



TERRORISM,

THE LAWS OF WAR, AND THE

CONSTITUTION

Terrorism The Laws Of War And The Constitution Debating The Enemy Combatant Cases

Neil Jumonville, Kevin Mattson



Terrorism The Laws Of War And The Constitution Debating The Enemy Combatant Cases:

Terrorism, the Laws of War, and the Constitution Peter Berkowitz, 2005 Civil liberties versus national security new issues raised by a new kind of war **Enemy Combatants, Terrorism, and Armed Conflict Law** David K. Linnan, 2008-01-30 With a renewed emphasis on national and homeland security the United States is once again seeking to balance the needs of the state with both the rights of its citizens as well as those of other nations This book represents an interdisciplinary approach to the legal dilemmas borne out by the war on terror against the specific background of Afghanistan Iraq and this new kind of conflict It is a strong contribution to a broader debate visible since 9 11 which will remain in the public eye for the foreseeable future It addresses the overlap between religion ethics armed conflict and law within the context of the current conflict While many issues in areas such as intelligence reconciliation of civil liberties dealing with terrorist threats and the permissible bounds of interrogation treatment of prisoners and laws governing armed conflict have long standing precedents under domestic and international law this war has challenged even long standing legal interpretations The contributors to this volume explore those precedents and contemporary challenges to them Now that traditional wars between nation states are no longer the rule the terrorist threat has gained credence popularly terrorism and its claimed breeding ground in failed states linked in practice to issues of intervention on the territory of states harboring such groups In military circles the idea of armed struggle between modern military forces and what were formerly called guerillas has now largely been replaced by asymmetric warfare and the concept of intelligence and preventive action interchangeably within U S borders and overseas Opposing views contemplate that different and presumably lower legal standards may apply in internal armed conflicts Such legal issues are visible under current circumstances of asymmetric warfare in conjunction with questions about prisoner status and detentions including the permissible bounds of interrogation versus torture following the Abu Ghraib prison scandal in Iraq but also the treatment at the Guantanamo Bay facility of alleged Al Qaeda captives from Afghanistan All of the contributors in this book explore the changing circumstances against which these contentious new legal issues now unfold The experts strike no consensus Indeed one of the work s many strengths can be attributed to the fact that the many facets of the ongoing debate are represented herein *Terror and the War on Dissent* Ian Cram, 2009-06-29 Located within wider debates about security versus liberty in our post 9 11 world the book analyses the new landscape of UK counter terrorism powers and offences and focuses upon the deleterious consequences of the so called war on terror on freedom of political expression and association Questioning the compatibility of recent speech limiting measures with liberalism s established commitment to free speech and international human rights norms the book takes a critical look at new powers to proscribe extremist political parties possession offences and other criminal controls eg Official Secrets Act prosecutions as well as new offences such as glorification of terrorism Less visible extra legal forms of censorship are also evaluated The monograph concludes by asking how a more vigorous defence of unorthodox and unpopular forms of

expression might be safeguarded in the UK

Restoring the Balance Seth Weinberger, 2009-08-10 Since 9 11 one of the most dominant issues in American politics has been what exactly is a war on terror and who is in charge of it Previous books on this topic have fallen off the horse on either side on the right making military actions under the Bush administration equal to previous declared wars and ceding too much war making power to the presidency or on the left requiring congressional approval for any national security steps at all contradicting much of American historical precedent Weinberger presents a novel understanding of the Declare War clause of the Constitution Article 1 Section 8 filtering it through the AUMFs passed by Congress since 9 11 and concluding that the Presidency has wide latitude and autonomy in the overseas theaters but not on the domestic front

