

US judge orders open hearings for detained Muslim cleric

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A US District Court judge ruled April 3 that it is unconstitutional for the government to bar the public from deportation hearings for detained Muslim leader Rabih Haddad. Haddad was arrested in mid-December for alleged visa violations in the course of the Bush administration's mass roundup of Arab and Muslim immigrants following the September 11 terror attacks on New York and Washington. He is currently being held without bond in a Chicago detention facility.

Judge Nancy Edmund's ruling was in response to suits filed by the American Civil Liberties Union (ACLU), Haddad's defense attorneys, US Representative John Conyers (D-Mich.), the *Detroit Free Press*, the *Detroit News* and other area newspapers, demanding that Haddad's hearings be open to the public and the media. The suits named US Attorney General John Ashcroft and US Chief Immigration Judge Michael Creppy as defendants.

Rabih Haddad is one of hundreds of Arabs and Muslims who have been arrested and detained by the US government in its post-September 11 dragnet. A Lebanese citizen, Haddad was arrested at his home on December 14, the same day that the Chicago offices of Global Relief Foundation (GRF), the Islamic charity he co-founded, were raided by the Federal Bureau of Investigation (FBI) and the US Treasury Department froze the organization's assets.

The government still refuses to say on what basis it is detaining Haddad, and what, if any charges have been filed against him. The government is also seeking to deport his wife, Salma Al-Rushaid, and three of the couple's children. The fourth child is a US-born citizen and does not face deportation.

The Haddad family filed for an extension of their visas under the Legal Immigration Family Equity Act (LIFE Act), which they assumed provided them

immunity from deportation, but never received a response from the Immigration and Naturalization Service (INS) on their status.

Judge Edmund's ruling specifically strikes down the provisions of a directive issued by Immigration Judge Creppy stipulating that courtrooms in cases such as Haddad's could be closed to the public, including immigrants' families and the press. Decisions to hold such hearings in secret were at the sole discretion of Attorney General Ashcroft, and the hearings were assigned only to judges who held a secret clearance. The directive also instructed judges to close hearings involving detainees whose cases were of "special interest" to the FBI. In addition, the Creppy memo sought to keep from the public record information on whether or not a case was scheduled.

At a March 26 hearing in Detroit on the lawsuits, the government attempted to defend the secret proceedings, claiming there was no First Amendment right to public access in immigration hearings. The judge's decision clearly contradicts this. Justice Department lawyers say they are reviewing the new ruling and have not decided yet whether they will challenge it.

In ruling for the plaintiffs, Judge Edmunds stated, "It is important for the public, particularly individuals who feel that they are being targeted by the government as a result of the terrorist attacks of September 11, to know that even during these sensitive times the government is adhering to immigration procedures and respecting individuals' rights. Openness is necessary for the public to maintain confidence in the value and soundness of the government's actions, as secrecy only breeds suspicion as to why the government is proceeding against Haddad and aliens like him."

Nazih Hassan, president of the Muslim Community Association of Ann Arbor, called the ruling a "victory

for due process and for civil liberties.”

The opening of these hearings to the press and public, however, is no guarantee of a favorable outcome for Rabih Haddad and his family. Haddad’s next immigration hearing is scheduled for April 10.

Jonathon Martel, an attorney for Haddad, says he also expects a new public bond hearing for his client within the next two weeks. The government has so far refused to release Haddad on bond, and until recently held him in virtual solitary confinement and barred him from having face-to-face visits with his wife and children.

Haddad is one of the estimated 2,000 immigrants who have been arrested over the last six months in the Justice Department’s police-sweep targeting young Arab and Muslim men. Many of these individuals have been held incommunicado, without access to family members or attorneys. Some continue to be held despite orders for them to be deported to their native countries. The majority of these cases have received much less publicity than Rabih Haddad’s.

In a case related to the lawsuit over Haddad’s closed hearings, another suit was filed March 6 by the New Jersey ACLU and the Center for Constitutional Rights in New York, challenging the closing of immigration hearings for those detained in New Jersey. Filed on behalf of the *New Jersey Law Journal* and the *Herald News* based in West Patterson, the suit asserts that the First Amendment protects public access to government proceedings.



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