

IRANIAN DEMONSTRATORS AND DUE PROCESS

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Body

To the Editor:

The recent episode involving the mass arrest of nearly 200 pro-Khomeini demonstrators and their subsequent 10-day detention raises fundamental questions involving our nation's commitment to the constitutional guarantees of free speech, assembly and **due process** of law.

A large group of people were subjected to special immigration inquiries merely because of their participation in a political demonstration, and were detained without any reasonable basis to believe they were in violation of immigration laws.

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Only last year, the Supreme Court ruled unanimously that an individual may not be detained by the police merely because he refuses to provide identification. That principle, basic to our concept of liberty, applies to I.N.S. officials as well as to the police.

Indeed, a Federal court in New York held unconstitutional the I.N.S. practice of mass detentions of large numbers of suspected aliens absent reasonable suspicion that each and every person so detained is an alien illegally present in the United States. The I.N.S. position vis-a-vis the **Iranian demonstrators** stands in stark contradiction to these judicial precedents.

It is a measure of the strength of our society that we can tolerate the exercise of free speech and assembly even by those whose motivations may be questioned and with whom we may most vigorously disagree. Unfortunately, I.N.S. officials who have sworn to uphold the law have instead violated it.

STEVEN R. SHAPIRO, ARTHUR N. EISENBERG, Staff Counsel, New York Civil Liberties Union, New York, Aug. 8, 1980

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