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## COURT LIFTS ROADBLOCK TO DEPORTATION OF PALESTINIAN TERRORISTS

*(Reno v. American-Arab Anti-Discrimination Comm., No. 97-1252)*

The U.S. Supreme Court yesterday ruled that the federal courts overstepped their bounds by, for the past 12 years, blocking federal government efforts to deport eight fund-raisers for a Palestinian terrorist organization.

Yesterday's decision was a victory for the Washington Legal Foundation (WLF), which had filed a brief the case, *Reno v. American-Arab Anti-Discrimination Committee*, supporting the deportation efforts. WLF's brief argued that the lower-court decisions in this case have threatened the government's ability to take effective measures to combat terrorism, both here and abroad.

The Court's decision focused primarily on a jurisdictional issue: whether the lower federal courts even had jurisdiction to hear the Palestinians' claims. The Palestinians filed suit in 1987 in an effort to block the federal government from conducting a deportation hearing; as a result of that suit, no hearing has ever been conducted. The Supreme Court held that one challenging deportation may not sue to enjoin on-going deportation proceedings but rather must await completion of those proceedings and then appeal any adverse decisions to the federal courts.

But the Court also gave short shrift to the Palestinians' principal argument against deportation: that even though six of the eight of them were *illegal aliens*, the federal government should be enjoined from proceeding with deportation hearings because the Palestinians were targeted for deportation based on their expressive activities (i.e., fund-raising). The Court said that one who admittedly is in this country illegally has no basis for complaining about the government's reasons for seeking deportation.

The Palestinians are fighting deportation by arguing that the First Amendment protects their right to engage in fund-raising for groups they support, even if those groups engage in terrorism. In its brief, WLF argued that the First Amendment does not protect the activities of those who engage in fund-raising for terrorist organizations with full knowledge of the organizations' purposes.

Since 1987, the federal government has been attempting to deport the eight aliens because they have engaged in fund-raising for the Popular Front for the Liberation of Palestine (PFLP), a terrorist organization that has proclaimed the United States to be one of its principal enemies. Among its many violent acts, the PFLP assassinated the U.S. ambassador to Lebanon in 1976, and it has suspended its participation in the Palestinian Liberation Organization (PLO) because of its bitter opposition to the Oslo peace accords between Israel and the PLO.

The government sought to deport six of the eight aliens because their visas had expired. The U.S. Court of Appeals for the Ninth Circuit agreed that the six were in this country illegally, but it nonetheless enjoined deportation proceedings on the ground that the six were the victims of "selective prosecution." The appeals court noted that the government often does not seek to deport aliens solely on the basis of visa violations; the appeals court said the six were improperly singled out for deportation solely because they had exercised their First Amendment rights to associate with the PFLP. The Supreme Court reversed the appeals court on this point.

WLF filed its brief on behalf of U.S. Rep. Gerald Solomon and several groups with a strong interest in Middle East affairs, including the Jewish Institute for National Security Affairs, the Jewish Policy Center, and the Allied Educational Foundation.

WLF is a public-interest law and policy center with supporters nationwide. It devotes a significant portion of its resources to promoting America's national security.

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