

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
016	Email	Fw: Hamdan Legislation Package - To: Paul T. Haenle - From: Joel Kaplan	1	07/06/2006	P5;
019	Report	Effects of Hamdan's Determination	8	07/06/2006	P5;
020	Report	Legislative Options	8	07/05/2006	P5;
021	Draft	Enemy Combatant Military Commissions Act	10	07/05/2006	P5;
022	Briefing	Briefing to the Principles Committee	9	07/07/2006	P1/b1; P5;
023	Briefing	Action Plans	13	N.D.	P1/b1; P5;
024	Briefing	Elements of Presidential Statement	9	07/02/2006	P1/b1; P5;

COLLECTION TITLE:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
028	Q and A	[Q & A]	1	N.D.	P5;
029	Draft	Common Article 3	2	N.D.	P5;
032	Email	Legal Framework - To: @APNSA-NSC - From: John b. Weigmann	3	06/08/2006	P1/b1; P5;
032a	Q and A	U.S. Legal Framework	2	N.D.	P1/b1; P5;
033	Summary of Conclusions	Summary of Conclusions	1	07/03/2006	P1/b1; P5;
034	Booklet	[Manual]	1	N.D.	P1/b1;
035	Memorandum	FM Consultations - To: Distribution - From: Steve Cambone	1	06/27/2006	P1/b1; P5;

COLLECTION TITLE:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM: Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
036	List	End-Game Options	2	N.D.	P1/b1;
037	List	End-Game Options	1	N.D.	P1/b1;
038	Agenda	[Agenda]	1	N.D.	P1/b1;
038a	Report	Future	2	N.D.	P1/b1;
038b	Report	Transfer	1	N.D.	P1/b1;
038c	Briefing	Actions	1	N.D.	P1/b1;
038d	Briefing	Draft	2	N.D.	P1/b1;

COLLECTION TITLE:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
039	Memorandum	[Memorandum]	3	N.D.	P1/b1;
040	List	End-Game Options	2	N.D.	P1/b1;
041	Email	[Email] - To: Harriet Miers - From: WJ Haynes	1	06/16/2006	P5;
041a	Draft	Ideas for Engaging on War	5	N.D.	P5;
042a	Appendix	Appendix M	11	N.D.	P5;
044	Report	[Report]	2	N.D.	P1/b1; P5;
045	Email	RE: AP - U.S. Releases 14 Saudis - To: Christopher N. Camponovo - From: Paul T.Haenle	2	06/25/2006	P5; P6/b6;

COLLECTION TITLE:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
046	List	Principals Committee Meeting	1	04/13/2006	P1/b1; P5;

COLLECTION TITLE:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

15

Summary of Impact of Common Article 3 Issue

- The current policies of the Department of Defense are compatible with Common Article 3.
- Other activities under consideration are likely not compatible with Common Article 3.
- The War Crimes Act makes violations of Common Article 3 a war crime.
- Legislation would be required to limit or eliminate the application of Common Article 3 to the war on terror.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Fw: Hamdan Legislation Package - To: Paul T. Haenle - From: Joel Kaplan	1	07/06/2006	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

17
Principals Committee Meeting
Detainees
July 7, 2006
9:00 - 10:30 a.m.
Situation Room

Chair

Steve Hadley

WH

J.D. Crouch II

OVP

The Vice President

David Addington

NSC

Steve Slick

Michael Allen

Brad Wiegmann

State (SVTS/Offsite Location)

Secretary Condoleezza Rice

John Bellinger

Defense

Secretary Donald Rumsfeld

Stephen Cambone

Justice

Alberto Gonzales

Steve Bradbury

Chief of Staff

Joel Kaplan

DNI

John Negroponte

Benjamin Powell

WH Communications

No Representative

WH Counsel

Harriet Miers

CIA

GEN Michael Hayden

John Rizzo

JCS

ADM Edmund Giambastiani

LTG Victor Renuart

**UNITED STATES DEPARTMENT OF STATE
WASHINGTON, D.C.
OFFICE OF THE LEGAL ADVISER**



FAX COVER SHEET

DATE: July 5, 2006

TO: Steve Hadley, NSC

FAX: 202-456-9490

PHONE: 202-456-9111

FROM: Marianne Hata for
John B. Bellinger, III
Legal Adviser

tel. 202 647-9598

fax 202 647-7096

SUBJECT:

Please see the attached

Total: 2 pages, including cover sheet

THE WALL STREET JOURNAL

OPINION

WEDNESDAY, JULY 5, 2006

LETTERS TO THE EDITOR

U.S. Renditions of Terrorists Are Legal, Vital

Council of Europe Secretary General Terry Davis's June 27 editorial-page commentary, "Unlawful Rendition," suggests that renditions of terrorist suspects conducted by the U.S. are fundamentally different from the 1994 "capture" in Sudan by French authorities of Illich Ramirez Sanchez, also known as Carlos the Jackal, which subsequently was upheld by the European Commission on Human Rights. The U.S. government is well aware that Carlos was rendered in order to face criminal prosecution in France. The U.S. itself has rendered a number of suspected terrorists to stand trial in the U.S., including Ramzi Yousef, who helped plan the first attack on the World Trade Center, and Mir Aimal Kansi, who gunned down several officials in front of CIA headquarters in Langley, Va.

But renditions of suspects to stand trial are not the only situations in which renditions are appropriate. Renditions are an important way to transfer terrorist suspects to their home countries, or to countries where they can be questioned, held or brought to justice for their suspected terrorist acts or other crimes. Sometimes such transfers cannot be done through extraditions or other "standard" processes, either because an extradition treaty is not in place or because the formal extradition process is not feasible in a particular case.

