

Press Release

Washington Legal Foundation
effective advocate of free enterprise®
2009 Massachusetts Ave., NW
Washington, D.C. 20036

FOR IMMEDIATE RELEASE

February 11, 2003

ABA REJECTS WLF POSITION ON PRESIDENT'S DESIGNATION OF "ENEMY COMBATANTS"

The American Bar Association (ABA)'s governing body, the House of Delegates, adopted a resolution yesterday at the ABA's winter meeting in Seattle, Washington, that expressed disapproval of two courts of appeals decisions upholding the power of the President of the United States to designate certain suspected terrorists as "enemy combatants." That designation limits the rights of the detained individual, whether a United States citizen or alien, while there exists a state of hostilities.

By a vote of 368 to 76, the House of Delegates rejected arguments presented by the Washington Legal Foundation (WLF) that the ABA's position was wrong both as a matter of law and sound public policy. WLF's position was presented by David B. Rivkin, Jr., a partner in the Washington, D.C. office of Baker & Hostetler who represented WLF *pro bono* at the ABA meeting. Mr. Rivkin is an expert on constitutional and international law, and has written extensively on the "enemy combatant," issue, including a related Legal Backgrounder for WLF's Legal Studies Division.

"If it weren't for WLF's presentation at the ABA meeting, the vote would have been unanimous," exclaimed Mr. Rivkin. "WLF's arguments may have also compelled the House of Delegates to adopt a somewhat more flexible position about the right to counsel where national security is at stake," Rivkin added.

WLF is a non-profit public interest law and policy center that devotes substantial resources to promoting a strong national security and defense, supporting the powers of the President under Article II, including the Commander-in-Chief powers, and maintaining the separation of powers of the branches of government. WLF has filed briefs in a number of national security cases supporting the Administration in its war on terrorism, including cases that raise the "enemy combatant" issue.

* * *

For further information, contact Paul Kamenar, WLF Senior Executive Counsel, at 202-588-0302.