

KNX

Gitmo Detainees Can Challenge Detention

WASHINGTON (AP) -- The Supreme Court ruled Thursday that foreign terrorism suspects held at Guantanamo Bay have rights under the Constitution to challenge their detention in U.S. civilian courts.

The justices handed the Bush administration its third setback at the high court since 2004 over its treatment of prisoners who are being held indefinitely and without charges at the U.S. naval base in Cuba. The vote was 5-4, with the court's liberal justices in the majority.

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

It was not immediately clear whether this ruling, unlike the first two, would lead to prompt hearings for the detainees, some who have been held more than 6 years. Roughly 270 men remain at the island prison, classified as enemy combatants and held on suspicion of terrorism or links to al Qaeda and the Taliban.

"The lesson here, and it's a costly one for the administration, is that it can't try the terror suspects through Guantanamo Bay without creating procedures that the Supreme Court signs off upon; rules that give the men more rights than the White House has wanted to now for nearly seven years," CBS News chief legal analyst Andrew Cohen says.

The administration opened the detention facility at Guantanamo Bay shortly after the Sept. 11, 2001, terrorist attacks to hold enemy combatants, people suspected of ties to al Qaeda or the Taliban.

The Guantanamo prison has been harshly criticized at home and abroad for the detentions themselves and the aggressive interrogations that were conducted there.

The decision has touched off a scramble at the federal courthouse in Washington.

Nearly 200 lawsuits by Guantanamo Bay detainees have been on hold for months as federal judges waited for word on whether they had the authority to move forward.

The lawsuits claim that the Bush administration is holding the detainees illegally. The right to file such lawsuits has been around since the Magna Carta and was written into the Constitution, but the Bush administration argued that Guantanamo Bay detainees aren't covered by it.

Congress passed a law in 2006 stripping courts of the jurisdiction to hear such challenges. Since then, judges have put their cases on hold waiting for Thursday's ruling.

The decision sent judges, law clerks and court administrators rushing to read the 70-page opinion and figure out how to proceed.

The federal judges will have to review the evidence and determine whether each detainee is being held lawfully. Chief Judge Royce C. Lamberth said he would call a special meeting of federal judges in Washington to figure out how to handle what could be a sudden, dramatic increase in sensitive, high-stakes casework.

Copyright 2008 by The Associated Press. All Rights Reserved.

[Print Current Page](#)