The Council of Europe's Venice Commission, which Swiss Senator Dick Mar-

ty's recent report cites as the "European point of view," asserts that there are only four legal ways to transfer a prisoner to foreign authorities: deportation, extradition, transit, and transfer of a sentenced person to serve that sentence in his country of origin. Thus, under the Venice guidelines, even the French rendition of Carlos would have been improper.

We disagree with the Venice Commission's conclusion. As the European Commission on Human Rights found, renditions are not per se unlawful, though important principles must be protected. Renditions should not be used to transfer terrorist suspects to face torture, and the U.S. does not transport anyone, and will not transport anyone, for this purpose. We believe, however, that the international community must continue to be able to use renditions not only to bring terrorists to justice but also to prevent terrorist suspects from remaining at large to plan future attacks.

John B. Bellinger III
Legal Adviser
U.S. Department of State
Washington

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Effects of Hamdan's Determination	8	07/06/2006	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

20

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Legislative Options	8	07/05/2006	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Enemy Combatant Military Commissions Act	10	07/05/2006	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

22

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Briefing to the Principles Committee	9	07/07/2006	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Action Plans	13	N.D.	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Elements of Presidential Statement	9	07/02/2006	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001-[2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

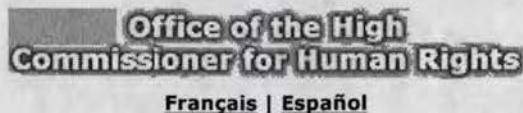
- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.



Geneva Convention relative to the Treatment of Prisoners of War

Adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August, 1949

entry into force 21 October 1950

PART I

GENERAL PROVISIONS

Article 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Article 2

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of **any other armed conflict which may arise between two or more of the High Contracting Parties**, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

In the case of **armed conflict not of an international character occurring in the territory of one of the High Contracting Parties**, each party to the conflict shall be bound to apply, as a minimum, **the following provisions:**

1. **Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.**

To this end the following acts are and shall remain prohibited at any time and in any place

whatsoever with respect to the above-mentioned persons:

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) Taking of hostages;

(c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;

(d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

1. Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.

2. Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfil the following conditions:

(a) That of being commanded by a person responsible for his subordinates;

(b) That of having a fixed distinctive sign recognizable at a distance;

(c) That of carrying arms openly;

(d) That of conducting their operations in accordance with the laws and customs of war.

3. Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

4. Persons who accompany the armed forces without actually being members thereof, such as

Heishman, Jane C (NSA-NSC)

Subject: 11:00-12:00pm Interrogation Program Envisioned by DoD w/Sec. Rice, D. Addington, J.D. Crouch, AG Gonzales, J. Bolton, B. Powell, Chairman Pace, Gen. Hayden, H. Miers, S. Cambone, P. Zelikow, J. Bellinger (SH's Office)

Start: Mon 6/26/2006 11:00 AM

End: Mon 6/26/2006 12:00 PM

Recurrence: (none)

Steve Hadley
 Sec. Rice
 J.D. Crouch
 David Addington
 AG Gonzales
 COS Bolton
 Ben Powell (for Amb. Negroponte)
 Chairman Pace
 Gen. Hayden
 Harriet Miers
 Steve Cambone
 Phil Zelikow
 John Bellinger
 Candi Wolff or Michael Allen

Stan Rosenberg

what is EIT?

"Enhanced Interrogation Techniques"
 (the 7 items Miller described).

UNCLASSIFIED

THE WHITE HOUSE
WASHINGTON

February 7, 2002

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Humane Treatment of al Qaeda and Taliban Detainees

1. Our recent extensive discussions regarding the status of al Qaeda and Taliban detainees confirm that the application of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (Geneva) to the conflict with al Qaeda and the Taliban involves complex legal questions. By its terms, Geneva applies to conflicts involving "High Contracting Parties," which can only be states. Moreover, it assumes the existence of "regular" armed forces fighting on behalf of states. However, the war against terrorism ushers in a new paradigm, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. Our Nation recognizes that this new paradigm -- ushered in not by us, but by terrorists -- requires new thinking in the law of war, but thinking that should nevertheless be consistent with the principles of Geneva.
2. Pursuant to my authority as Commander in Chief and Chief Executive of the United States, and relying on the opinion of the Department of Justice dated January 22, 2002, and on the legal opinion rendered by the Attorney General in his letter of February 1, 2002, I hereby determine as follows:
 - a. I accept the legal conclusion of the Department of Justice and determine that none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world because, among other reasons, al Qaeda is not a High Contracting Party to Geneva.
 - b. I accept the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva as between the United States and Afghanistan, but I decline to

NSC DECLASSIFICATION REVIEW [E.O. 12958 as amended]
DECLASSIFIED IN FULL ON 6/17/2004
by R.Soubers

Reason: 1.5 (d)
Declassify on: 02/07/12

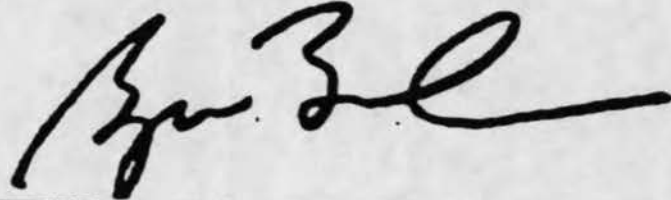
UNCLASSIFIED

UNCLASSIFIED

2

exercise that authority at this time. Accordingly, I determine that the provisions of Geneva will apply to our present conflict with the Taliban. I reserve the right to exercise this authority in this or future conflicts.

