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EDITORIAL

Accountability and the Court

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In this country, no one is supposed to be above the law. Even the highest officials must be held accountable when they do wrong. Unfortunately, the Bush administration has spent the last eight years undermining that fundamental American ideal. The Supreme Court has a chance to redress that imbalance.

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The court hears arguments on Wednesday in a lawsuit against John Ashcroft, the former United States attorney general, brought by an immigrant detained after the Sept. 11 attacks. The justices should rule that Javaid Iqbal has the right to try to prove that Mr. Ashcroft and other top officials denied him his constitutional rights.

Mr. Iqbal, a Pakistani, was arrested by the F.B.I. in November 2001 and placed in the Metropolitan Detention Center in Brooklyn. He contends that like many of the

Muslim or Arab men rounded up after the attacks on New York and Washington, he was classified as being "of high interest" and was placed in a special section of the prison, based on his religion and national origin.

During his more than one year of imprisonment, Mr. Iqbal says that he was held in solitary confinement, cut off from outside contact for long periods and subjected to other mistreatment — including beatings.

Mr. Iqbal pleaded guilty to fraud relating to identification documents. After he was released, he sued, contending that his constitutional rights were infringed. He argues that his mistreatment was part of a larger pattern of abuse authorized at the highest levels of government. Numerous officials were named as defendants, including Mr. Ashcroft and Robert S. Mueller III, the F.B.I. director, as responsible for establishing the abusive policies used against him and other Arab or Muslim men.

Mr. Iqbal is now seeking discovery, which is the chance to ask the defendants limited questions, under a court's supervision, about their role in formulating these policies. The information he would learn through discovery is likely to be critical for his claims to go forward.

The issue in the Supreme Court is whether these high-ranking officials are protected from having to answer questions of this kind. The Bush administration argues that the officials were not sufficiently involved in the detention policies to be responsible for them. It also maintains that if top government officials were required to comply with such discovery requests, it would interfere with their ability to do their jobs.

The United States Court of Appeals for the Second Circuit, in Manhattan, rightly disagreed. It noted that Mr. Iqbal made a plausible argument that Mr. Ashcroft and Mr.

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Mueller condoned the policies that led to his mistreatment. The court ruled that Mr. Iqbal has pointed to enough evidence of their possible involvement that they should have to answer discovery requests.

This case is about far more than one prisoner, or even the war on terror. When the government denies people their constitutional rights, high-ranking officials are often to blame. If courts are too willing to give them immunity, it will be difficult for the victims to learn how their rights were taken away or to stop such policies from continuing. The Supreme Court should affirm the federal appeals court's well-reasoned decision.

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