

SUB Hamburg



B/126523

TERRORISM

Documents of International and Local Control

VOLUME 76

U.S. PERSPECTIVES

Oceana®

TABLE OF CONTENTS

VOLUME 76

DETAINEES, WAR TRIBUNALS & HABEAS CORPUS

DOCUMENTS

DOCUMENT NO. 1: Military Commissions Act of 2006	1
DOCUMENT NO. 2: The War Crimes Act: Current Issues, CRS Report, RL33662, Michael John Garcia, Legislative Attorney, American Law Division, Congressional Research Service October 2, 2006,	39
DOCUMENT NO. 3: Enemy Combatant Detainees: Habeas Corpus Challenges in Federal Court, CRS Report, RL3318, Jennifer K. Elsea and Kenneth Thomas, Legislative Attorneys, American Law Division, Congressional Research Service, September 26, 2006	49
DOCUMENT NO. 4: Examining Proposals to Limit Guantanamo Detainees' Access to Habeas Corpus Review, Hearing Before the Senate Committee on the Judiciary, September 25, 2006	
Testimony of John D. Hutson, RADM, JAGC, USN (Ret.)	
Dean and President, Franklin Pierce Law Center	79
Testimony of Thomas Sullivan, Partner, Jenner & Block	84
Testimony of Mr. Bruce Fein, Partner, Fein & Fein	92
Testimony of Lt. Commander Charles Swift, Office of Chief Defense Counsel, Office of Military Commissions, Department of Defense	95
Testimony of David Rivkin, Partner, Baker & Hostetler LLP	105
Testimony of Bradford Berenson, Partner, Sidley Austin LLP	108
Testimony of Patrick Leahy, United States Senator, Vermont	123
DOCUMENT NO. 5: Interrogation of Detainees: Overview of the McCain Amendment, CRS Report, RL33655, Michael John Garcia, Legislative Attorney, American Law Division, Congressional Research Service, September 25, 2006,	127
DOCUMENT NO. 6: Selected Procedural Safeguards in Federal, Military, and International Courts, CRS Report, RL31262, Jennifer K. Elsea, Legislative Attorney, American Law Division, Congressional Research Service, September 18, 2006	137
DOCUMENT NO. 7: Undisclosed U.S. Detention Sites Overseas: Background and Legal Issues, CRS Report, RL33643, Jennifer K. Elsea, Legislative Attorney, American Law Division, Julie Kim, Specialist in International Relations, Foreign Affairs, Defense, and Trade Division, Congressional Research Service, September 12, 2006,	171

DOCUMENT NO. 8: The Authority to Prosecute Terrorists Under the War Crime Provisions of Title 18, Hearing Before the Senate Judiciary Committee, August 2, 2006

Statement of Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice	193
Statement of Major General Scott C. Black, The Judge Advocate General, United States Army	196
Statement of Rear Admiral Bruce MacDonald, Judge Advocate General, United States Navy	198
Statement of Major General Jack Rives, The Judge Advocate General, United States Air Force	199
Statement of Brigadier General Kevin M. Sandkuhler, Judge Advocate to the Commandant of the Marine Corps, United States Marine Corps	201
Statement of Patrick Leahy, United States Senator, Vermont	202
DOCUMENT NO. 9: Military Commissions and Tribunals, Hearing Before the House Armed Services Committee, Day 1–July 12, 2006, Day 2–July 26, 2006, Day 3–September 7, 2006	205

Day 1–July 12, 2006

Opening Statement of Duncan Hunter, Committee Chairman	205
Statement of Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice	208
Statement of Daniel J. Dell’Orto, Principal Deputy General Counsel, Department of Defense	214
Testimony of Theodore B. Olson, Former U.S. Solicitor General	216
Testimony of John D. Hutson, President and Dean, Franklin Pierce Law Center, RADM, JAGC, USN (ret.)	227

Day 2–July 26, 2006

Testimony of Patricia M. Wald, Chief Judge, U.S. Court of Appeals, District of Columbia (retired)	229
Prepared Statement of Judge Gerald Gahima, Senior Fellow, U.S. Institute of Peace	236
Prepared Statement of Michael P. Scharf, Professor of Law and Director, Frederick K. Cox International Law Center, Case Western Reserve University School of Law	247

Day 3–September 7, 2006

Opening Statement of Duncan Hunter, Committee Chairman	276
Statement of Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice	277
Statement by Major General Scott C. Black, Judge Advocate General, U.S. Army	283

Statement of Rear Admiral Bruce E. MacDonald, JAGC, USN, Judge Advocate General, U.S. Navy	284
Statement of Major General Charles J. Dunlap, Jr., Deputy Judge Advocate General, U.S. Air Force	286
Statement of Brigadier General James C. Walker, USMC, Staff Judge Advocate to the Commandant, U.S. Marine Corps.	288
DOCUMENT NO. 10: Hamdam v. Rumsfeld: Establishing a Constitutional Process, Hearing Before the Senate Judiciary Committee, July 11, 2006	
Statement of Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice.	291
Statement of Daniel J. Dell’Orto, Principal Deputy General Counsel, U.S. Department of Defense.	298
Statement of Theodore Olson, Former Solicitor General, Partner, Gibson Dunn & Crutcher	300
Statement of Professor Harold Koh, Dean, Yale Law School	310
Statement of Paul “Whit” Cobb, Former Deputy General Counsel, U.S. Department of Defense.	323
Statement of Lt. Commander Charles Swift, Office of Chief Defense Counsel, Office of Military Commissions, U.S. Department of Defense. . .	330
Statement of Professor Scott L. Silliman, Retired Air Force Judge Advocate, Center on Law, Ethics and National Security, Duke University School of Law	336
Statement of Daniel Collins, Former Associate Deputy Attorney General, Partner, Munger Tolles & Olson	342
Statement of Patrick Leahy, United States Senator, Vermont	348
Statement of Russ Feingold, United States Senator, Wisconsin.	352
DOCUMENT NO. 11: Hamdan v. Rumsfeld: Military Commissions in the “Global War on Terrorism,” Jennifer K. Elsea, Legislative Attorney, American Law Division, Congressional Research Service, CRS Report, RS22466, July 6, 2006	
DOCUMENT NO. 12: Salim Ahmed Hamdan, Petitioner v. Donald H. Rumsfeld, Secretary of Defense, et al., 126 SCt. 2749, June 29, 2006, Certiorari to the United States Court of Appeals for the District of Columbia Circuit	363
DOCUMENT NO. 13: Treatment of “Battlefield Detainees” in the War on Terrorism, CRS Report, RL31367, Jennifer K. Elsea, Legislative Attorney, American Law Division, Congressional Research Service, March 27, 2006, . . .	
	479