- c. I also accept the legal conclusion of the Department of Justice and determine that common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees, because, among other reasons, the relevant conflicts are international in scope and common Article 3 applies only to "armed conflict not of an international character."
 - d. Based on the facts supplied by the Department of Defense and the recommendation of the Department of Justice, I determine that the Taliban detainees are unlawful combatants and, therefore, do not qualify as prisoners of war under Article 4 of Geneva. I note that, because Geneva does not apply to our conflict with al Qaeda, al Qaeda detainees also do not qualify as prisoners of war.
3. Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment. Our Nation has been and will continue to be a strong supporter of Geneva and its principles. As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.
 4. The United States will hold states, organizations, and individuals who gain control of United States personnel responsible for treating such personnel humanely and consistent with applicable law.
 5. I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.
 6. I hereby direct the Secretary of State to communicate my determinations in an appropriate manner to our allies, and other countries and international organizations cooperating in the war against terrorism of global reach.



UNCLASSIFIED

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Q and A	[Q & A]	1	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Common Article 3	2	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) taking of hostages;
 - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
 - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

- (1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces.

Haenle, Paul T.

To: Bartlett, Dan

Subject: RE:

From: Bartlett, Dan

Paul, can you please share with steve the following take on today's la times story re geneva and the army field manual. he was unclear how critics would use the recently passed McCain legislation in this context.

And so the Cheney-Rumsfeld combo strikes again. The McCain Amendment, we find out, as if we didn't already know, was irrelevant. We thought we still lived in a constitutional democracy where the Congress regulates the rules of war, as specified in the Constitution itself. No longer. Bush's signing statement on the McCain Amendment was the first signal. Now we have the second. The new version of the Army Feld Manual will maintain the removal of any reference to the basic Article 3 in the Geneva Conventions with respect to military detainees. There had been an attempt to reinstate it, on the delusion that we still live in a country where the executive enforces the rule of law. But it was foiled by the usual suspects:

The move to restore U.S. adherence to Article 3 was opposed by officials from Vice President Dick Cheney's office and by the Pentagon's intelligence arm, government sources said. David S. Addington, Cheney's chief of staff, and Stephen A. Cambone, Defense undersecretary for intelligence, said it would restrict the United States' ability to question detainees.

The Pentagon tried to satisfy some of the military lawyers' concerns by including some protections of Article 3 in the new policy, most notably a ban on inhumane treatment, but refused to embrace the actual Geneva standard in the directive it planned to issue.

The military lawyers, known as judge advocates general, or JAGs, have concluded that they will have to wait for a new administration before mounting another push to link Pentagon policy to the standards of Geneva.

Can you believe what you're reading? This is not some tight exclusion for a handful of CIA officials to torture detainees. This is a *carte blanche* for the military as a whole. The argument is the same that we have always had:

But top administration officials contend that after the Sept. 11 attacks, old customs do not apply, especially to a fight against terrorists or insurgents who never play by the rules. "The overall thinking," said the participant familiar with the defense debate, "is that they need the flexibility to apply cruel techniques if military necessity requires it."

The United States is a rogue nation that practices torture and detainee abuse and does not follow the most basic principles of the Geneva Conventions. It is inviolation of human rights agreements and the U.N. Convention against torture. It is legitimizing torture by every disgusting regime on the planet. This is a policy mandated by the president and his closest advisers. This is the signal being sent from the commander-in-chief to his troops: your enemy can be treated beyond the boundaries of what the U.S. has always abided by. When you next read of an atrocity of war-crime or victim of torture by the U.S., just keep in mind who made this possible. Keep your eyes not just on the troops but on the people giving them the orders. My column on Bush's responsibility can be read [here](#).

6/5/2006



Los Angeles Times
latimes.com



<http://www.latimes.com/news/nationworld/nation/la-na-torture5jun05,0,7975161.story?coll=la-home-headlines>

From the Los Angeles Times

Army Manual to Skip Geneva Detainee Rule

The Pentagon's move to omit a ban on prisoner humiliation from the basic guide to soldier conduct faces strong State Dept. opposition.

By Julian E. Barnes
Times Staff Writer

June 5, 2006

WASHINGTON — The Pentagon has decided to omit from new detainee policies a key tenet of the Geneva Convention that explicitly bans "humiliating and degrading treatment," according to knowledgeable military officials, a step that would mark a further, potentially permanent, shift away from strict adherence to international human rights standards.

The decision could culminate a lengthy debate within the Defense Department but will not become final until the Pentagon makes new guidelines public, a step that has been delayed. However, the State Department fiercely opposes the military's decision to exclude Geneva Convention protections and has been pushing for the Pentagon and White House to reconsider, the Defense Department officials acknowledged.

For more than a year, the Pentagon has been redrawing its policies on detainees, and intends to issue a new Army Field Manual on interrogation, which, along with accompanying directives, represents core instructions to U.S. soldiers worldwide.

The process has been beset by debate and controversy, and the decision to omit Geneva protections from a principal directive comes at a time of growing worldwide criticism of U.S. detention practices and the conduct of American forces in Iraq.

The directive on interrogation, a senior defense official said, is being rewritten to create safeguards so that all detainees are treated humanely but can still be questioned effectively.

President Bush's critics and supporters have debated whether it is possible to prove a direct link between administration declarations that it will not be bound by Geneva and events such as the abuses at Abu Ghraib or the killings of Iraqi civilians last year in Haditha, allegedly by Marines.

But the exclusion of the Geneva provisions may make it more difficult for the administration to portray such incidents as aberrations. And it undercuts contentions that U.S. forces follow the strictest, most broadly accepted standards when fighting wars.

"The rest of the world is completely convinced that we are busy torturing people," said Oona A. Hathaway, an expert in international law at Yale Law School. "Whether that is true or not, the fact we keep refusing to provide these protections in our formal directives puts a lot of fuel on the fire."

The detainee directive was due to be released in late April along with the Army Field Manual on interrogation. But objections from several senators on other Field Manual issues forced a delay. The senators objected to provisions allowing harsher interrogation techniques for those considered unlawful combatants, such as suspected terrorists, as opposed to traditional prisoners of war.

