

Extra Feature Story

Supreme Court Rules Terror Suspects Can Appeal Detentions

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The Supreme Court ruled last week that detainees held at the U.S. Guantanamo Bay prison in Cuba have the constitutional right to challenge their imprisonment in U.S. federal courts.

In a 5-4 vote, the court struck down a 2006 law supported by President Bush that took away terrorism suspects' habeas corpus rights. Habeas corpus is the constitutional right to have a court decide if a person is being lawfully imprisoned.

The court also found that the government's screening process for determining if a detainee is an "enemy combatant" does not meet basic legal standards.

"The laws and Constitution are designed to survive, and remain in force, in extraordinary times," said Justice Anthony Kennedy, writing for the majority.

In a dissenting opinion, Justice Antonin Scalia said the decision "will make the war harder on us. It will almost certainly cause more Americans to be killed."

In response to the ruling, President Bush said the administration would abide by the court's decision, but did not agree with it.

Guantanamo detention center

The Guantanamo Bay detention center was established in 2002 to hold suspected terrorists captured in Afghanistan following the Sept. 11, 2001, attacks. It now holds terror suspects captured in other countries and regions as well.

Pentagon officials categorize the detainees as "enemy combatants." As a result, they are not granted the rights of U.S. citizens accused of crimes, or the rights granted to prisoners of war.

The U.S. government is currently holding some 270 detainees without filing formal charges or holding a public trial.

The Bush administration has argued that because Cuba owns Guantanamo Bay, and the detention center is not on American soil, it's outside the jurisdiction of the law.

Two-thirds of the 800 prisoners who have passed through Guantanamo since 2002 have been freed, mostly without charge, after several years in captivity.

The legal debate

The government's policies with regard to Guantanamo have been controversial from the start and the Supreme Court has now ruled against the administration's detainee policy three times.

The current case was brought by a group of 37 prisoners led by two lead plaintiffs. Lakhdar Boumediene, an Algerian, was arrested in Bosnia in 2001 in connection with a

suspected plot to attack the U.S. Embassy in Sarajevo. The other lead challenger is Khaled Al Odah, a Kuwaiti citizen who was captured in Pakistan in 2002.

The case questioned the constitutionality of the Military Commissions Act, passed by Congress in October 2006.

That act was the most recent attempt to create a legal system for military terrorism trials at Guantanamo. The act also removed detainees' rights to habeas corpus, despite previous Supreme Court rulings saying detainees should be allowed access to U.S. civilian courts.

The Constitution states that habeas corpus cannot be suspended, except for public safety in cases of invasion or rebellion.

The 2006 act also required suspects to prove to a three-person panel of military officers they are not a terror threat.

The Supreme Court said in its decision that suspending habeas corpus for the detainees was unconstitutional, and that the system of military tribunals proposed as an alternative to civil courts was not an adequate substitute.

The dissenting justices argued that the process of tribunals is indeed a fair substitute, and Justice Scalia rejected the idea that Constitution's protections extend beyond the geographical boundaries of the United States.

Future impact

Just how this will change the situation for detainees remains to be seen. Past Supreme Court decisions in favor of detainee rights have had little impact on detainees' attempts to challenge their imprisonment.

The military tribunal system set up by the Military Commissions Act is also already in use. In early June, proceedings began against Khalid Sheikh Mohammed, the self-proclaimed planner of the 9/11 attacks.

The Supreme Court's decision is not expected to immediately impact the fates of detainees such as Mohammed, who are already moving through the military tribunal system, NewsHour reporter Marcia Coyle said after the ruling.

"The court's decision, first, will have an immediate impact for the 37 detainees who went to the Supreme Court," Coyle said.

"The court made very clear that it felt these detainees, many of whom have been held for at least six years, are entitled to prompt review."

U.S. Attorney General Michael Mukasey said the administration would continue the military trials in Cuba despite the verdict.

He said he is "disappointed with the decision insofar as I understand that it will result in hundreds of actions challenging the detention of enemy combatants to be moved to federal district court."

-- Compiled by Talea Miller for NewsHour Extra

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