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Posted on Thu, Dec. 14, 2006

## **New enemy combatant law survives first court test**

**Osama bin Laden's former driver can't challenge his detention in an American court.**

**By MATT APUZZO**  
**The Associated Press**

WASHINGTON | A federal judge upheld the Bush administration's new terrorism law Wednesday, agreeing that Guantanamo Bay detainees do not have the right to challenge their imprisonment in U.S. courts.

The ruling by U.S. District Judge James Robertson is the first to address the new Military Commissions Act and is a legal victory for the Bush administration at a time when it has been fending off criticism of the law from Democrats and libertarians.

Robertson rejected a legal challenge by Salim Ahmed Hamdan, a former driver for Osama bin Laden whose case prompted the Supreme Court to strike down the Bush administration's policy on detainees last year.

Following Hamdan's victory, Bush asked for and got a new law that established military commissions to try enemy combatants and stripped them of the right to seek their freedom in U.S. courts.

Hamdan's case was sent back before Robertson, a nominee of President Bill Clinton's who was a prominent civil rights advocate in private practice.

Though Robertson originally sided with Hamdan, he said that he no longer had jurisdiction to hear Hamdan's case because Congress clearly intended to keep such disputes out of federal courts. He said foreigners being held in overseas military prisons do not have the right to challenge their detention, a right people inside the country normally enjoy.

Barbara Olshansky, an attorney with the Center for Constitutional Rights, said: "This is the first time in the history of this country that a court has held that a man may be held by our government in a place where no law applies." The center has handled many detainee cases.

Justice Department spokeswoman Kathleen Blomquist said the agency was pleased with the ruling. Government lawyers have repeatedly argued that Guantanamo Bay detainees have no right to use U.S. courts. Blomquist noted that the new law allows detainees to challenge their detention before military tribunals and then contest the tribunal's ruling before a Washington appeals court.

"That is more process than the United States has ever provided to enemy combatants in our past conflicts," Blomquist said.

The ruling does not affect the fate of hundred of detainees whose cases are awaiting a ruling by a Washington appeals court, which is reviewing two precedent-setting detainee cases challenging the new law.

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