

SUPREME COURT BACKS RETURN OF HAITIANS JUSTICES' 7-2 VOTE BOLSTERS PRESIDENT'S; POLICY

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Body

WASHINGTON - The **Supreme Court** said Saturday that President George Bush's administration can continue to **return Haitians** intercepted at sea to their Caribbean homeland. The action, requested by the government, suspends a federal appeals **court** ruling Wednesday that voided Bush's 2-month-old executive order that **Haitians** fleeing by boat be escorted **back** to Haiti. **Justices** Harry Blackmun and John Paul Stevens dissented in the **7-2 vote**, saying that the fleeing **Haitians** face "the real and immediate prospect of persecution, terror and possibly even death at the hands of those to whom they are being forcibly **returned**." The **Supreme Court** also asked for speedy consideration of the legal merits of the administration **policy**. The **justices** asked the administration to present arguments in writing by Aug. 24 and lawyers for the **Haitians** to respond by Sept. 8. The expedited timetable suggests that the **court** could agree to hear the case as early as October, although a hearing in November is more likely. Lawyers expect the **Supreme Court** to hear it because two appeals **courts** have issued conflicting opinions on whether the administration must extend protections provided by federal immigration law to **Haitians** stopped outside U.S. territory: The 11th U.S. Circuit **Court** of Appeals in Atlanta ruled in February that the Immigration and Naturalization Act of 1980 gives only those aliens who arrive on U.S. soil the right to pursue claims for political asylum. The 2nd U.S. Circuit **Court** of Appeals in New York held Wednesday that the same statute specifically states that refugees cannot be stopped by American officials before they reach U.S. borders and sent **back** to a country where they fear their lives or freedom are threatened.

Bush's administration has said concern for the safety of the **Haitians** was a major consideration for its actions. Deputy press secretary Judy Smith said the White House was pleased that the stay "will continue to discourage **Haitians** from taking unseaworthy vessels to the United States." In its request for an emergency stay, the administration told the **Supreme Court** that the New York **court's** ruling "effectively invalidates a government program that has stemmed the flow of tens of thousands of Haitian migrants and significantly erodes the executive branch's ability to deal with the complex and fragile situation created by the ouster of the legitimate government from Haiti." Lucas Guttentag, attorney for the **Haitians**, said he was confident that when the case is heard, "the **court** will find that the **president's** order violates the most fundamental principles of U.S. and international obligations." Another lawyer for the **Haitians**, Michael Ratner, said, "My only hope is that either Congress does something or elections sweep out President Bush." Thousands of **Haitians** have been intercepted at sea and **returned** to their country since Bush's order of last spring, said Ratner. And thousands of **Haitians** have sought asylum at the U.S. Embassy in Port-au-Prince in the last few months. About 30,000 **Haitians** fled their country after a military coup deposed President Jean-Bertrand Aristide last fall. U.S. officials initially screened them once they arrived on U.S. soil or at the U.S. Naval Base at Guantanamo, Cuba, if they were picked up on the high seas, to determine if they were fleeing poverty or persecution. More than 10,000 **Haitians** taken to Guantanamo have been granted entry into the United States to pursue political asylum claims, but more than 23,000 were determined to be economic refugees and sent **back**. Bush signed his executive order in May permitting the **return** of the refugees. The boat traffic declined immediately after the United States decided to **return** those picked up at sea directly to Haiti. Bush's administration says most of those fleeing are seeking a better economic life and do not qualify for

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political asylum. In the dissent, Blackmun said that the government has offered only "a vague invocation of harm to foreign policy, immigration policy and the federal treasury."

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