

From: Engel, Steve
Sent: Wednesday, September 27, 2006 10:22 PM
To: [REDACTED] 'Joel_D._Kaplan@who.eop.gov'
Subject: Fw: MYTH/FACT: Judicial Review Of Detainee Claims
Attachments: tmp.htm; 9.26.06 Myth-Fact.pdf

Final myth/fact

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

From: Roehrkasse, Brian
To: Bradbury, Steve; Moschella, William; Engel, Steve; Blake, Dave; Gerry, Brett
Sent: Wed Sep 27 08:17:44 2006
Subject: FW: MYTH/FACT: Judicial Review Of Detainee Claims

FYI -

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

From: Robert_W._Saliterman@who.eop.gov [mailto:Robert_W._Saliterman@who.eop.gov]
Sent: Tuesday, September 26, 2006 7:18 PM
To: Scolinos, Tasia; Roehrkasse, Brian; Dan_Bartlett@who.eop.gov; Kevin_F._Sullivan@who.eop.gov;
Dana_M._Perino@who.eop.gov; Tony_Fratto@who.eop.gov; Tony_Snow@who.eop.gov; Catherine_Martin@who.eop.gov;
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Jeanie_S._Mamo@who.eop.gov; Peter_S._Watkins@who.eop.gov; Alex_Conant@who.eop.gov;
Blair_C._Jones@who.eop.gov; David_Almacy@who.eop.gov; Trey_Bohn@who.eop.gov;
Nathan_L._Carleton@who.eop.gov; Amanda_K._Burdick@who.eop.gov; [REDACTED]
Candida_P._Wolff@who.eop.gov; Debbie_S._Fiddelke@who.eop.gov; LEA_A._MCBRIDE@ovp.eop.gov

Subject: FW: MYTH/FACT: Judicial Review Of Detainee Claims

FYI, this document was cleared by Staff Sec and sent to our Hill list.

From: White House Communications [mailto:WhiteHouseCommunications@whitehouse.gov]
Sent: Tuesday, September 26, 2006 7:17 PM
To: Saliterman, Robert W.
Subject: MYTH/FACT: Judicial Review Of Detainee Claims

Myth/Fact:

Judicial Review Of Detainee Claims

9/22/2009

MYTH: Detainees Are Denied Access To The Courts.

FACT: Current Law And The Pending Legislation Guarantee Detainees Access To Federal Courts As Well As Full And Fair Review Of Their Detention.

Ø Each Detainee At Guantanamo Is Guaranteed:

1. The right of access to the Federal courts to review whether he should be detained as an enemy combatant;
2. A second, guaranteed right to judicial review in U.S. Federal courts if he is convicted of war crimes; and
3. The right to an annual administrative review to determine whether he should be released.

FACT: The Procedures Are More Extensive Than Those Used By Any Other Nation In Any Previous Conflict To Determine Combat Detainee Status.

Ø The Process Is Modeled On Army Regulation 190-8, Which Justice O'Connor, Writing For The Supreme Court In The Hamdi Case, Indicated Would Be Ample Process Even For American Citizens Detained In This Country. The provisions establish an orderly and standardized review process that exceeds any previously used.

Ø Detained Enemies Have Never Before Been Allowed To Challenge In Domestic Courts Either Their Detention Or Their Conditions Of Confinement. Had these procedures been available to detainees during World War II, hundreds of thousands of captured German and Japanese soldiers would have been entitled to lawyers and hearings in Federal court.

FACT: Our Enemies Have Clogged Our Courts With Frivolous Litigation.

Ø There Are Approximately 195 Cases Pending Before Courts In Washington, DC, On Behalf Of Approximately 350 Guantanamo Detainees (Out Of Approximately 460 Total Detainees).

Ø Detainees Have Sought To Litigate Over:

- False claims that scorpions were present in prepared meals;
- Slow dial-up Internet access for their lawyers;
- Seeking access to DVDs, dictionaries, and English-language aids;

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More exercise time;

Faster mail delivery;

Access to video messages from their families; and

Access to medical exams by doctors of their own choosing.

Ø Suits Now Exist From Afghanistan And Iraq, As Well As Guantanamo Bay, Seeking Not Just Habeas Relief But Also Money Damages From Individual Soldiers.

9/22/2009

DOJ OLC 001357

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