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## In Victory for WLF, U.S. Supreme Court Grants Review in *Ashcroft v. Turkmen*

(*Ziglar v. Turkmen*; *Ashcroft v. Turkmen*; *Hasty v. Turkmen*)

**“Efforts to hold government officials personally liable for alleged official misconduct are highly disruptive and likely to impair the performance of their duties. Qualified immunity is supposed to protect all government officials except those who are plainly incompetent or knowingly violate the law.”**

**—Richard Samp, WLF Chief Counsel**

WASHINGTON, DC—In a victory for WLF today, the U.S. Supreme Court granted *certiorari* in *Ashcroft v. Turkmen* and related cases. In June, WLF filed the only *amicus* brief in the case, urging review on behalf of five former U.S. Attorneys-General (William Barr, Alberto Gonzales, Edwin Meese, Michael Mukasey, and Dick Thornburgh) and two former FBI Directors (William Sessions and William Webster). WLF’s brief called on the Court to review and overturn a decision by the Second Circuit Court of Appeals that exposes senior federal officials—including former Attorney General John Ashcroft and former Federal Bureau of Investigation Director Robert Mueller—to tort damages claims for how they investigated the 9/11 terrorist attacks.

The suit stems from the arrest and detention of several Arab/Muslim aliens illegally in the U.S., who were held under harsh conditions for several months after 9/11 until deported. The plaintiffs contend the conditions of confinement violated their constitutional rights because: (1) defendants (including Ashcroft and Mueller) knew that plaintiffs lacked any connection to terrorism; and (2) subjected plaintiffs to harsh conditions because defendants intended to discriminate against them based on their religion and ethnic background. The appeals court deemed the complaint valid, which would force defendants to respond and subject them to pre-trial discovery proceedings.

WLF’s brief argued that the qualified immunity doctrine protects senior government officials from lawsuits when, as here, there was no “clearly established” case law indicating that the officials’ alleged actions violated the plaintiffs’ constitutional rights. WLF contended that it is particularly inappropriate to permit such suits when the plaintiffs’ claims touch directly on national security issues, thereby potentially disrupting efforts to prevent future terrorist attacks.

Upon learning of the cert. grant, WLF issued this statement by Chief Counsel Richard Samp: “The appeals court decision wrongly strips the Attorney General and FBI Director of the protection from tort claims to which the qualified immunity doctrine entitles them. Efforts to hold government officials personally liable for alleged official misconduct are highly disruptive and likely to impair the performance of their duties. Qualified immunity is supposed to protect all government officials except those who are plainly incompetent or knowingly violate the law.”

*WLF is a public-interest law firm and policy center that regularly advocates for reasonable restraints on tort liability and against legal policies that jeopardize U.S. national security.*

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