

# Attorneys clash over rights for U.S. political prisoners

The Bush administration says giving detainees access to courts would hamper the war on terrorism

By Frank Davies  
Knight Ridder Newspapers (KRT)

WASHINGTON — Citing precedents from World War II, the Bush administration warned the Supreme Court this week that granting Guantanamo detainees any access to courts would undermine the war on terrorism and aid enemy forces.

Such a ruling "not only would be very damaging to the military's ability to win the war, but (would) no doubt be highly comforting to the enemies of the United States," Solicitor General Theodore Olson wrote in a final brief before the court hears a historic Guantanamo case next month.

Attorneys for the families of 16 captives held in the Guantanamo prison

camp are seeking access to the federal courts to challenge the administration's system of indefinite detention. Most of the detainees have been held about two years without any legal process. Two appellate courts split last year on issues involving the detainees' legal rights.

In arguing that the detainees in Guantanamo have no rights, Olson equated the detention of about 640 terror suspects in Cuba with the thousands of German and Japanese prisoners held during World War II.

In neither case, he argued in a 62-page brief, were military captives allowed access to courts, and to grant current detainees any rights in a civilian court "would directly interfere with the executive's conduct of the military campaign against al Qaeda."

Olson warned in his brief that any ruling that opens the door to a court for a detainee "almost certainly would lead to the filing of scores if not hundreds of follow-up actions by the relatives of other aliens held at Guantanamo" or at

other bases overseas.

The Justice Department has argued that the detainees are foreign fighters — most were captured in Afghanistan and Pakistan — held on foreign soil, where federal courts have no jurisdiction. Guantanamo is a U.S. Navy base leased from Cuba.

International critics, including many in Great Britain, have denounced indefinite detention as a "legal black hole" beyond the reach of courts that sets a bad precedent.

On Thursday, a German federal court thwarted the Bush administration by overturning the world's only conviction for the Sept. 11 attacks. The Federal Criminal Court ruled that a Moroccan who was convicted last year of aiding the suicide hijackers, Mounir el Motassadeq, had been wrongly denied the opportunity to present a defense witness who is in U.S. custody.

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# Bush vows to woo California in 2004 presidential election

The incumbent is hoping to earn the state's vote after Californians elected Gov. Schwarzenegger

By Bob Kemper  
Chicago Tribune (KRT)

SANTA CLARA, Calif. — President Bush wrapped up his first two full days of campaigning Thursday by pledging to West Coast Republicans that he would fight to win California in the November election despite his loss by 1 million votes here four years ago.

The president and his advisers said that with the election of Republican Gov. Arnold Schwarzenegger last year and the organizational work done by Republicans during the last three years, they believe Bush can win California and vowed to spend the time and money necessary to do so.

At the very least, Republicans concede, they could force John Kerry, the presumptive Democratic nominee who needs California to win in November, to spend time and money in the state.

"By electing Gov. Schwarzenegger, the voters of California have shown that no party can take California for granted," Bush said at a fund-raiser in Santa Clara that raised \$700,000 for his re-election campaign.

"The vice president and I are going to be spending some quality time here this coming year," he said. "With your continued help, California is going to be an important part of a nationwide victory in November 2004."

Jerry Parsky, Bush's California campaign chairman, said the attention Bush has paid to California since taking office in 2001 will help him win in a state that has been backing Democrats since the 1990s. Bush lost California, and its 54 electoral votes,

to Al Gore by nearly 1.3 million votes in 2000.

"The president has shown he really cares about California," Parsky said. "He's gone to places other Republicans haven't gone," such as South Central Los Angeles in 2002 to mark the 10th anniversary of the riots there.

"The president unifies Republicans — perhaps for the first time in California," he said.

Besides, Parsky added, "with Arnold around it's a totally different ballgame."

In addition to wrestling the governor's office out of Democratic hands, Schwarzenegger this week bolstered his political standing by winning passage of two state ballot initiatives that will help him pull the state out of a budget crisis and prevent similar future crises.

Just as Bush is counting on Schwarzenegger's swagger to help boost his election chances, other California Republicans who will be on the ballot with Bush in November are counting on the president to give them a leg up.

Bill Jones, who is challenging incumbent Democratic Sen. Barbara Boxer, traveled with Bush on Thursday. Jones, like a number of Republican candidates, is relying on Bush to provide him with more exposure and to help him attract more money.

California Republicans are particularly sensitive about how national candidates have tended to use their state as an ATM, withdrawing millions in campaign contributions but spending it in other states, virtually writing off California. Bush raised \$1.5 million for his campaign on Wednesday and Thursday and \$3.5 million more for the Republican Party. He has so far raised more than \$12 million in California for the 2004 race.

California Republicans have said that while using the state only to raise money is sensible for national campaigns that must shepherd finite funding to where it would do the most good, the trend has undercut the GOP's hopes of winning political control of the state.

Democrats, whose presidential strategies depend on winning California, immediately assailed Bush on an issue of particular significance in the Silicon Valley: jobs.

"Last October when he was in this state (California) he promised that his tax cut package would create 215,800 jobs," said Rep. Steny Hoyer, D-Md., the third-ranked Democrat in the House and one of the party leaders who joined the assault on Bush.

"Yet the state lost 21,100 jobs, and since President Bush took office, the state unemployment rate has risen to 6.2 percent, a 20 percent increase," he said.

Moreover, it's unclear how much help Schwarzenegger would be to Bush. The California governor has staked out more moderate positions than Bush on social issues such as abortion to help him win in a Democratic state.

The divide between the two men was apparent again this week when Schwarzenegger, after opposing the issuance of marriage licenses to gay couples in San Francisco, said he wouldn't mind if Californians changed the state law that limits marriage to heterosexuals.

Bush has just called for a constitutional amendment banning gay marriage, though he does not mention the issue in his retooled stump speech.

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