Contemporary Supreme Court Cases Donald E. Lively, D. Scott Broyles, 2016-02-22 With its blend of accessible writing and actual excerpts from Court opinions this book serves to explain the legal and cultural underpinnings of landmark U S Supreme Court decisions of the past 35 years and to illuminate how these decisions have shaped the trajectory and character of modern American society As the nation s law defines society society defines the law As the nation s fundamental law the U S Constitution is the overarching statement of the people s will Interpreting the Constitution however is no simple task This book examines more than 100 landmark Supreme Court cases from 1973 to the present providing readers with insights into decisions that have had a profound impact on American politics commerce culture and life Organized categorically this book serves readers either as a comprehensive review of modern constitutional law or as a ready reference source It includes entries on Supreme Court decision making regarding high interest issues such as abortion *Roe v Wade* 1973 *Gonzales v Carhart* 2007 climate change *Massachusetts v EPA* 2007 voting rights *Bush v Gore* 2000 free speech *Texas v Johnson* 1989 the death penalty *Roper v Simmons* 2005 immigration *Arizona v United States* 2012 campaign financing *Citizens United v FEC* 2010 gun control *District of Columbia v Heller* 2008 the Affordable Care Act *National Federation of Independent Business v Sebelius* 2012 and gay marriage *United States v Windsor* 2013 The book not only interprets key Court decisions but also provides critical context and perspective that makes the subject matter easier to understand and more meaningful especially for readers without an extensive background in Constitutional law Bibliographies are provided at the end of each case to direct those seeking to delve more deeply into specific topics

Supreme Decisions, Volume 2 Melvin Urofsky, 2012-02-28 Compellingly written accessible and interpretive Melvin I Urofsky s stories of major Supreme Court cases and the impact of each ruling on American constitutional law make a readable book for every student

The Two Faces of American Freedom Aziz Rana, 2014-04-07 *The Two Faces of American Freedom* boldly reinterprets the American political tradition from the colonial period to modern times placing issues of race relations immigration and presidentialism in the context of shifting notions of empire and citizenship Today while the U S enjoys tremendous military and economic power citizens are increasingly insulated from everyday decision making This was not always the case America Aziz Rana argues began as a settler society grounded in an ideal of freedom as the exercise of

continuous self rule one that joined direct political participation with economic independence However this vision of freedom was politically bound to the subordination of marginalized groups especially slaves Native Americans and women These practices of liberty and exclusion were not separate currents but rather two sides of the same coin However at crucial moments social movements sought to imagine freedom without either subordination or empire By the mid twentieth century these efforts failed resulting in the rise of hierarchical state and corporate institutions This new framework presented national and economic security as society's guiding commitments and nurtured a continual extension of America's global reach Rana envisions a democratic society that revives settler ideals but combines them with meaningful inclusion for those currently at the margins of American life

Handbook on Prisons Yvonne Jewkes, 2012-08-21 Focusing on prisons this title is a useful reference for practitioners working in prisons and other parts of the criminal justice system It explores a range of historical and contemporary issues relating to prisons imprisonment and prison management

Battleground: Government and Politics Lori A. Johnson, Kathleen Uradnik, Sara Beth Hower Ph.D., 2011-09-23 Through a detailed exploration of the viewpoints involved this balanced and incisive work promotes understanding of the most divisive issues in American government today Government and politics is an area in which there are no right answers but much room for debate Battleground Government and Politics allows students and general readers alike to consider key political debates from all sides and to arrive at their own considered convictions based on a firm understanding of the issues and points of view involved This two volume work explores dozens of the most contentious issues in contemporary life issues that impact how our government is run today and how it will be run in the future Each topic is examined in a balanced way providing not only an overview of the issues involved but an objective assessment of the stance of all sides Readers can use these entries as thorough and solid summaries of the most contentious controversies in contemporary society or as starting points for more in depth research into the debates

Liberalism for a New Century Neil Jumonville, Kevin Mattson, 2007-06-04 Here finally the collection we've been waiting for thoughtful and lively essays on the relevance of liberalism for this new century by some of its keenest observers Robert B Reich Professor of Public Policy University of California Berkeley

The Political Ideas of Thorstein Veblen Sidney Plotkin, Rick Tilman, 2011-12-06 Thorstein Veblen is best known for his authorship of The Theory of the Leisure Class and The Theory of Business Enterprise which made him a celebrated figure in the fields of economics and sociology at the turn of the twentieth century In this book Sidney Plotkin and Rick Tilman argue that in addition to his well known work in these fields Veblen also made important and until now overlooked statements about politics While Veblen's writings seldom mention politics they are saturated with political ideas about the relationship among war executive power and democracy about the similarities between modern executive positions and monarchy about the political influence of corporate power about the symbolism of politics and about many other issues By demonstrating the deep relevance of Veblen's writings to today's political troubles The Political Ideas of Thorstein Veblen offers an important reconsideration of a major

