



a NewsHour with Jim Lehrer Transcript

LIBERTY VS. SECURITY

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Spencer Michels reports on the impact of Sept. 11 on the judicial system.

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SPENCER MICHELS: Within hours of the September 11 attacks, law enforcement officials began rounding up thousands of people, many of them Muslims from the Middle East. About 1,200 people were detained in the U.S., more than half on immigration violations. While many were questioned and released, more than half were deported, and some 52 were still in custody late last month. The Justice Department has never divulged any names or details about those detained. Attorney General John Ashcroft defended the arrests, most of which were for small infractions.

JOHN ASHCROFT, Attorney General: Let the terrorists among us be warned: If you overstay your visas even by one day, we will arrest you. If you violate a local law, we will hope that you will, and work to make sure that you are put in jail and be kept in custody as long as possible. We will use every available statute. We will seek every prosecutorial advantage. We will use all our weapons within the law and under the Constitution to protect life and enhance security for America. (Applause)

SPENCER MICHELS: Within a month Congress also acted and passed the counter-terrorism bill, which President Bush signed into law in late October.

PRESIDENT GEORGE W. BUSH: We're dealing with terrorists who operate by highly sophisticated methods and technologies, some of which were not even available when our existing laws were written. The bill before me takes account of the new realities and dangers posed by modern terrorists. It will help law enforcement to identify, to dismantle, to disrupt, and to punish terrorists before they strike.

SPENCER MICHELS: The U.S.A. Patriot Act, as it is known, allows, among other things, roving wire taps, the detainment of non-citizens suspected of terrorism for up to seven days before being charged with a crime, and the monitoring of foreign bank accounts to prevent money laundering. In addition, the Justice Department began allowing federal investigators to eavesdrop on conversations between terrorist suspects and their lawyers.

The Justice Department has taken different approaches in its treatment of terror suspects. Some have gone before federal criminal courts. Others, though U.S. citizens, were declared enemy combatants-- meaning they can be held indefinitely without being charged. And

hundreds of foreign-born prisoners are being detained at a U.S. military base in Guantanamo Bay, Cuba. Mostly suspected al-Qaida and Taliban fighters, they've been labeled unlawful combatants without the status of prisoners of war or basic legal rights, like access to the courts.

In early November, President Bush issued an executive order authorizing the use of secret military tribunals instead of civilian courts to try non-American terror suspects. In May, FBI Director Robert Mueller and Attorney General John Ashcroft announced new FBI guidelines expanding the agency's domestic spying authority. The Justice Department this summer announced a new visa registration program requiring tens of thousands of foreign visitors-- mostly from Muslim and Middle Eastern countries-- to be fingerprinted and photographed at the border, and monitored by the INS during their stay in the U.S.

Civil liberties groups, and others, have challenged the Justice Department on many of these steps in federal court. Several district court rulings have gone against the administration, but they've been appealed. The first complete appeals court decision came late last month, when the Sixth Circuit Court of Appeals ruled that it was unlawful for the administration to hold deportation hearings in secret. The chief judge wrote: "Democracies die behind closed doors... The First Amendment, through a free press, protects the people's right to know that their government acts fairly, lawfully and accurately in deportation proceedings." The government could appeal that decision to the U.S. Supreme Court, where eventually many of these issues may be decided.



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