Ashcroft Warns of Judicial Meddling in Terror War

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By James Vicini

WASHINGTON (Reuters) - Departing Attorney General John Ashcroft (news - web sites), dealt several court defeats over U.S. anti-terrorism policies, on Friday derided what he called judges’ second-guessing of the president's decisions.

"These encroachments include some of the most fundamental aspects of the president's conduct of the war on terrorism,” Ashcroft told the Federalalist Society, a conservative lawyers group, in his first public remarks since the White House announced his resignation on Tuesday.

"The danger I see here is that intrusive judicial oversight and second-guessing of presidential determinations in these critical areas can put at risk the very security of our nation in a time of war," Ashcroft said.

President Bush (news - web sites) said on Wednesday that he would nominate White House legal counsel Alberto Gonzales to succeed Ashcroft, the administration's chief architect of many domestic anti-terrorism policies adopted after the Sept. 11 attacks in 2001.

During nearly four years in office, Ashcroft became a lightning rod for criticism from Democrats and rights groups for policies, including portions of the Patriot Act, that they said drastically curtailed civil liberties in America.

Among the setbacks for the administration were two Supreme Court rulings in June that terror suspects, held in this country or at the U.S. military base at Guantanamo Bay in Cuba, can use the U.S. judicial system to contest their confinement.

On Monday, a federal judge in Washington declared unlawful the military tribunal trial of a Guantanamo prisoner accused of being Osama bin Laden (news - web sites)’s bodyguard and driver.

Civil rights groups have hailed the court decisions for providing a check on the administration's policies, including the indefinite detention of suspects without any charges or without access to a lawyer.

Ashcroft did not refer to any specific ruling, but he warned of what he called excessive judicial encroachment into the powers reserved for the president.

"The essential constitutional understanding is that courts are not equipped to execute the law. They are not accountable to the people. And they lack the knowledge and expertise essential for the effective administration of government," he said.

"The latitude and discretion reserved for the president under our Constitution must, of course, be greatest in the areas of national security and foreign relations, especially during times of war and national crisis," Ashcroft said.

Congress will consider whether to renew the provisions of the Patriot Act that expire next year. The law gave the government new power to tap phones, track Internet usage and detain immigrants.