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## Four Former US Attorneys-General Join WLF in Asking Supreme Court to Uphold Qualified Immunity

*(Ziglar v. Abbasi, f/k/a Ziglar v. Turkmen, f/k/a Ashcroft v. Turkmen)*

**“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. ... 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 brief filed late Friday, November 25, Washington Legal Foundation encouraged the US Supreme Court to overturn a US Court of Appeals for the Second Circuit decision that would expose former federal officials—including former attorney general John Ashcroft and former FBI Director Robert Mueller—to personal liability for tort claims seeking damages based on their official conduct responding to the 9/11 terrorist attacks. WLF regularly advocates for reasonable restraints on tort liability and against policies that jeopardize the rule of law and US national security.

On behalf of our clients, former attorneys-general William P. Barr, Alberto R. Gonzales, Edwin Meese III, and Dick Thornburgh, WLF’s brief argues that the qualified immunity doctrine protects government officials from lawsuits when, as here, no “clearly established” case law indicated that the officials’ alleged actions would violate the plaintiffs’ constitutional rights.

This suit stems from the arrest and detention of several Muslim aliens illegally in the US, who were held under harsh conditions for several months after 9/11 until deported. The plaintiffs contend that the conditions of confinement violated their constitutional rights because defendants (1) 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 found the plaintiffs adequately stated a claim, which would force defendants to respond and subject them to pre-trial discovery proceedings.

After filing its brief, WLF issued the following 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 the nation’s premier public-interest law firm and policy center that advocates for free-market principles, a limited and accountable government, individual and business civil liberties, and the rule of law.*

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