

Received(Date): 10 OCT 2002 11:07:47
From: Shannon Burkhart (CN=Shannon Burkhart/OU=WHO/O=EOP [WHO])
To: James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
Subject: : If you get asked about the detainees at Guantanamo...
[P_RSHTA003_WHO.TXT_1.doc](#)

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Shannon Burkhart (CN=Shannon Burkhart/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-OCT-2002 11:07:47.00
SUBJECT:: If you get asked about the detainees at Guantanamo...
TO:James R. Wilkinson (CN=James R. Wilkinson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
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----- Forwarded by Shannon Burkhart/WHO/EOP on 10/10/2002
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James R. Wilkinson
01/18/2002 09:50:31 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: If you get asked about the detainees at Guantanamo...

here are some talking points from DOD.

Message Sent

To:

P6/b(6)

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b(6), b7(c), b7(e), b7(f)

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Pentagon Briefing

January 17, 2002

Office of
Public Affairs
703-697-1254
703-697-7341
703-695-6795

The War Against Terrorism

➤ *The U.S. is Committed to the Humane Treatment of the Detainees at Guantanamo Bay and the Safety of Our Men and Women in Uniform*

- On September 11, thousands of people were killed in terrorist attacks against the United States. As part of the war against terrorism, the United States is holding and questioning al Qaeda and Taliban fighters at Guantanamo Bay, Cuba, with the purpose of gathering information that will prevent future attacks and bring the terrorists to justice.
- Taliban, al Qaeda and other detainees at Guantanamo Bay are being treated humanely. They are housed in temporary shelters until more permanent facilities can be arranged.
 - ✓ The detainees are held in a much more hospitable environment than where they were found. They are given three culturally appropriate meals a day, and have daily opportunities to pray, shower, exercise and receive medical attention.
- The detainees are considered very dangerous – among them are those responsible for the prison uprising in Mazar-e-Sharif and others who have threatened to kill Americans while in Cuba. The U.S. military will transport and hold al Qaeda and Taliban combatants in a way that is safe for both the detainees and the men and women of the U.S. armed forces who come into contact with them.
- In order to stop other terrorist attacks, detainees will be questioned for intelligence information. Following questioning, a decision will be made as to their disposition. Some may be tried by a military commission. Others could be tried in the U.S. criminal court system, and others may be returned to their countries of nationality for prosecution.

➤ *Military Commissions are an Instrument of Justice in Bringing Foreign Terrorists to Justice*

- The terrorists who threaten us are unlawful combatants -- adversaries who attacked our nation with disregard for the rules of war. As the President has made clear, we will hunt them down wherever they hide. When enemy forces are captured, wherever they are captured, they must then be dealt with. There are a number of tools at the country's disposal for doing so. One of those tools is the establishment of military commissions.
- The President, as Commander in Chief, issued a military order that would permit individual non-U.S. citizens to be tried by military commissions. The Department of Defense is developing appropriate procedures for commissions that are measured, balanced, thoughtful and reflect our country's values.
- Military commissions have been used in times of war since the founding of this nation. George Washington used them during the Revolutionary War. Abraham Lincoln used them during the Civil War. President Franklin Roosevelt used them during World War II.
- There are a number of compelling reasons for using military commissions instead of civilian courts to try unlawful belligerents in times of war, including:

- ✓ We can better protect civilian judges, jurors and courts from terrorist threats and assure the security of the trial itself. Because of the ongoing threat from terrorists, the risks to jurors are of a kind that military officers are trained and prepared to confront, but that are not normally imposed on jurors in civilian trials. For example, the judge who handled the trial for the 1993 World Trade Center attack, is still under 24-hour protection by federal marshals and probably will be for the rest of his life.
 - ✓ Military tribunals permit more inclusive rules of evidence, a flexibility critical in wartime when it may be difficult to establish chains of custody for documents or to locate witnesses. Military commissions allow those judging the case to hear all the evidence, including evidence obtained under conditions of war -- evidence that could be critical to obtaining a conviction.
 - ✓ Military commissions allow the use of classified information without endangering sources and methods. During the course of a civilian trial, prosecutors could be faced with a situation where they would have to use classified information that would expose how the U.S. monitors terrorist activities and communications. They could be forced to allow terrorists to go free or to offer them lighter sentences in order to protect a source that is critical to our national security.
- Military commissions require certain protections that guarantee full and fair trials, including right to counsel and presumption of innocence.
 - We are at war with an enemy that has flagrantly violated the rules of war. They do not wear uniforms. They hide in caves abroad and among us here at home. They target civilians and intend to attack us again.
 - Military commissions are one of many instruments we may use to bring terrorists to justice. We are confident that we will develop a process that Americans will have confidence in and which is fully consistent with the principles of justice and fairness our country is known for throughout the world.

Visit www.DefendAmerica.mil, the new website devoted solely to the latest news about the war against terrorism.