

## Institute for Legislative and Governmental Affairs SUMMARY of PROGRAMS **SPRING 2006**

During the spring term, 2006, the Legislative Institute hosted, together with the local bar associations, the usual complement of Continuing Legal Education programs and the semiannual sitting of the Massachusetts Appeals Court. Further, the Institute also presented programs of interest to our law students and members of the communities beyond the School of Law.

**W**e had the opportunity to present Attorney Brandt Goldstein, who has written a critically acclaimed nonfiction work about the federal courts and the Haitians seeking political asylum in the 1990s. The book, *Storming the Court*, focuses on 300 innocent men, women, and children who had qualified for political asylum in the United States, but were forced into a squalid detention camp at the American naval base at Guantanamo Bay, Cuba.

Attorney Goldstein referred to the incident as the first dispute over detainees at Guantanamo Bay. He told the story of Yvonne Pascal and other Haitian refugees who had fled their violent homeland only to end up prisoners on Guantanamo. The Haitian refugees had no lawyers and no contact with the outside world until a group of law students came to their aid.

At a time when the treatment of post-9/11 Guantanamo detainees has been challenged in the courts and the public arena, Attorney Goldstein traced the origins of the legal battle over America's use of the naval base as a prison and illuminated the ways that politics can influence legal decisions.

The Institute also sponsored a program focusing on the current dispute at Guantanamo Bay over the detainees captured in the "war on terrorism." Professors Bruce Miller and Art Wolf analyzed some of the legal issues that the detention has presented.

In December, 2005, Congress enacted the Detainee Treatment Act. Among other provisions, the statute withdraws jurisdiction from the federal courts in cases challenging the detention and conditions at Guantanamo. In light of the constitutional provision forbidding suspension of the privilege of the writ of

habeas corpus, except in limited circumstances, the Act raises serious constitutional questions.

Furthermore, Professor Miller discussed the status of the detainees as "enemy combatants." Noting that the Administration has played a "bit fast and loose" with that designation, he observed that such designation may be inconsistent with existing law and past precedents

Finally, the Institute also continued to offer its services to public officials who wished to be briefed on current issues of law and public policy. Meeting with a member of Congress, we explored the following matters: (1) the President's surveillance program without court approval, including the impact of the Foreign Intelligence Surveillance Act; (2) "extraordinary rendition," which is the practice of the U.S. sending detainees to other countries for incarceration and interrogation; and (3) the detention of "enemy combatants" at Guantanamo Bay and other facilities around the world under U.S. control or supervision.



Attorney Brandt Goldstein with Professor Art Wolf



This summer Dean Art Gaudio and Institute Director Art Wolf met with students from the Siena College Legal Internship program. Interns Samantha Reid (L) and Kimberly McCall (R) conducted library and field research to improve the emergency management system and to eliminate child hunger in Massachusetts.