The lawmakers say that differing standards of treatment allowed by the Field Manual would violate a broadly supported anti-torture measure advanced by Sen. John McCain (R-Ariz.). McCain last year pushed Congress to ban torture and cruel treatment and to establish the Army Field Manual as the standard for treatment of all detainees. Despite administration opposition, the measure passed and became law.

For decades, it had been the official policy of the U.S. military to follow the minimum standards for treating all detainees as laid out in the Geneva Convention. But, in 2002, Bush suspended portions of the Geneva Convention for captured Al Qaeda and Taliban fighters. Bush's order superseded military policy at the time, touching off a wide debate over U.S. obligations under the Geneva accord, a debate that intensified after reports of detainee abuses at Guantanamo Bay, Cuba, and at Iraq's Abu Ghraib prison.

Among the directives being rewritten following Bush's 2002 order is one governing U.S. detention operations. Military lawyers and other defense officials wanted the redrawn version of the document known as DoD Directive 2310, to again embrace Common Article 3 of the Geneva Convention.

That provision — known as a "common" article because it is part of each of the four Geneva pacts approved in 1949 — bans torture and cruel treatment. Unlike other Geneva provisions, Article 3 covers all detainees — whether they are held as unlawful combatants or traditional prisoners of war. The protections for detainees in Article 3 go beyond the McCain amendment by specifically prohibiting humiliation, treatment that falls short of cruelty or torture. //✓

The move to restore U.S. adherence to Article 3 was opposed by officials from Vice President Dick Cheney's office and by the Pentagon's intelligence arm, government sources said. David S. Addington, Cheney's chief of staff, and Stephen A. Cambone, Defense undersecretary for intelligence, said it would restrict the United States' ability to question detainees.

The Pentagon tried to satisfy some of the military lawyers' concerns by including some protections of Article 3 in the new policy, most notably a ban on inhumane treatment, but refused to embrace the actual Geneva standard in the directive it planned to issue.

The military lawyers, known as judge advocates general, or JAGs, have concluded that they will have to wait for a new administration before mounting another push to link Pentagon policy to the standards of Geneva.

"The JAGs came to the conclusion that this was the best they can get," said one participant familiar with the Defense Department debate who spoke on condition of anonymity because of the protracted controversy. "But it was a massive mistake to have withdrawn from Geneva. By backing away, you weaken the proposition that this is the baseline provision that is binding to all nations."

Derek P. Jinks, an assistant professor at the University of Texas School of Law and the author of a forthcoming book on Geneva called "The Rules of War," said the decision to remove the Geneva reference from the directive showed the administration still intended to push the envelope on

interrogation.

"We are walking the line on the prohibition on cruel treatment," Jinks said. "But are we really in search of the boundary between the cruel and the acceptable?"

The military has long applied Article 3 to conflicts — including civil wars — using it as a minimum standard of conduct, even during peacekeeping operations. The old version of the U.S. directive on detainees says the military will "comply with the principles, spirit and intent" of the Geneva Convention.

But top Pentagon officials now believe common Article 3 creates an "unintentional sanctuary" that could allow Al Qaeda members to keep information from interrogators.

"As much as possible, the foundation is Common Article 3. That is the foundation," the senior official said, speaking on condition of anonymity because the new policies had not been made public. "But there are certain things unlawful combatants are not entitled to."

Another defense official said that Article 3 prohibitions against "outrages upon personal dignity, in particular humiliating and degrading treatment" could be interpreted as banning well-honed interrogation techniques.

Many intelligence soldiers consider questioning the manhood of male prisoners to be an effective and humane technique. Suggesting to a suspected insurgent that he is "not man enough" to have set an improvised explosive device sometimes elicits a full description of how they emplaced the bomb, soldiers say.

The Pentagon worries that if Article 3 were incorporated in the directive, detainees could use it to argue in U.S. courts that such techniques violate their personal dignity.

"Who is to say what is humiliating for Sheikh Abdullah or Sheikh Muhammad?" the second official asked. "If you punch the buttons of a Muslim male, are you at odds with the Geneva Convention?"

Military officials also worry that following Article 3 could force them to end the practice of segregating prisoners. The military says that there is nothing inhumane about putting detainees in solitary confinement, and that it allows inmates to be questioned without coordinating their stories with others.

Human rights groups have their doubts, saying that isolating people for months at a time leads to mental breakdowns.

"Sometimes these things sound benign, but there is a reason they have been prohibited," said Jumana Musa, an advocacy director for Amnesty International. "When you talk about putting people in isolation for eight months, 14 months, it leads to mental degradation."

Jinks, of the University of Texas, contends that Article 3 does not prohibit some of the things the military says it wants to do. "If the practice is humane, there is nothing to worry about," he said.

Defense officials said the State Department and other agencies had argued that adopting Article 3 would put the U.S. government on more solid "moral footing," and make U.S. policies easier to defend abroad.

Some State Department officials have told the Pentagon that incorporating Geneva into the new directive would show American allies that the American military is following "common standards" rather than making up its own rules. Department officials declined to comment for this article about the directive or their discussions with the Pentagon.

Common Article 3 was originally written to cover civil wars, when one side of the conflict was not a state and therefore could not have signed the Geneva Convention.

In his February 2002 order, Bush wrote that he determined that "Common Article 3 of Geneva does not apply to either Al Qaeda or Taliban detainees, because, among other reasons, the relevant conflicts are international in scope and Common Article 3 applies only to 'armed conflict not of an international character.'"

Some legal scholars say Bush's interpretation is far too narrow. Article 3 was intended to apply to all wars as a sort of minimum set of standards, and that is how Geneva is customarily interpreted, they say.

