

COURT DENIES GUANTANAMO LEGAL RIGHTS

FRONT PAGE

An appeals panel says habeas corpus doesn't apply to detainees.

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WASHINGTON — In a victory for the White House, a U.S. appeals court Tuesday threw out the legal claims brought on behalf of the hundreds of prisoners held at Guantanamo Bay and ruled that they did not have a right to plead their innocence in an American court.

In a 2-1 decision, the judges said the Constitution did not extend the right of habeas corpus to noncitizens held outside the sovereign territory of this country. "Cuba — not the United States — has sovereignty over Guantanamo Bay," Judge A. Raymond Randolph wrote.

The ruling sets the stage for a historic showdown in the Supreme Court over whether the White House and Congress can deny habeas corpus — the right to go before a judge and ask to be released — to terrorism suspects, some of whom have been held for years without charges.

Tuesday's decision by the U.S. Court of Appeals in Washington vindicates, at least for now, a tactical move made by White House lawyers shortly after the U.S. invaded Afghanistan in 2002. The Bush administration wanted the military to be able to indefinitely hold and intensively interrogate foreign fighters and suspected terrorists without interference from the federal courts. They chose the naval base at Guantanamo Bay, Cuba, because it was close but outside U.S. territory.

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