

DRAFT-DELIBERATIVE-PRIVILEGED

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

JOHN DOE,	)	
and the AMERICAN CIVIL LIBERTIES	)	
UNION FOUNDATION, as Next Friend,	)	
	)	
Petitioners,	)	Civil Action No. 1:17-cv-2069 (TSC)
	)	
v.	)	
	)	
GEN. JAMES N. MATTIS,	)	
in his official capacity as SECRETARY	)	
OF DEFENSE,	)	
	)	
Respondent.	)	

---

**RESPONDENT’S RESPONSE TO COURT’S ORDER**

Pursuant to the order issued by the Court at the hearing today in the above-captioned action, which directed Respondent to provide information regarding whether the individual currently detained in Iraq who is the subject of the petition in this case (1) has been advised of his constitutional rights, including any right to counsel or to pursue habeas or other remedies in U.S. courts, and (2) has invoked or asserted any such rights, Respondent provides the following information:

1. During the questioning of the individual for law enforcement purposes, FBI special agents advised the individual of his right to remain silent and not to answer questions regardless of whether he may have spoken to others previously, noting that he did not need to speak with the agents just because he may have spoken with others in the past. The agents also advised the individual of his right to consult counsel prior to questioning, to have counsel present during questioning, to have counsel appointed

- for him before questioning if he could not afford a lawyer, and, if he chose to answer questions without counsel present, to stop answering at any time.
2. The individual stated he understood his rights, and said he was willing to talk to the agents but also stated that since he was in a new phase, he felt he should have an attorney present. The agents explained that due to his current situation, it was unknown when he would be able to have an attorney, and the individual stated that it was ok and that he is a patient man. The individual then asked whether when he saw the agents next with his attorney, would it be at his current location or somewhere else. The agents told him they were uncertain when they would see him again. No further questioning of the individual for law enforcement purposes has taken place.
  3. The individual later made clear in connection with his subsequent request to speak with an interrogator that the individual did not wish to speak with agents of the FBI.

Respondent is not currently aware of any additional information regarding the individual's wishes in connection with his invocation of constitutional rights or pursuit of remedies in U.S. courts.

November 30, 2017

Respectfully submitted,

CHAD A. READLER  
Principal Deputy Assistant Attorney General  
JESSIE K. LIU  
United States Attorney  
TERRY M. HENRY  
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer  
KATHRYN L. WYER  
U.S. Department of Justice, Civil Division  
20 Massachusetts Avenue, N.W.  
Washington, DC 20530

Tel. (202) 616-8475 / Fax (202) 616-8470  
kathryn.wyer@usdoj.gov  
*Attorneys for Defendant*