But top administration officials contend that after the Sept. 11 attacks, old customs do not apply, especially to a fight against terrorists or insurgents who never play by the rules.

"The overall thinking," said the participant familiar with the defense debate, "is that they need the flexibility to apply cruel techniques if military necessity requires it."

If you want other stories on this topic, search the Archives at latimes.com/archives.

TMSReprints

Article licensing and reprint options

Copyright 2006 Los Angeles Times | [Privacy Policy](#) | [Terms of Service](#)
[Home Delivery](#) | [Advertise](#) | [Archives](#) | [Contact](#) | [Site Map](#) | [Help](#)

PARTNERS:



Along with the crackdown, officials encouraged farmers and ranchers to legally hire Mexican temporary workers called braceros. As new rules made it easier to hire braceros, the number of these legal workers doubled to more than 400,000 at the same time illegal immigration was plummeting.

"We wanted people to come in the front door, not the back door," Brandemuehl says. The agents' job became simpler not only because there were fewer Mexicans to catch but also because there was more help from American employers. Once farmers and ranchers could legally get the workers they needed, they were more willing to cooperate with agents tracking down illegal immigrants.

Unfortunately, though, Congress started shutting the front door. The bracero program became controversial, partly because American labor unions objected to the competition and partly because of concerns that Mexicans were being exploited. Some of the complaints were legitimate, but Congress's response didn't leave immigrants any better off.

They ended up with even fewer rights because they were working illegally after the bracero program was restricted in 1960 and then eliminated four years later. As the number of legal workers entering from Mexico dropped during the 1960's, the number of illegal immigrants shot back up, and kept increasing after new limits were placed on other visas available to Mexicans in 1968.

The border has been out of control ever since, even though the number of agents has grown to 11,000. "Tough enforcement alone can't work unless you allow more people in legally," says Stuart Anderson of the National Foundation for American Policy, who has studied the impact of the bracero program.

Today President Bush and the Senate are trying to apply that lesson by expanding the number of legal immigrants and temporary workers. These visiting workers would have more rights than braceros, which is why the reforms are supported by the United Farm Workers and other unions.

But Republicans in the House are resisting. They say they won't expand legal opportunities until the

border is first secured — which will never happen if they have their way.

In 1958, a high-ranking immigration official named James Hennessy was quizzed by a House committee about his agency's success in controlling the border. He said it was due in large part to the increase in legal immigration. When he was asked how his agents would control the border if the bracero program ended, he gave a prescient reply that's more relevant than ever today:

"We can't do the impossible, Mr. Congressman."

NEW YORK TIMES EDITORIAL

Degrading America's Image

For more than seven decades, civilized nations have adhered to minimum standards of decent behavior toward prisoners of war — agreed to in the Geneva Conventions. They were respected by 12 presidents and generations of military leaders because they reflected this nation's principles and gave Americans some protection if they were captured in wartime.

It took the Bush administration to make the world doubt Washington's fidelity to the rules. And The Los Angeles Times, reporting yesterday on a dispute over updating the Army rulebook known as the Field Manual, reminded us that there is good reason to worry.

At issue is Directive 2310 on the treatment and questioning of prisoners, an annex to the Field Manual. It has long contained a reference to Article 3 of the Geneva Conventions, which covers all prisoners, whether they meet the common definition of prisoners of war or are the sort of prisoners the administration classifies as "unlawful enemy combatants," like suspected members of the Taliban or Al Qaeda.

Article 3 prohibits the use of torture and other overt acts of violence. But Mr. Bush's civilian lawyers removed it from the military rulebook over the objections of diplomats and military lawyers. Mr. Bush has said he does not condone torture, but he has also said he would decide for himself when to follow the ban on torture imposed by Congress last year. Removing the Geneva

Deirdre, Geraldine, Kathryn and Michael Fitzsimmons. "We believe that the refusal by the British government to open a dialogue with the kidnappers cost our sister her life."

In an interview with the BBC on Monday, Deirdre Fitzsimmons said that the last phone calls were made on Nov. 7, and that Mr. Hassan was essentially left on his own by an unhelpful British government.

"I don't think he knew what to do," she said. "He did the best he could. After all, this was a man in a house on his own, his wife had been taken hostage, he had seen terrible videos of her. He was really left on his own with this advice."

A spokeswoman for the British Embassy in Baghdad said: "Our thoughts are with her family."

Typical of the breakdown in the capital, confusion prevailed late into the evening in Salheya, where the 24 people were taken Monday. The head of the commandos said his forces had not been in the area, but an official in the Interior Ministry said that a special police unit, possibly from the Ministry of Transportation, might have conducted the raid.

One witness, who runs the Tiger Bus Company, said the armed men blindfolded the people they were leading away and fastened their hands with plastic ties.

"I knew that if they will take me, that means I am dead," said the man who asked that his name not be used out of safety concerns. "We knew this was the end. We ran out the back."

In other violence, Iraqi television reported that one Italian soldier had been killed and three others wounded by a bomb in southern Iraq. Two students were killed in the southern neighborhood of Dawra, part of a spate of recent killings of students, an Interior Ministry official said. Reuters reported that 11 students had been killed.

"There is no logic," said a young woman who works as a secretary in a government office. "It is killing just for killing now."

NEW YORK TIMES EDITORIAL

Securing the Border (Again)

By JOHN TIERNEY

President Bush heads to New Mexico today to visit his new favorite school, the Border Patrol Academy. He wants it to train thousands more federal agents, but they'll make little difference unless Bush can teach Republicans the lesson learned by agents like Buck Brandemuehl a half century ago — the last time anyone could seriously claim the border was under control.

In the 1950's, federal agents were initially overwhelmed by waves of Mexican farmworkers illegally crossing the border. The number of immigrants apprehended surpassed half a million in 1951 and was approaching 900,000 in 1953, a level roughly comparable to the situation now.

