: UNCLASSIFIED

Cayeats: 2000

Chesney on the Bagram habeas ruling.

----Original Message----

From: nationalsecuritylaw-bounces@lists.wfu.edu [mailto:nationalsecuritylaw-bounces@lists.wfu.edu] On Behalf Of Chesney,

Robert

Sent: Thursday, April 02, 2009 2:19 PM

To: nationalsecuritylawelists.wfu.edu

Subject: [Nationalsecuritylaw] more thoughts on the Bagram habeas ruling

Importance: High

More thoughts on Magaleh v. Gates

Having read through the opinion in more detail, I want to clarify a few things and to highlight a few additional points.

- 1. Magaleh extends habeas only to non-Afghan detainees captured outside Afghanistan who are then brought to Bagram. The decision turns on factors that are specific to Bagram and the detention review procedures used there, and hence does not directly control the result for detentions in other contexts.
- 2. The decision emphasizes that the result might have differed had there been a more robust detention acreening process (though it is worth bearing in mind that the combination of CSRT plus DTA review was deemed inadequate as to GTMO, so presumably this would not simply be a matter of adopting the CSRT rules alone at Bagram). Notably, Judge Bates states that his is not deciding that this subset of Bagram detainess ought to have access to counsel.
- 3. The opinion emphasizes that the right to habeas review need not attach immediately, but rather only after a reasonable period,
- 4. As to the one Afghan petition in this set, Judge Bates did not actually grant the government's motion to dismiss, even though he did conclude that Boumediene did not apply to him. Instead, Judge Bates called for further briefing on the argument that the jurisdiction-stripping language of the Military Commissions Act might "usurp Article III authority" in violation of United States v. Klein, an 1871 decision holding that Congress may not "prescribe rules of decision to the Judicial Department of the government in cases pending before it. " So watch for more action on this topic, possibly

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under the caption Wazir v. Gates (No. 06-1697).

5. Geography and the problem of national boundaries in the context of transnational conflicts: because the opinion places considerable weight on geography insofar as it suggests that habeas might not apply for persons captured in Afghanistan and then held at Bagram, the question arises whether and how any such zone of exemption ought to be defined with reference to the Afghan/Pakistan border region. This could be a point to watch for in other cases.

You may find the 53-page opinion here: https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2006cv1697-31

Classification: UNCLASSIFIED Caveats: TCCC

Wiegma	nn, Brad	(SMO)		
From: Sent: To: Subject: Attachments:		Wiegmann, Brad Monday, March 23, 2009 2:08 PM (b)(6),(b)(7)(C) FW: Refined List of Issues (UNCLASSIFIED)		
		Task Group Refined List of Issues.doc		
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Brad Wiegmann, and (b)(6)

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<<Task Group Refined List of Issues.doc>>

Classification: UNCLASSIFIED

Caveats: 7000

Classification: UNCLASSIFIED

Caveats: TOTO

Tracking:

Recipient (b)(6),(b)(7)(C)

Reed

Read: 3/23/2009 2:11 PM Read: 3/23/2009 2:17 PM