

**March 27, 2002 8:37 AM**

TO: Larry Di Rita  
Torie Clarke

CC: Doug Feith  
Jim Haynes

FROM: Donald Rumsfeld

SUBJECT: Holding Detainees

I told Doug Feith and Jim Haynes after their briefing, that I thought we had not put to bed the issue of why we might keep a detainee after he was acquitted by a commission.

I am afraid I was right.

Let's get a paper that is clear and unambiguous to explain that if a person has charges against him for different crimes and is acquitted of one crime, that he would not necessarily be released if he still has charges against him for other crimes.

Specifically, in a civilian court, if a person were charged with murder as one charge and burglary as another charge, the fact he was acquitted of burglary would not get him off of the murder charge, and he would be detained for that purpose.

So, too, in this instance. If a person is charged with a crime, and in addition is being held as a person who was fighting against Americans, even though he might be acquitted of one particular charge, the fact he would very likely go right back and engage in the battle against us suggests that he should be detained for a period so he cannot go back out and kill Americans. In most wars, prisoners have been detained during the conflict and tried only after the war is over.



Someone should take this statement and develop it into a clear statement in legal language. Then let me look at it, and we can see how we want to use it.

Thanks.

DHR:dh  
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*Please respond by* \_\_\_\_\_