Back then there were fewer than 2,000 federal agents patrolling the borders, less than a fifth the size of today's force. But within two years, the flow of illegal immigrants declined so drastically that the immigration service declared in its 1955 annual report, "The border has been secured."

And it stayed that way the rest of the decade. The number of immigrants caught kept dropping until it reached 45,000 in 1959 — a decline of 95 percent in just six years.

"We really had to scratch for illegals," recalls Brandemuehl, who worked along the New Mexico border in the late 1950's. "We'd do traffic checks and freight-train checks, but we weren't apprehending many people. We'd go camp on the border and look for tracks, but in 30 days you might apprehend only 15 or 20 people, and a lot of them weren't even farmworkers. They were criminals sneaking back and forth to rob ranchers."

What stopped the farmworkers from sneaking across? It wasn't simply the get-tough measures that Republicans are calling for today. Although federal agents did intensify their efforts, conducting sweeps of farms and ranches, immigration officials realized that stricter enforcement wasn't enough.

Conventions from Army regulations gives the world more cause for doubt.

Article 3 also prohibits "outrages on personal dignity, in particular, humiliating and degrading treatment." (Remember the hooded man, the pyramids of naked prisoners?) The Pentagon says the new rules require humane treatment, but that is not much comfort, since the Bush team has shown that it does not define humane treatment the way most people do.

There are other aspects of Article 3 that this administration probably finds inconvenient, like its requirement that governments holding prisoners subject them to actual courts "affording all the judicial guarantees which are recognized as indispensable by civilized peoples." The hearings at Guantánamo Bay hardly meet that description.

It defies belief that this administration is still clinging to its benighted policies on prisoners after the horrors of Abu Ghraib, the killings at American camps in Afghanistan and the world's fresh outrage over what appears to have been the massacre of Iraqi men, women and children in the village of Haditha.

NEW YORK TIMES EDITORIAL

Protect New York, but Don't Blame Omaha

By BOB KERREY

AFTER learning last week that the Department of Homeland Security had cut 40 percent from New York City's grant to prepare for terrorist or natural disasters, New Yorkers let their anger be known. In addition to asking sharp questions of the federal government's illogical decision, many focused on why small cities like Omaha were given substantial increases.

Though I now live in New York, I was born and raised in Nebraska and spent much of my adult life there. I was also in Omaha the day after the grants were announced.

It was an uncomfortable moment.

Not content to question the flaws in the department's formula and peer review process, some New Yorkers went on a verbal rampage

against Omaha. No doubt this helped sell newspapers and generated a lot of laughter.

That, however, did not bolster either New York's reputation or the ability of its Congressional delegation to reverse this error. For whatever else New Yorkers might think or believe about these "hayseeds" who live in a state where "cows outnumber people," as one newspaper scoffed, I promise you that Nebraskans have very good memories.

However, good memories also mean that Nebraskans are likely to remember how they felt after the 9/11 attacks. They are also likely to remember the 1993 World Trade Center bombing. Thus, they are likely to get over these insults and agree that New York City is a primary target for terrorists.

The evidence for this conclusion is overwhelming. It is also the reason those of us who live in the city reacted in horror when the grants were announced. We want to know why our emergency responders are getting less money this year than they received last year. As we wait for those answers, it's important that we make clear what needs to be done.

First, we must indicate we are willing to pay more for our security. Large federal deficits — caused by tax cuts, the Afghanistan and Iraq wars and rising federal health spending — are leaving too little money for domestic security. And, if the total amount allocated to solve this problem is too small and if the risk of that problem exists in all 50 states, then New Yorkers (and all Americans) should agitate for substantial changes in formula levels.

Second, New Yorkers should refuse to contribute to a Congressional candidate who comes to Manhattan for a fund-raiser unless he or she supports the homeland financing levels requested by Mayor Mike Bloomberg. Don't accept maybe. If candidates can't give us a direct "yes," then they should go elsewhere.

New Yorkers already ship \$1.25 to the federal government for every dollar we receive in return. We're not asking for a handout. We just want Washington to give us what we need to keep the city safe.

3

Third, some funds to defend New York City should be included in the annual defense authorization bill. One reason our grant request was reduced is that we asked for money to cover continuing operations. Homeland grants are not for this purpose. Better for us, then, to try to get these expenses covered in the defense budget.

The impressive collaboration between New York City and federal agencies since 9/11 has made the city safer and better prepared for the next disaster. It has also made it more likely that Washington understands that New Yorkers are shouldering a disproportionate burden for keeping the nation safe. This realization should make it easier to fold some of our expenses into the defense bill.

It's worth noting that the nation's second most vulnerable city — Washington — is already defended primarily with federal dollars. It is, therefore, reasonable for us to request the same.

If we ask for the right thing respectfully and relentlessly, I believe we can get what we need from the Congress and the Department of Homeland Security. People in Omaha may think we're a little rude — but they also know that we're right.

Bob Kerrey, president of New School University, was a Democratic senator from Nebraska from 1989 to 2001 and a member of the 9/11 commission.

WASHINGTON TIMES

Jailing of Darfur refugees spurs moral issue for Israel

By Joshua Mitnick

TEL AVIV -- More than 200 refugees from Darfur and southern Sudan are languishing in Israeli prisons after illegally slipping into the country from the Sinai desert, creating a moral quandary for a nation made up of refugees and victims of Holocaust-era persecution.

"I don't know who is going to help me," said Jackson, a 27-year-old Sudanese refugee who used a pseudonym as he spoke by telephone from his cell at the Masiyahu prison in Ramle.

Jackson has been held without judicial review since he was picked up by border police after

crossing from Egypt 11 months ago. He said representatives of the U.N. High Commissioner for Refugees (UNHCR) have visited him several times, but say they can't do much for him because of the hostile relations between Sudan and Israel.

