



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 26, 2003

VIA MESSENGER

Honorable Rosemary S. Pooler
Honorable Barrington D. Parker
Honorable Richard C. Wesley
United States Court of Appeals
for the Second Circuit
40 Centre Street
New York, New York 10007

Re: Padilla v. Bush, Dkt. No. 03-2235

Dear Judges Pooler, Parker, and Wesley:

Pursuant to the Court's Order of November 20, 2003, the parties have met and conferred, and hereby jointly submit the following materials as requested by the Court:

- 1). Enclosed in File Number 1 is a copy of the House Committee on the Judiciary Report and the House and Senate debates on the legislation that was codified as 18 U.S.C. § 4001(a). As this legislative history indicates, the enactment of section 4001(a) was related to the repeal of the Emergency Detention Act of 1950. A copy of the now-repealed Emergency Detention Act of 1950 is incorporated into the House Judiciary Committee Report, which is also enclosed.
- 2). Enclosed in File Number 2 is a copy of the legislative history pertaining to 18 U.S.C. § 4001(b).
- 3). Enclosed in File Number 3 is a copy of the legislative history pertaining to 10 U.S.C. § 956(5).
- 4). Enclosed in File Number 4 is a copy of the legislative history pertaining to 8 U.S.C. § 1226(a).
- 5). Enclosed in File Number 5 is a copy of the legislative history pertaining to 8 U.S.C. § 1226a.

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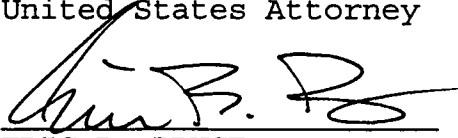
- 6). Enclosed in File Number 6 is a copy of the legislative history pertaining to the Joint Resolution Authorizing the Use of Force 2001.
- 7). Enclosed in File Number 7 is a copy of the Articles of War referenced by the Supreme Court in Ex Parte Quirin, 317 U.S. 1, 26-28, 35 (1942).
- 8). Enclosed in File Number 8 is a copy of the Order establishing the military commissions authorized by Article 15 of the Articles of War; the Act of March 3, 1863, which is referenced in Ex Parte Milligan, 71 U.S. 2 (1866); and, the Order of President George W. Bush establishing the military tribunals.

Pursuant to the Court's Order, the Government will also be making a separate submission concerning materials not included herein.

Respectfully submitted,

JAMES B. COMEY
United States Attorney

By:


ERIC B. BRUCE
Assistant United States Attorney
(212) 637-2219

cc: Donna Newman, Esq. (w/encl.)
Andrew Patel, Esq. (w/encl.)