

Charges Dropped in Long Running Terrorism Case

Weekend Edition Saturday: December 15, 2007

SCOTT SIMON, host:

This is WEEKEND EDITION from NPR News. I'm Scott Simon.

Coming up, the Jets versus the Pats. Does that call for a nice cap? Maybe some chardonnay.

But first, it was one of the longest-running terrorism cases in U.S. history. Now, after more than 20 years, the government has finally dropped charges against the last two Palestinian-born defendants in what became known as the L.A. 8 case.

As KQED's Rob Schmitz reports, the case may have foreshadowed post-9/11 efforts to deport Muslims accused of having ties to terrorists.

ROB SCHMITZ: One day 20 years ago, the FBI arrested eight Muslim immigrants in Los Angeles for distributing magazines. These magazines supported the Popular Front for the Liberation of Palestine, a group that had staged several airline hijackings and terrorist attacks. Now, you get a sense of how old this case is when you look at what the eight were charged with. It wasn't for supporting a terrorist group. The year was 1987, Ronald Reagan was president, and the Soviet Union was the country's biggest threat.

Marc Van Der Hout of the National Lawyers Guild defended the L.A. 8.

Mr. MARC VAN DER HOUT (National Lawyers Guild; L.A. 8's Lawyer): The government charged them under the McCarran-Walter Act from the McCarthy era, charging them with distributing magazines that advocated the economic and international doctrines of world communism.

SCHMITZ: The McCarran-Walter Act was declared unconstitutional in 1990, but that didn't stop the government from going after the L.A. 8.

Mr. KHADER HAMIDE (Member, L.A. 8): We were continuously under the threat of charges.

SCHMITZ: That's L.A. 8 member Khader Hamide.

Mr. HAMIDE: New charges, new, new charges. Every time we beat the charge in court, the government will slap us with a new charge.

SCHMITZ: As the threat to the U.S. evolved from communism to terrorism, the government changed its charges accordingly. And for 20 years, Hamide lived life in the U.S. on the verge of being deported.

Virginia Kice, spokeswoman for Immigration and Customs Enforcement, says this deportation case is the longest-running so-called high-profile case in her agency's history.

Ms. VIRGINIA KICE (Spokeswoman, U.S. Immigration and Customs Enforcement): At the time these men were charged, the government reasonably believed that they were a threat based upon their membership in this organization.

SCHMITZ: The ACLU's Ahilan Arulanantham was one of the last lawyers on this case. He was just 14 years old when the case had started. He studied it at law school.

Mr. AHILAN ARULANANTHAM (Staff Attorney, American Civil Liberties Union): L.A. 8 was, for my generation of law students, kind of an iconic case.

SCHMITZ: The case was famous because it waded the question of whether immigrants are protected under the First Amendment. It was also fodder for critics who believe the government overzealously targets immigrants. In this case, the multiple administrations were so persistent, says Arulanantham, that after they failed to deport the L.A. 8 with existing laws, they instead persuaded Congress to make laws by inserting provisions in the bills that specifically targeted the L.A. 8.

Mr. ARULANANTHAM: Imagine the resources it takes to expand, to get provisions passed in the Patriot Act and then in the Real ID Act that are aimed at getting these guys. And there's obviously a lot of political capital involved, and that's a lot of work.

SCHMITZ: Immigration Judge Bruce Einhorn is very familiar with the L.A. 8. The deportation case kept returning to his courtroom and he kept dismissing it, ruling the government didn't have enough evidence. Why does Einhorn think the government was so persistent?

Judge BRUCE EINHORN (Federal Immigration, Los Angeles, California): My sense was that the government was trying to achieve a victory in an advocacy case in order to make it easier in subsequent cases to deport people who might be even more connected to terrorist activity.

SCHMITZ: In his final decision, Einhorn called the government's tactics an embarrassment to the rule of law. In order to drive his point home, he used a very unusual tactic. He began his written decision with a poem about death - "The Song of Israel" by poet William Knox.

Judge EINHORN: And why should the spirit of mortal be proud? Like a fast-flitting meteor, a fast-flying cloud, a flash of the lightning, a break of the wave, he passes from life to his rest in the grave.

SCHMITZ: He used the poem as a message to the government that it was okay to let this case die. This time, the government took his advice. For defendant Khader Hamide, the fact that the case is over will take awhile to sink in. He plans to become an American citizen, but he has doubts about that.

Mr. HAMIDE: I tried to figure out how I'm going to feel on that day. I don't know, I am a man without a country. I adopted this country, I thought this country adopted me, and I was rejected for 21 years. It's a difficult situation.

SCHMITZ: All of the remaining members of the L.A. 8 still live in the U.S. except for one - Bashar Amer who has returned home to the West Bank city of Bethlehem.

For NPR News, I'm Rob Schmitz in Los Angeles.