"They said, 'We are going to look for a solution,' but we don't know when. I don't want to come to Israel for a job; I'm asking for humanitarian help."

There are about 230 refugees like Jackson in Israeli jails, according to the Hotline for Migrant Workers, an advocacy group, which has appealed the case to the Supreme Court.

The government says it has no choice but to imprison illegal immigrants from an enemy country.

"If you illegally enter a country, you can expect to be incarcerated. We are talking about enemy nationals who have come here illegally," said Foreign Ministry spokesman Mark Regev.

"We are working closely with UNHCR to find solutions. Our choices are limited. We are trying as expeditiously as possible to find humanitarian solutions. No one wants to prolong these people's incarceration."

But Israeli and American Jewish human rights advocates think the government should release the refugees until their applications for political asylum are heard. They argue that given the Jews' history of persecution, Israel of all countries should be sensitive to their plight.

"It's both a legal and a moral issue," said Larry Garber, executive director of the New Israel Fund. "We appreciate the relationship between our history and the numbers of times that the Jews were refugees from various countries."

Other human rights advocates say Israel should remember that Britain took in Jewish refugees fleeing Germany during World War II, even though the two countries were at war.

Mr. Regev took umbrage when asked about the World War II comparison. "We are not sending anyone back to Darfur," he said, adding that he was the child of Holocaust survivors.

Jackson said he was 11 years old when he and his younger brother were abducted from their home in southern Sudan by Arab militants who killed his parents.

After seven years in captivity, they escaped to Khartoum. But with violence on the rise, they rode camels through the desert to escape to Egypt. Facing discrimination and unemployment in Egypt, Jackson decided to sneak into Israel with

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Legal Framework - To: @APNSA-NSC - From: John b. Weigmann	3	06/08/2006	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Q and A	U.S. Legal Framework	2	N.D.	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Summary of Conclusions	Summary of Conclusions	1	07/03/2006	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Booklet	[Manual]	1	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	FM Consultations - To: Distribution - From: Steve Cambone	1	06/27/2006	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
List	End-Game Options	2	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
List	End-Game Options	1	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Agenda	[Agenda]	1	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Future	2	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

B

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	Transfer	1	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:**RESTRICTION CODES****Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Actions	1	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Briefing	Draft	2	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	[Memorandum]	3	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Principals Committee Meeting
Intelligence Programs
May 26, 2006
10:15 - 11:00 a.m.
Situation Room

Chair

Steve Hadley

OVP

David Addington

State

Secretary Condoleezza Rice
John Bellinger

Defense

Secretary Donald Rumsfeld
Stephen Cambone

Justice

Alberto Gonzales
Steve Bradbury

Chief of Staff

Joel Kaplan

DNI

John Negroponte
David Shedd

WH Counsel

Harriet Miers

CIA

VADM Albert Calland
John Rizzo

JCS

Gen Peter Pace

WH

J.D. Crouch II

NSC

Steve Slick
Brad Wiegmann

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
List	End-Game Options	2	N.D.	P1/b1;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	[Email] - To: Harriet Miers - From: WJ Haynes	1	06/16/2006	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:**RESTRICTION CODES****Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Ideas for Engaging on War	5	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM: Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.



ER SECRETARY OF DEFENSE FOR INTELLIGENCE

DATE 6/26/06

MEMO FOR

J. D. Crouch

Attached is the current
draft of the appendix on
"Separation." It is FOUO.

It is all that remains
of the classified Appendix M

4

11:00 Meeting
on DoD
Field Manual.



To: Dr. Crouch

Fax: (202) 456-9490

Pages: 11 + Cover

From: Dr. Cambone / ~~4~~

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Appendix	Appendix M	11	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

MAV 9. 2006 6:05AM

VO. 2445 P. 2/3

United States Senate
WASHINGTON, DC 20510

May 9, 2006

VIA FACSIMILE

The Honorable Gordon England
Deputy Secretary
Department of Defense
The Pentagon, Room 3E944
Washington, D.C. 20301-3010

Re: Army Field Manual on Intelligence Interrogation

Dear Mr. Secretary:

Thank you for discussing with us the Army Field Manual on Intelligence Interrogation. We appreciate your hard work on this issue.

As you noted, there are some difficult issues to resolve before the Field Manual is released. To the extent that the Department seeks our endorsement or approval we will, as you can understand, need to see the document itself – including the entire list of interrogation techniques, both unclassified and classified. Therefore, we respectfully request a briefing on the substantive contents of the Field Manual, to include all techniques, as well as a copy of the Manual.

Classification Approach

As to which, if any portions, of the Manual to classify, we suggest the following guiding principles. First, there should be an unclassified listing of interrogation techniques. Second, that list should reflect the full range of options available to covered interrogators. And, finally, insofar as there should be a classified annex, specific details as to how those techniques must be employed should remain classified. In determining how the unclassified list should be formulated, one should probably consider listing those techniques only to a degree of specificity required to maintain tactical advantage. We submit that the tactical disadvantage of listing techniques does not flow from the mere listing of those techniques *per se*. It flows from publicizing details as to how those techniques would likely be implemented. Therefore, broadly describing interrogation techniques in the unclassified annex while keeping specific details classified has the benefit of maintaining significant uncertainty—how techniques are implemented, for how long, to what degree, etc. In addition, it may help to disabuse the public of the notion that certain coercive techniques are included in a classified annex. While some tactical advantage may be lost by removing a level of uncertainty, our enemies will not have the specific enough information to defeat or overcome interrogation techniques. For example, in



Army Field Manual 34-52, listing the "Pride and Ego-Down Approach" in the unclassified annex would not disclose, by itself, the specific details governing the interrogation of a detainee and would not give the tactical advantage to our enemy on how to overcome this interrogation technique.

