

Opinions: *Rumsfeld v. Padilla*

To accompany *Cases from the War on Terrorism*

Majority

Chief Justice Rehnquist (joined by Justices Scalia and Thomas) wrote the majority opinion, dismissing Padilla's case after finding that the federal District Court in New York did not have jurisdiction over his claim. The Court further held that the proper defendant in the case was the warden of the facility where the prisoner is being held, and not Secretary Rumsfeld. Here, the warden was clearly outside the reach of the New York courts.

Concurrence

Justice Kennedy wrote a concurrence, in which Justice O'Connor joined, clarifying their understanding of the majority decision. They stressed that where jurisdiction over the direct warden is lacking, courts should direct the case to the most appropriate venue where the nearest custodian can be found. Furthermore, the concurrence explicitly allowed for an exception if "the Government's purpose in removing a prisoner were to make it difficult for his lawyer to know where the habeas petition should be filed, or where the Government was not forthcoming with respect to the identity of the custodian and the place of detention."

Dissent

Justice Stevens' bitter dissent was joined by Justices Souter, Ginsberg, and Breyer, and not only challenged the majority's understanding of jurisdiction, but reached the merits of the case to find the Government's arguments lacking. In this case, the dissent found that the Government's late notice to Padilla's lawyer of their intention to relocate him "should not permit the Government to obtain a tactical advantage." Justice Stevens felt strongly that the Court should address itself to the real question in this case, which was "whether [Padilla] is entitled to a hearing on the justification for his detention."