

Lawyer for Terror Suspects, FBI Officials and Others Debate Civil Liberties

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PHILADELPHIA - Since the Sept. 11 attacks, Americans have been presented with two starkly different views of how the United States has balanced security with civil liberties in the war on terror.

In one, the country is being steered down a dark path by a government that has assumed new powers to secretly arrest citizens and foreigners, detain them for indefinite periods without access to a lawyer, and even torture them if it suits the military's needs.

In the other, the United States has been so consumed with protecting civil liberties that it has become complacent. The country's borders remain porous. Judges threaten to limit the president's ability to conduct an unconventional war. Law enforcement agencies are restricted from using tools that might prevent future attacks.

Both viewpoints were on display Friday as some of the nation's top participants in the debate faced off at a conference on homeland security and civil liberties jointly sponsored by the University of Pennsylvania Law School and the U.S. Army War College.

Frank Dunham _ the sharp-tongued federal defender from Virginia who represents terror suspect Zacarias Moussaoui and Yaser Esam Hamdi, a U.S. citizen captured in Afghanistan _ said government compromises on civil liberties will only fuel the view among Islamic extremists that American talk of freedom is empty rhetoric.

"I've talked to Zacarias Moussaoui. I know what their strongest issue is for war against us. It is that we are hypocrites," Dunham said.

Temple Law School professor Jan Ting, a former assistant commissioner of the now-defunct Immigration & Naturalization Service, said the problem with anti-terrorism activities since Sept. 11 isn't that they've gone too far, but that they haven't gone far enough.

He offered a spirited defense of new rules requiring certain foreign visitors from Muslim nations to register their whereabouts in the country, and said the president needs to have the ability to detain terrorism suspects without filing traditional criminal charges.

"Obviously, if you're at war, you have the power to kill people. You ought to have the power to detain them," Ting said.

He also warned that U.S. immigration law still contains loopholes that make it too easy for terrorists to come to America, including a provision that allows many Europeans to visit the United States without a visa.

Ting noted that both Moussaoui and Richard Reid, the failed "shoe bomber," boarded planes for the United States without needing a visa. Moussaoui is a French citizen. Reid is British.

"Are we doing enough to protect this country? I don't think we are," Ting said.

Other panelists included the head of the FBI's National Security Law Unit, an electronic privacy expert, the Department of Homeland Security's top civil rights officer, an Arab American activist and a host of law professors.