

U.S. CAN'T DEPORT 8 PALESTINIANS WIN NEW ROUND IN COURT

San Jose Mercury News (California)

DECEMBER 25, 1997 Thursday MORNING FINAL EDITION

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Section: FRONT; Pg. 21A

Length: 407 words

Byline: Associated Press

Dateline: SAN FRANCISCO

Body

Over the dissent of three of its own judges, a federal appeals court reaffirmed its refusal to deport Palestinians accused by the U.S. government of supporting a terrorist organization.

The 9th U.S. Circuit Court of Appeals on Tuesday denied a rehearing of its 3-0 July ruling that barred the deportation of eight Los Angeles-area immigrants on the grounds of selective enforcement.

The case involves eight Los Angeles-area people -- seven Palestinians and the Kenyan-born wife of one of them -- whom the government has been trying to deport since 1987.

Two are longtime legal residents, two more were recently granted that status, and the others are eligible for legal residence because of family ties, according to one of their lawyers, David Cole of the Center for Constitutional Rights.

Support for radical group

Immigration officials say the eight are members or supporters of the Popular Front for the Liberation of Palestine (PFLP), a radical offshoot of the Palestine Liberation Organization.

The Clinton administration, which inherited the 10-year-old case, argued that a new federal immigration law stripped courts of their authority to review civil rights claims from non-citizens facing deportation.

The judges dissenting from Tuesday's order agreed with the administration, saying the court lacked jurisdiction over the case.

The ruling "nullifies the express intent of the elected branches of our government," said Judge Diarmuid O'Scannlain, joined by Judges Alex Kozinski and Andrew Kleinfeld.

Group won injunction

Facing deportation for alleged terrorist activity, the Palestinians won an injunction from U.S. District Judge Stephen Wilson on the grounds of selective enforcement. Wilson said they had presented evidence that supporters of U.S.-favored groups engaged in terrorism -- the Nicaraguan Contras, Renamo in Mozambique and the mujahedeen in Afghanistan -- had not been deported. The appeals court upheld the injunction in 1995.

Last year the government tried again under the 1996 immigration law, arguing that courts no longer had authority to review immigration cases until a final deportation order. The government also said it had new evidence that the Palestinians were fundraisers and not merely supporters of the PFLP.

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Justice Department official Carole Florman said the department would study the order and consider its options. The only possible appeal is to the Supreme Court.

Classification

Language: ENGLISH

Subject: IMMIGRATION (90%); APPEALS (90%); TERRORIST ORGANIZATIONS (90%); APPELLATE DECISIONS (90%); JUDGES (90%); PALESTINE LIBERATION ORGANIZATION (90%); LAW COURTS & TRIBUNALS (89%); APPEALS COURTS (89%); ASSOCIATIONS & ORGANIZATIONS (89%); CITIZENSHIP (78%); US FEDERAL GOVERNMENT (78%); DECISIONS & RULINGS (78%); SUPREME COURTS (78%); TERRORISM (77%); HUMAN RIGHTS ORGANIZATIONS (76%); LAWYERS (75%); CIVIL RIGHTS (73%); FUNDRAISING (73%); JUSTICE DEPARTMENTS (73%); JURISDICTION (73%); LAW ENFORCEMENT (71%)

Company: THE9 LTD (58%)

Organization: PALESTINE LIBERATION FRONT (83%); CENTER FOR CONSTITUTIONAL RIGHTS (56%); CENTER FOR CONSTITUTIONAL RIGHTS (56%); PALESTINE LIBERATION FRONT (56%); PALESTINE LIBERATION ORGANIZATION (55%); PALESTINE LIBERATION ORGANIZATION (55%)

Industry: LAWYERS (75%)

Person: ALEX KOZINSKI (79%)

Geographic: STATE OF PALESTINE (96%); UNITED STATES (93%); MOZAMBIQUE (79%); NICARAGUA (79%); AFGHANISTAN (79%)

Load-Date: October 21, 2002