Two Sets of Techniques

We have an additional concern beyond the issue of classification, however. The point of the legislation passed last year was to establish the Field Manual as the uniform standard for the interrogation of enemy detainees — even if part of the FM is classified. But it now appears that the Department has effectively developed two different sets of techniques — one that can be used to interrogate anyone, and another set for use only with "special" detainees. It is unclear why there are two separate sets of techniques.

By creating two regimes, the Department runs the risk that, once again, the more coercive techniques will be seen as the "serious" ones, and that their exercise will migrate into more general use. This is problematic. Separate and distinct lists of techniques will only encourage confusion among those who handle detainees. The legislation called for a uniform standard for the interrogation of all detainees in DOD custody — and we believe this requires one list.

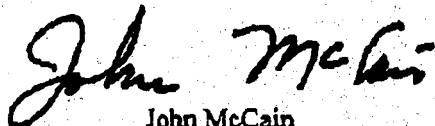
Also problematic is the process for acquiring authorization to use these techniques. We understand that their use requires authorization by a commander, but without knowing precisely how coercive these techniques are, this may be an insufficient level of responsibility. The process by which authorization for the use of the most coercive techniques is sought and granted should ensure that decisions about which activities are lawful are not left to the lower levels of command. We would like to request a briefing on the specific ways in which such a process would take place.

Allies and NGOs

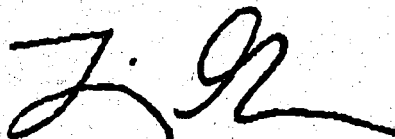
We believe that it would be of great help diplomatically to brief the new Field Manual to our NATO allies, consistent with our national security requirements. We need to move toward multilateral support for our detention and interrogation policy, both by revamping the policy itself (as the Department is currently doing with the FM) and by reaching out to our partners. We also suggest briefing other coalition partners — such diplomacy is fully worth the extra week or two it might require — perhaps the ICRC, and possibly even selected human rights groups.

Thank you again for your hard work on this issue and your consideration of these concerns.

Sincerely,



John McCain
United States Senate



Lindsey Graham
United States Senate

JOHN WARNER, VIRGINIA, CHAIRMAN

JOHN MCCAIN, ARIZONA
JAMES M. COOPER, OKLAHOMA
PAT ROBERTS, KANSAS
JEFF SESSIONS, ALABAMA
LIMAN H. COLLINS, MAINE
JOHN ERSER, NEWYORK
JAMES M. TALANT, MISSOURI
SANTY CHANDLER, GEORGIA
LINDSEY O. GRAMM, SOUTH CAROLINA
ELIZABETH COLE, NORTH CAROLINA
JOHN CORNYN, TEXAS
JOHN THUNE, SOUTH DAKOTA

CARL LEVIN, MICHIGAN
EDWARD M. KENNEDY, MASSACHUSETTS
ROBERT C. BYRD, WEST VIRGINIA
JACK REED, CONNECTICUT
DAVID E. ARKAKA, KANSAS
DELL HARRISON, FLORIDA
E. BULLHORN HILSON, MINNESOTA
MARK DAYTON, MINNESOTA
EVAN BAYH, INDIANA
MILLANT RODHAM CLINTON, NEW YORK

CHARLES E. ABELL, STAFF DIRECTOR
NICHOLAS D. GILBERT, DEMOCRATIC STAFF DIRECTOR

United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, DC 20510-6050

May 15, 2006

Honorable Gordon R. England
Deputy Secretary of Defense
1010 Defense Pentagon
Washington D.C. 20301-1010

Dear Secretary England:

I am writing to share my thoughts with you concerning the Army Field Manual relating to detainee treatment and interrogation. At the outset, I share the concerns expressed by Senator Warner in his letter of May 10, 2006.

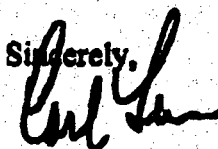
Additionally, I want to express my view that the same techniques, and only those techniques, that apply to detainees who are prisoners of war should be applied to those detainees who are not deemed entitled to that status. Of course, those techniques must be consistent with the law and not amount to torture or cruel, inhuman or degrading treatment or punishment. As I said on the Senate floor when the Senate gave its final approval to the Detainee Treatment Act:

"The amendment provides a single standard – "cruel, inhuman, or degrading treatment or punishment" – without regard to what agency holds a detainee, what the nationality of the detainee is, or where the detainee is held. With the enactment of this amendment, the United States will put itself on record as rejecting any effort to claim that these words have one meaning as they apply to the Department of Defense and another meaning as they apply to the CIA; one meaning as they apply to Americans and another meaning as they apply to our enemies; or one meaning as they apply in the United States and another meaning as they apply elsewhere in the world."

It is my firm belief that we should always bear in mind that our future adversaries will point to the manner in which we treat detainees, regardless of the legal status we may designate for them, as justification for the manner in which they treat members of the U.S. armed forces who may be in their hands.

I appreciate your consideration of my thoughts.

Sincerely,



Carl Levin
Ranking Member

OSD 07814-06



5/15/2006 3:30:22 PM

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Report	[Report]	2	N.D.	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

45

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	RE: AP - U.S. Releases 14 Saudis - To: Christopher N. Camponovo - From: Paul T.Haenle	2	06/25/2006	P5; P6/b6;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
List	Principals Committee Meeting	1	04/13/2006	P1/b1; P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

National Security Council - National Security Advisor, Office of the

SERIES:

Hadley, Stephen (Steve) - Subject Files

FOLDER TITLE:

Hamdan/GTMO (Guantanamo) Detainees 05/2006 - 07/2006 E-001 [2]

FRC ID:

37841

FOIA IDs and Segments:

2014-0224-F

OA Num.:

3603

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.