

High Court To Review Immigrant Law of '96

The Washington Post

June 02, 1998, Tuesday, Final Edition

Copyright 1998 The Washington Post

Section: A SECTION; Pg. A06

Length: 731 words

Byline: Joan Biskupic, Washington Post Staff Writer

Body

The Supreme Court said yesterday it will review for the first time whether a 1996 law unfairly bars immigrants who face deportation from protesting the action in the nation's federal courts. The case arises from the government's effort to deport eight foreigners it says are tied to Palestinian terrorists.

The high-profile case has become a cause of First Amendment advocates and other civil libertarians because the immigrants say they were targeted for deportation as a result of their association with the Popular Front for the Liberation of Palestine.

Now, it has become a crucial test of whether the 1996 immigration law went too far in curtailing certain access to federal trial courts. A Supreme Court ruling in the case could affect immigrants challenging deportation in a range of situations.

The case before the court specifically tests whether immigrants who claim they have been selectively prosecuted or otherwise suffered a violation of their constitutional rights can go to court or must proceed instead through a limited and sometimes lengthy administrative process.

Before the 1996 law, the Justice Department says, federal courts were generally barred from hearing deportation challenges until all administrative routes were exhausted. The department says the law strengthened and made explicit those limits.

"Congress can't bar people, whether they be immigrants or citizens, from going to federal court when substantial constitutional violations are at issue," said Georgetown University law professor David D. Cole, representing seven Palestinians and one Kenyan protesting deportation.

But Solicitor General Seth P. Waxman told the justices that Congress intended to foreclose all judicial review of deportation proceedings until other administrative avenues had been exhausted.

In his appeal of a lower-court decision favoring the immigrants, Waxman said going through the administrative process before getting to a federal appeals court would not irreparably hurt someone fighting deportation, even in a First Amendment case. He noted the courts have long deferred to executive branch enforcement of immigration laws.

The case of *Reno v. American-Arab Anti-Discrimination Committee* traces to 1987, when the Immigration and Naturalization Service tried to deport eight immigrants in Los Angeles because of their activities on behalf of the Popular Front for the Liberation of Palestine. The Justice Department notes in its filing that the PLPF violently opposes U.S. peace efforts in the Middle East and has been responsible for numerous acts of terrorism and the deaths of many Americans over the past three decades.

High Court To Review Immigrant Law of '96

The immigrants argued to lower courts that the PLPF engages in a range of lawful activities and that they had made a sufficient initial case that the government was selectively enforcing deportation law.

After the group prevailed, the Justice Department appealed on various grounds. Most recently, it contended that the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 clarifies the law that courts may not hear a challenge to a deportation case until other administrative procedures have been followed. The government said the lower court never should have taken up the selective prosecution case.

Oral arguments will be heard in the term that begins next October and a ruling is not likely until 1999.

Separately yesterday, the justices ruled 6 to 3 that voters can sue the Federal Election Commission over whether a political group must be required to disclose how its funds are raised and spent. But the justices declined to decide the key issue of the campaign financing case because the FEC policy on the topic is in flux.

The high court sent the case back to the commission for further review on whether the American Israel Public Affairs Committee (AIPAC) must comply with FEC disclosure rules.

The core question in Federal Election Commission v. Akins was whether an organization falls outside the FEC's definition of a "political committee" -- and its disclosure requirements -- if its major purpose is lobbying and not the nomination or election of candidates.

In his opinion, Justice Stephen G. Breyer noted that the FEC has been revising its rules on the subject and said the agency should determine whether AIPAC's expenditures rise to the level of a political committee.

Classification

Language: ENGLISH

Subject: IMMIGRATION (92%); DEPORTATION (91%); LAW COURTS & TRIBUNALS (90%); US FEDERAL GOVERNMENT (90%); SUPREME COURTS (90%); LITIGATION (90%); JUDICIAL REVIEW (89%); LAW ENFORCEMENT (89%); IMMIGRATION LAW (89%); CONSTITUTIONAL LAW (89%); JUSTICE DEPARTMENTS (89%); PALESTINE LIBERATION ORGANIZATION (89%); APPEALS (78%); CITIZENSHIP (78%); DISCRIMINATION (78%); APPELLATE DECISIONS (78%); LEGISLATION (78%); HUMAN RIGHTS & CIVIL LIBERTIES LAW (78%); DECISIONS & RULINGS (78%); ARAB AMERICANS (78%); ADMINISTRATIVE LAW (78%); LAW SCHOOLS (78%); SUITS & CLAIMS (78%); APPEALS COURTS (78%); TERRORIST ORGANIZATIONS (77%); TERRORISM (77%); AGENCY RULEMAKING (77%); LAWYERS (75%); ILLEGAL IMMIGRANTS (73%); TERRORIST ATTACKS (72%); ADMINISTRATIVE PROCEDURE (72%); COLLEGE & UNIVERSITY PROFESSORS (64%); PEACE PROCESS (50%)

Company: PALESTINE LIBERATION FRONT (57%); PALESTINE LIBERATION FRONT (57%); GEORGETOWN UNIVERSITY (54%); GEORGETOWN UNIVERSITY (54%)

Organization: PALESTINE LIBERATION FRONT (57%); PALESTINE LIBERATION FRONT (57%); GEORGETOWN UNIVERSITY (54%); GEORGETOWN UNIVERSITY (54%); PALESTINE LIBERATION FRONT (57%); PALESTINE LIBERATION FRONT (57%); GEORGETOWN UNIVERSITY (54%); GEORGETOWN UNIVERSITY (54%)

Industry: LAW SCHOOLS (78%); LAWYERS (75%); COLLEGE & UNIVERSITY PROFESSORS (64%)

High Court To Review Immigrant Law of '96

Geographic: CALIFORNIA, USA (79%); STATE OF PALESTINE (94%); UNITED STATES (92%); MIDDLE EAST (79%)

Load-Date: June 2, 1998

End of Document