

New Jersey appeals court upholds secret detentions

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In the first ruling to uphold the Bush administration's secret detention policy, a New Jersey Appeals Court ruled June 12 that two county jails do not have to reveal the names of immigrants rounded up since September 11. Bush's Justice Department has refused to release the names of those arrested in the "anti-terror" dragnet.

The three-judge panel of the Appellate Division of State Superior Court overruled a March decision by a state judge ordering the Hudson County and Passaic County jails to turn over the names of those being held under a contract with the Immigration and Naturalization Service (INS).

The American Civil Liberties Union (ACLU) of New Jersey had sued the jails under the state's public information law, and the federal Justice Department joined with county authorities to fight the suit. The ACLU is also suing the government in federal court, challenging the Justice Department's practice of routinely closing court hearings involving detainees.

The ACLU suit is aimed at monitoring treatment of detainees in custody and defending their right to legal representation. According to the most recent figures released by the Justice Department, 104 detainees remain in custody nationwide, the majority of them in New Jersey county jails.

The government has refused to reveal the detainees' identities in an effort to cover up both the scope of the sweep and the mistreatment of those in custody. Amnesty International has reported that more than 1,200 people, mainly foreign nationals, have been detained by the US since September 11. The human rights group reported that many were held incommunicado, suffered physical and verbal abuse, and were held in prolonged solitary confinement.

Last month, the Justice Department's Office of Inspector General began questioning inmates at the

federal Metropolitan Detention Center in Brooklyn and a county facility in Passaic, New Jersey after some Middle Eastern detainees reported to their lawyers that prison guards had cursed, kicked and punched dozens of them. The men further reported that after the inspector general's lawyers left, the guards retaliated against them for telling their stories to the authorities.

The harassment and abuse of foreign immigrants will be further expanded under a new visa plan announced by Attorney General John Ashcroft on June 5. The program will require 100,000 foreign students, tourists, researchers and others to register with the federal government. Ashcroft said any non-citizen who might pose "a national security concern" would be covered by the plan, called the National Security Entry-Exit Registration System, which will take effect this fall.

Government officials said men aged 18 to 35 from mainly Muslim and Middle Eastern countries would make up the bulk of those followed. The Justice Department indicated that all visitors from Iraq, Iran, Libya, Sudan and Syria will be subject to the new procedures, but that "no country is totally exempt."

Those individuals selected are to be fingerprinted and photographed, and will be required to fill out a long visa form. Non-citizens seeking to enter the US who are fingered by the government as "potential terrorists" will have their fingerprints matched electronically against federal databases. After 30 days they will be required to register with the INS.

The approximately 100,000 "high risk" visa holders already in the US who fit the government's criteria will be asked to come forward to register. Ashcroft said state and local police officers would be called upon to help these individuals "voluntarily" comply.

Civil rights advocates denounced the new plan as an attack on civil liberties and an example of racial

profiling of Arabs and Muslims. Aameena Jandali of the San Francisco-based Islamic Networks group told the *San Francisco Chronicle*, “What’s going to be next? Are all Muslims going to have to wear a yellow or green crescent or something? This ‘Let’s go out and track all Muslims and Arabs’ isn’t going to bring about the necessary results and it may harm or at least humiliate some innocent people.”

Since January, more than 700 visa applicants, identified by the government as “suspected terrorists,” have been turned away at US borders. These individuals were stopped by authorities on the basis of information assembled in the Foreign Terrorist Task Force’s expanded database. This “watch list” is compiled from information from the FBI, CIA, Defense Department and cooperating foreign governments, and includes information such as credit card and telephone numbers.

The government also reported this week that the INS recently instructed all agents at airports, borders and ports to make “a complete and thorough search of all baggage” carried by Yemeni travelers to the US, and to inventory the contents.

The government also plans to closely monitor all foreign students. Under a system the INS plans to have in operation by July 1, the agency will record the names of all students and the dates they obtained their visas. Colleges and universities will then be required to serve as virtual immigration agents, reporting to the government whether the students show up and if they terminate their studies. This wide-reaching plan is being put into action despite the fact that foreign students make up only 2 percent of all temporary visa holders, and there is no indication they represent a disproportionate terrorist threat.

The announcement last week that the Bush administration will indefinitely incarcerate Jose Padilla, an American citizen, as an “unlawful combatant” demonstrates that the government’s authoritarian methods of surveillance, secret detention and other civil liberties violations—originally said to target only non-citizens—are now being extended to citizens as well. Padilla, who now calls himself Abdullah al Muhajir, is being held without the right to an attorney at the US Navy brig in South Carolina.

Another American citizen, Yaser Esam Hamdi, 22, who is being held at the Norfolk Naval Station in

Virginia, has been denied access to an attorney. Hamdi was captured during a US-led assault on a prison in Mazar-i-Sharif in Afghanistan last November and transferred to Guantanamo Naval Base in Cuba. He was flown to the US after authorities learned he had been born in the US.

A Federal District Court in Norfolk ruled that Hamdi should be allowed to meet with a public defender, but the Justice Department appealed the ruling. The case has now gone to the Court of Appeals for the Fourth Circuit, which has yet to issue a ruling.

Najeeb Nuaimi, an attorney in private practice in Qatar, is seeking to represent Hamdi. The young man’s family, who live in Saudi Arabia, have had no contact with their son since his capture. Hamdi’s father, Esam Fouad Hamdi, has petitioned a federal court for his son’s release.



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