

JUSTICES LET STAND THE SECRET JAILINGS OF FOREIGNERS/ DECISION IN POST-SEPT. 11 DETENTIONS CASE IS VICTORY FOR ADMINISTRATION

St. Louis Post-Dispatch (Missouri)

January 13, 2004 Tuesday Five Star Late Lift Edition

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Section: NEWS; Pg. A1

Length: 806 words

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Dateline: WASHINGTON

Body

The Supreme Court said Monday it would not second-guess the government's decision to hold hundreds of foreigners in secret after the Sept. 11 attacks.

None of the more than 700 illegal immigrants was charged as a terrorist, and the Justice Department's inspector general concluded last year that the government had trampled on a law stipulating that such detentions be limited to 90 days.

The high court turned down a request to review the secrecy surrounding the detainees, nearly all Arabs or Muslims, who were picked up in the United States after the attacks on the World Trade Center and the Pentagon. Most were eventually deported for immigration violations. The government refused to disclose whom it held and why.

The court's action, taken without comment, was a victory for President George W. Bush's administration. Civil liberties and media organizations had sought access to the names and other basic information about the detainees.

A federal appeals court had sided with the administration and its argument that knowing the names or details of the arrests would give terrorists a window on the post-Sept. 11 terrorism investigation. By refusing to hear the case, the Supreme Court allowed that ruling by the U.S. Court of Appeals for the District of Columbia to stand.

"Until some other court says otherwise, the government can continue the policy of secret arrests that seems fundamentally inconsistent with basic American values and that we know in this case led to a series of abuses," said Steven Shapiro, national legal director of the American Civil Liberties Union, which had urged the court to hear the case.

Shapiro said he still believed the secret arrest of more than 700 people violated basic due-process rights. He said the government's own reports had documented mistreatment and arbitrary detentions.

"Such abuses are always more likely when the government is allowed to operate in secrecy," he said.

The audit by the Justice Department's inspector general found significant problems with the detentions, including allegations of physical abuse by jail guards at a facility in Brooklyn, N.Y.

The report, released in June, found that many of the 762 illegal aliens were held until cleared by the FBI of any terrorism connections. Sometimes the process took many months despite the law requiring that most aliens be deported or released within 90 days.

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A follow-up analysis last week cited progress in centralizing vital terrorist information databases so that authorities could more quickly assess who might be a threat but warned the job was not done. The government has said that improvements since the Sept. **11** attacks make it easier for government agencies to share information about **foreigners** in the country.

"When the Sept. **11** investigation led us to those who had violated our nation's laws, we enforced those laws and **detained** those individuals," Attorney General John Ashcroft said Monday. "We are pleased the court **let stand a decision** that clearly outlined the danger of giving terrorists a virtual road map to our investigation that could have allowed them to chart a potentially deadly detour around our efforts."

Lawyers for the ACLU and other civil liberties groups argued that the government grabbed people on thin suspicion, then moved to deport detainees who had no demonstrated link to terrorism but who had violated civil immigration laws.

The government sealed immigration records and omitted detainees' names from **jail** rosters, among other tactics, to make sure details of hundreds of arrests remained **secret**, the lawyers said.

The appeal raised constitutional questions under the First Amendment right to freedom of speech and freedom of the press, and legal questions under the federal Freedom of Information Act.

Twenty-three news organizations and media groups, including The Associated Press, joined in asking the high court to hear the **case**.

Last week, the high court disappointed the **administration** by agreeing to hear a broader anti-terrorism **case** that asks whether the government can indefinitely **jail** American citizens as "enemy combatants" without giving them access to lawyers or the courts. Bush's **administration** had argued strongly that it has authority to hold Yaser Esam Hamdi without charges.

The Hamdi **case** and another one testing the legal rights of **foreigners detained** indefinitely at the Navy's prison camp at Guantanamo Bay, Cuba, draw the court squarely into the debate over security and liberty after the terrorist attacks.

The **justices** earlier had rejected several **cases** that raised more oblique questions about the government's response to the terrorist threat. One involved an issue similar to Monday's secrecy **case**. It asked whether the government could keep reporters and the public away from closed-door deportation hearings.

Classification

Language: English

Subject: SEPTEMBER **11** ATTACK (88%); TERRORISM (88%); NEGATIVE PERSONAL NEWS (87%); SUPREME COURTS (86%); APPELLATE **DECISIONS** (86%); ARRESTS (86%); IMMIGRATION (86%); LAW COURTS & TRIBUNALS (86%); APPEALS (86%); POLITICAL DETAINEES (86%); INVESTIGATIONS (85%); LITIGATION (70%); APPEALS COURTS (70%); **JUSTICE** DEPARTMENTS (69%); DEPORTATION (69%); ILLEGAL IMMIGRANTS (68%); LAW ENFORCEMENT (68%); MUSLIMS & ISLAM (61%); ASSOCIATIONS & ORGANIZATIONS (60%); RELIGION (50%)

Company: US DEPARTMENT OF **JUSTICE** (58%); US DEPARTMENT OF **JUSTICE** (58%)

Organization: US DEPARTMENT OF **JUSTICE** (58%); US DEPARTMENT OF **JUSTICE** (58%)

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Person: GEORGE W BUSH (50%)

Geographic: DISTRICT OF COLUMBIA, USA (79%); UNITED STATES (94%)

Load-Date: January 13, 2004

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