

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/what-we-do/our-cases/detroit-free-press-haddad-v-creppy-and-ashcroftnorth-jersey-media-group-v>

Policy Issue Resources

Detroit Free Press (Haddad) v. Creppy and Ashcroft/North Jersey Media Group v. Creppy and Ashcroft is a civil rights case challenging the governments attempt to close immigration hearings in cases that it determines may be of special interest to the September 11 investigation.

The Center for Constitutional Rights (CCR) and others challenged the Creppy Directive, which closes cases that may be of special interest to the 9/11 investigation to all members of the press and public. This Directive runs counter to a 50 year tradition which allowed the press and public to attend immigration hearings. CCR argued that members of the press and public have a First Amendment interest in attending government proceedings, and individuals whose rights are to be decided have an interest in open proceedings that is protected by the Due Process Clause. In one of CCRs cases in April 2002, federal Judge Nancy Edmunds decided that closing the hearings was a violation of the right to freedom of the press (*Detroit Free Press v. Ashcroft*).

On September 21, 2001, Chief United States Immigration Judge Michael Creppy issued a directive to immigration judges to close cases that might be of special interest to the 9/11 investigation to all members of the press and public. Creppy directed that these special interest cases not be listed on the court calendar and prohibited court personnel from confirming or denying their existence.

The Third Circuit reversed the district court and permitted the INS to close the hearings. On May 27, 2003, the Supreme Court declined to review the Third Circuit decision, leaving intact the right of the government to conduct secret immigration hearings in this case. The law on this issue remains unsettled outside the Third Circuit, however, since the government has not sought Supreme Court review of *Haddad*.

Haddad had an open bond hearing before a new immigration judge, as ordered by Judge Edmunds, on October 1, 2002, at which the bond was denied. He eventually lost in his deportation proceedings and was deported to Lebanon on July 14, 2003.

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