

## Hamdi v. Rumsfeld (2004)

Yaser Hamdi, an American citizen, was captured in Afghanistan shortly after the events of 9/11 and was held as an enemy combatant. Hamdi claimed to be a relief worker. He was kept in prison without access to a lawyer or the courts. His father filed a writ of habeas corpus - a petition asking the court to decide if his son's imprisonment was legal.

Hamdi argued that the government had violated his 5th Amendment right to due process. The government claimed that as an enemy combatant Hamdi did not have the right to speak to a lawyer or to ask a court to review his case. The government claimed that the Executive Branch, during war time, had the authority to act without oversight from any other branch of government. After several appeals, the case made it to the Supreme Court.

The justices disagreed on important issues and without a majority, the decision was split. The plurality opinion held that Congress had authorized the use of military force which gave the president the authority to label U.S. citizens "enemy combatants" as well as detain them. But, the Executive Branch *does not* have the power to both declare someone an enemy combatant and then hold him or her *indefinitely* without due process. The Court agreed that Hamdi could only be held as long as the U.S. was involved in armed conflict with the Taliban.

The Court held that the Constitution's separation of powers require that courts review presidential decisions; Hamdi had the right to bring his case before a "neutral decision maker."

In a plea agreement, Hamdi renounced his American citizenship and he was returned to Saudi Arabia.

**Look for current examples of balancing individual rights and security in the news.**

*Next installment: The Fourteenth Amendment*



This is one of eight Newspaper In Education features created to educate and celebrate Law Day, May 1, 2015. Sponsored by the Law, Youth and Citizenship Program of the NYS Bar Association and produced by the NYNPA NIE Program.