

# Wiley Rein Files Supreme Court *Amicus* Brief on Behalf of the Foundation for Defense of Democracies, The Center for Security Policy and the Committee on the Present Danger

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October 10, 2007

Washington, DC – Wiley Rein LLP has filed an amicus curiae brief with the Supreme Court of the United States in *Boumediene v. Bush*. The brief was filed in support of the government on behalf of the Foundation for Defense of Democracies, the Center for Security Policy and the Committee on the Present Danger, three organizations dedicated to promoting pluralism, defending democratic values, promoting American strength and fighting the ideologies that drive terrorism.

The Court of Appeals for the District of Columbia Circuit had concluded that Lakhdar Boumediene and the other petitioners, all of whom are non-U.S. citizens detained at the U.S. Navy Base at Guantanamo Bay, had no constitutional right to petition U.S. federal courts for the writ of habeas corpus and that Congress had unambiguously stripped the federal courts of the ability to entertain petitions under the habeas corpus statute.

Wiley Rein's *amicus* brief argues that extending the constitutional right to habeas corpus to these petitioners would be inconsistent with the text and structure of the U.S. Constitution and contrary to this nation's experience of detaining more than 400,000 enemy combatants on U.S. soil during World War II. It would also constrain the ability of our military to prosecute this and future wars by publicly exposing intelligence, curtailing vital interrogation, distracting our military and overburdening the federal courts.

## Practice Areas

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Issues and Appeals  
Litigation

Finally, the procedures established jointly by Congress and the President for reviewing the status of alien enemy combatants exceeds international standards and is substantially similar to the process approved by the Court for U.S. citizens held as enemy combatants. Accordingly, the brief argues, the Court should not second-guess the considered judgment of the political branches in the exercise of their respective constitutional powers.

The Wiley Rein brief was submitted by partner Andrew G. McBride and associates William S. Consovoy, Thomas R. McCarthy and Howard Anglin.