

## Synopsis of Facts: *Rumsfeld v. Padilla*

To accompany *Cases from the War on Terrorism*

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Jose Padilla is a United States citizen. He is a former gang member who was arrested in Chicago upon arrival from Pakistan on May 8, 2002. The FBI claimed that Padilla, while in Pakistan, met with members of Al-Qaeda and was coming back to the U.S. to commit acts of violence. He was therefore held as a material witness for the 9/11 grand jury in New York. President Bush later declared Padilla an “enemy combatant” and transferred him to a military base in South Carolina. Classification as an “enemy combatant” allows the government to detain him without the constitutional protections which are generally extended to criminal defendants.

In New York, the federal court ruled against Padilla, finding that he had been appropriately detained and could be labeled as an enemy combatant. They did, however, order that he be permitted access to a lawyer. The United States appealed the case to the Second Circuit Court of Appeals. The government argued that:

1. Padilla shouldn't have access to a lawyer because he was a national security concern. They cited the congressional authorization for the war on terrorism, which granted the President “necessary and appropriate” powers.
2. The New York federal court didn't have the authority to hear the case because Padilla had been moved to South Carolina, and because the South Carolina prison warden should have been named as the defendant rather than Secretary of Defense Donald Rumsfeld.

The Second Circuit ruled against both of the government's arguments. They found that the New York court did have the authority to hear the case and that Rumsfeld could be named as the defendant. They also ruled that Padilla could not be held as an enemy combatant, and therefore deserved access to a lawyer. The United States appealed that ruling to the Supreme Court.