

# Human rights are guaranteed for all

In the Declaration of Independence Thomas Jefferson wrote, “all men are created equal ... and are endowed by their Creator with certain unalienable Rights.” Many of these human rights have been expressly protected by U.S. laws. The following case is an example of the Court’s role in balancing individual human rights with the safety and security of others.

## Hamdi v. Rumsfeld (2004)

Yaser Esam Hamdi was an American citizen born in Louisiana in 1980. Later that year his family moved to Saudi Arabia, where he also established citizenship.

He was captured by U.S. led coalition forces in Afghanistan shortly after the events of 9/11 and was held as an enemy combatant. Hamdi claimed to be a relief worker. He was kept in prison without access to a lawyer or the courts. His father filed a writ of habeas corpus — a petition asking the court to decide if his son’s imprisonment was legal.

Hamdi argued that the government had violated his Fifth Amendment right to due process. The government claimed that as an enemy combatant Hamdi did not have the right to speak to a lawyer or to ask a court to review his case. The government claimed that the Executive Branch, during war time, had the authority to act without oversight from any other branch of government. After several appeals, the case made it to the Supreme Court.

The justices disagreed on important issues of law. The 6-3 plurality decision opinion held that Congress had authorized the use of military force, which gave the president the authority to label U.S. citizens “enemy combatants” as well as detain them. But the Executive Branch *does not* have the power to both declare someone an enemy combatant and then hold them *indefinitely* without due process. The Court agreed that Hamdi could only be held as long as the U.S. was involved in armed conflict with the Taliban.

The Court held that the Constitution’s separation of powers require that courts review presidential decisions; Hamdi had the right to bring his case before a “neutral decision maker.”

In a plea agreement, Hamdi renounced his American citizenship and he was returned to Saudi Arabia.

**Newspaper Activities: Look for current examples of balancing individual rights and security in the news. Compare and contrast this modern example with *Hamdi v. Rumsfeld*.**

**Look for news reports about the protection of human rights and discuss what you find as a class.**

Next installment: **Continuing to fight to reach the ideal**

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