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*The Closure of Removal Proceedings of September 11th Detainees: An Analysis of Detroit Free Press, North Jersey Media Group and the Creppy Directive*

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Abstract by Raymond R. Janairo

In the wake of the September 11 attacks, the Office of the Attorney General initiated a number of removal proceedings of non-citizens, primarily of Arab or Muslim descent, present in the United States without proper documentation. Chief Immigration Judge Michael Creppy issued a directive that closed the removal proceedings of detainees suspected of terrorism to the press, the public, and to the detainees' families. Two cases—one in the Third Circuit, the other in the Sixth Circuit—challenged this policy, with differing results. The Third Circuit, in *N. Jersey Media Group, Inc. v. Ashcroft*, 205 F. Supp. 2d 288 (D.N.J. 2002), found that news reporters had no First Amendment right of access to immigration hearings. The Sixth Circuit, however, found just the opposite. The Supreme Court subsequently denied *certiorari* in *N. Jersey Media Group*.

This student comment argues that, under the presumption of public access to criminal and civil trials and administrative proceedings, these “special interest” deportation hearings should have been open to the public under the two-part *Richmond Newspapers, Inc. v. Virginia* test. According to the author, one consequence of these closed hearings is the inability of “concerned citizens” to discern between likely terrorists and bystanders with no terrorism links. The comment argues that the Creppy directive was a blanket policy to close all “special interest” deportation hearings and that it failed to provide immigration judges with guidelines to determine whether proceedings should be closed and how to protect sensitive information. The comment also asserts that, by denying *certiorari*, the Supreme Court “missed a rare opportunity to evaluate . . . if the press and the public possessed a First Amendment right of access to administrative proceedings.” The comment concludes by calling for a statutory rule that balances the presumption of openness with the need for confidentiality in “special interest” cases.