

Faith groups praise rulings on detainees: Enemy combatants must be able to challenge detention

News in the [July 27, 2004](#) issue

Christian and Muslim groups that had filed legal briefs on behalf of terrorism prisoners praised the late June decisions by the Supreme Court that said “enemy combatants” and foreign nationals detained by the U.S. must be permitted to challenge their detention in American courts.

The rulings in two separate cases concerned persons being held at the U.S. naval base in Guantánamo Bay, Cuba. The court’s decision in *Hamdi v. Rumsfeld* applies to U.S. citizens who are determined to be “enemy combatants” by the president. Even in a time of war, the court ruled, the president is not permitted constitutionally to block their access to legal counsel and judicial review.

“We have long since made clear that a state of war is not a blank check for the president when it comes to the rights of the nation’s citizens,” wrote Justice Sandra Day O’Connor for the 8-1 majority. (Justice Clarence Thomas was the lone dissenter.)

In the other case, *Rasul et al. v. Bush*, the court concluded that federal courts have the jurisdiction to hear foreign detainees appeal their imprisonment. “Aliens at the base, like American citizens, are entitled to invoke the federal courts’ authority,” wrote Justice John Paul Stevens in his 6-3 majority opinion.

The National Council of Churches, which had filed a brief on behalf of the foreign detainees, hailed the Supreme Court’s ruling. “If the United States is to model democracy, it must accord due process to all whom it detains,” said Bob Edgar, NCC general secretary.

The Council on American-Islamic Relations also applauded the decisions. “Today’s rulings are a victory for due process and a confirmation that the executive branch of government does have limitations on how it can sidestep constitutional civil liberties

guarantees,” CAIR said.

However, the American Center for Law and Justice, a conservative public interest law firm founded by Pat Robertson, called the ruling troubling. “By limiting the president’s role as commander in chief, the high court interjects the federal judiciary into a process that is certain to result in chaos and confusion,” said Jay Sekulow, chief counsel of the ACLJ. *-Religion News Service*