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High court rule asked on holding U.S. citizen

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WASHINGTON - Lawyers for Jose Padilla, a U.S. citizen held as an "enemy combatant," asked the Supreme Court on Thursday for the final word on how long the Bush administration can legally hold Americans accused in the war on terror without criminal charges or a trial.

Padilla has spent more than three years behind bars and has yet to be brought to court. His lawyers said in their petition to the court that his predicament was blatantly unconstitutional for a U.S. citizen.

Padilla is a native of New York and was arrested in Chicago.

The lawyers want the Supreme Court to rule that the Bush White House has overstepped its legal authority by holding "without charge an American citizen arrested on American soil" during the war on terror that is "indeterminate in scope and time."

But the government, which won a major ruling in the case last month when the 4th U.S. Circuit Court of Appeals decided Padilla could be held without trial, said the president has the authority in wartime to identify enemy combatants and hold them indefinitely. Prosecutors further warn that granting Padilla a trial and risking his eventual release from custody would allow him to again take up arms against this country.

When Padilla was arrested at Chicago's O'Hare Airport in May 2002, authorities said he was returning from Central Asia to scope out targets for a "dirty bomb" attack using chemical weapons. He eventually was taken to a Navy brig in South Carolina, where he remains.

But officials have since backed off the "dirty bomb" scenario and instead focused on allegations that he fought against U.S. forces in Afghanistan and is an enemy combatant dangerous to this country.

Padilla's lawyers told the Supreme Court that only the justices "possess the national authority to conclusively resolve the issue" about whether an American's right to due process can be upheld without endangering the public against future terror attacks.

Legal experts believe the Supreme Court, now waiting for the government's response to Padilla's petition, will decide by the end of this year whether to take the case. Experts said it provides a unique opportunity for the court to set uniform standards on how far the White House can proceed with enemy combatants.

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