



DEPARTMENT OF DEFENSE  
 WASHINGTON HEADQUARTERS SERVICES  
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SEP 4 2008

MEMORANDUM FOR NATIONAL SECURITY COUNCIL  
 RECORDS MANAGEMENT OFFICE

SUBJECT: Call for Closure of the Detention Facility at Guantanamo Bay  
 Case Number: 0803618

The Under Secretary of Defense for Policy and the Executive Secretary has reviewed the above tasker and recommend cancellation for the following reasons.

- Most of the issues raised in the letter have become OBE due to the Supreme Court's decision in the Boumediene case, the Military Commissions Act and the Detainee Treatment Act – all of which are available on the internet. The
- SCOTUS decision, which entitled Guantanamo Detainees full Constitutional privilege to habeas, and these pieces of legislation passed by Congress and signed into law, answer the bulk of questions/claims made in the letter.
- We should not get in a debate with the writer about the interpretation of international law, especially since we are dealing with "Law of War" and not with criminal law. Any answer given will clearly not be satisfactory to the writer, as this critic of administration's policies offers no viable alternative solutions for detaining terrorists during wartime.
- This letter is riddled with inaccuracies and going on record to correct them would open the President or other USG officials up to becoming a pen pal with this organization.

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Chief, White House Liaison Section  
 Executive Services Division  
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SecDef



ACLU (DP) 1455