
From: Engel, Steve
Sent: Saturday, September 30, 2006 8:48 PM
To: 'Robert_W_Saliterman@who.eop.gov'; Roehrkasse, Brian; Scolinos, Tasia;
'Dana_M_Perino@who.eop.gov'
Subject: Re: FACT SHEET: Agreement On Legislation To Bring Terrorists To Justice

Many thanks.

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

From: Robert_W_Saliterman@who.eop.gov <Robert_W_Saliterman@who.eop.gov>
To: Roehrkasse, Brian; Scolinos, Tasia; Engel, Steve; Dana_M_Perino@who.eop.gov <Dana_M_Perino@who.eop.gov>
Sent: Sat Sep 30 16:52:06 2006
Subject: Fw: FACT SHEET: Agreement On Legislation To Bring Terrorists To Justice

This is from last Friday...

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

From: White House Communications
To: Saliterman, Robert W.
Sent: Fri Sep 22 15:19:05 2006
Subject: FACT SHEET: Agreement On Legislation To Bring Terrorists To Justice

<<9.22.06 Agreement Fact Sheet.pdf>>

Agreement On Legislation To Bring Terrorists To Justice

"I had a single test for the pending legislation, and that's this: Would the CIA operators tell me whether they could go forward with the program, that is a program to question detainees to be able to get information to protect the American people. I'm pleased to say that this agreement preserves the most potent tool we have in protecting America and foiling terrorist attacks, and that is the CIA program to question the world's most dangerous terrorists and to get their secrets. The measure also creates military commissions that will bring these ruthless killers to justice. In short, the agreement clears the way to do what the American people expect us to do, to capture terrorists, to detain terrorists, to question terrorists, and then to try them."

â?? President George W. Bush, 9/21/06

Republicans Have Come Together To Enable The CIA's Program To Question High Value Captured Terrorists To Go Forward In Order To Enhance The Security Of The Country. From the start, Republican Senators and the Administration shared a common objective of allowing the CIA's program to continue with clear guidance to the personnel who run the program, clear Congressional support, and legal protections. This agreement represents language both groups can support to achieve this common goal.

9/22/2009

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Common Article 3

The Agreement Clarifies The Legal Standard In Connection With Common Article 3.

1. The Agreement Defines Actions That Under Statute Are Grave Breaches Of Common Article 3 And Would Expose Personnel To Criminal Liability Under The War Crimes Act. It will be clear from the statute which activities constitute grave breaches of Common Article 3 and would subject men and women who are involved in detaining or questioning detainees to criminal penalties.
2. The Agreement Reaffirms The McCain Amendment's Standard Prohibiting Cruel, Inhuman, Or Degrading Treatment Or Punishment. The McCain Amendment, adopted as part of the Detainee Treatment Act (DTA) last December, is reaffirmed in the statute. Violations of the McCain Amendment will also constitute violations of Common Article 3. The statute also provides that the President shall take action to ensure compliance with the McCain Amendment, which prohibits "cruel, inhuman, or degrading" treatment or punishment within the meaning of the prohibitions in the 5th, 8th, and 14th amendments of the Constitution.
3. The Agreement Recognizes And Endorses The President's Authority To Interpret For The United States The Meaning And Application Of The Geneva Conventions, Including Common Article 3, And To Establish Standards And Administrative Regulations For Violations That Are Less Than Grave Breaches Of The Geneva Conventions.

Military Commissions

The Agreement Allows Military Commissions To Go Forward And To Be Available For Bringing To Justice Suspected Terrorists, Including The Masterminds Of 9/11.

Â? The Agreement Ensures Sensitive Intelligence Will Not Have To Be Shared With Suspected Terrorists. If classified information is required for the prosecution of a suspected terrorist, there are a variety of ways in which the substance of that information can be provided and used at trial without disclosing to suspected terrorists the actual classified information. Under all circumstances, the accused will be present for the presentation of all evidence against him, ensuring a full and fair trial, but information about intelligence sources and methods will be protected from disclosure.

9/22/2009

DOJ OLC 001360

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9/22/2009

DOJ OLC 001361

Agreement On Legislation To Bring Terrorists To Justice

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