American thinker **Habeas Corpus in Wartime** Amanda L. Tyler, 2017-11-01 Habeas Corpus in Wartime unearths and presents a comprehensive account of the legal and political history of habeas corpus in wartime in the Anglo American legal tradition The book begins by tracing the origins of the habeas privilege in English law giving special attention to the English Habeas Corpus Act of 1679 which limited the scope of executive detention and used the machinery of the English courts to enforce its terms It also explores the circumstances that led Parliament to invent the concept of suspension as a tool for setting aside the protections of the Habeas Corpus Act in wartime Turning to the United States the book highlights how the English suspension framework greatly influenced the development of early American habeas law before and after the American Revolution and during the Founding period when the United States Constitution enshrined a habeas privilege in its Suspension Clause The book then chronicles the story of the habeas privilege and suspension over the course of American history giving special attention to the Civil War period The final chapters explore how the challenges posed by modern warfare during the twentieth and twenty first centuries have placed great strain on the previously well settled understanding of the role of the habeas privilege and suspension in American constitutional law particularly during World War II when the United States government detained tens of thousands of Japanese American citizens and later during the War on Terror Throughout the book draws upon a wealth of original and heretofore untapped historical resources to shed light on the purpose and role of the Suspension Clause in the United States Constitution revealing all along that many of the questions that arise today regarding the scope of executive power to arrest and detain in wartime are not new ones *Pirates, Terrorists, and Warlords* Jeffrey H. Norwitz, 2009-07 A serious look at the enemies we face in the twenty first *Terror in the Balance* Eric A. Posner, Adrian Vermeule, 2007-01-04 In *Terror in the Balance* Posner and Vermeule take on civil libertarians of both the left and the right arguing that the government should be given wide latitude to adjust policy and liberties in the times of emergency They emphasize the virtues of unilateral executive actions and argue for making extensive powers available to the executive as warranted At a time when the struggle against violent extremism dominates the United States agenda this important and controversial work will spark discussion in the classroom and intellectual press alike

American Constitutional Law Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2009-07-16 *American Constitutional Law Essays Cases and Comparative Notes* is a unique casebook that encourages citizens and students of the Constitution to think critically about the fundamental principles and policies of the American constitutional order In addition to its distinguished authorship the book has two prominent features that set it apart from other books in the field an emphasis on the social political and moral theory that provides meaning to constitutional law and interpretation and a comparative perspective that situates the American experience within a world context that serves as an invaluable prism through which to illuminate the special features of our own constitutional order While the focus of the book is entirely on American constitutional law the book asks students to consider what if anything is unique in American constitutional life and what we

share with other constitutional democracies Each chapter is preceded by an introductory essay that highlights these major themes and also situates the cases in their proper historical and political contexts This new edition offers updated and expanded treatment of a number of important and timely topics including gerrymandering and campaign finance the death penalty privacy affirmative action and school segregation The new edition offers _ Updated and expanded treatment of key cases on gerrymandering and campaign finance _ Expanded discussion of the Court s work federalism and the commerce clause _ Discussions of the Court s new cases on the death penalty including a discussion of the controversy within the Court about the propriety of citing foreign case law _ An expanded discussion of the Court s recent work in the area of privacy including the Court s decisions with regard to partial birth abortions and same sex marriages _ An expanded section on the Court s continuing efforts to develop a coherent takings clause jurisprudence _ Full coverage of new developments and cases concerning affirmative action and school desegregation

Supreme Decisions, Combined Volume Melvin I.

Urofsky,2018-04-27 **Supreme Decisions Great Constitutional Cases and Their Impact** Volumes 1 and 2 covers twenty four Supreme Court cases twelve per volume that have shaped American constitutional law Interpretive chapters shed light on the nuances of each case the individuals involved and the social political and cultural context at that particular moment in history Discussing cases from nearly every decade in a two hundred year span Melvin I Urofsky expounds on the political climate of the United States from the country s infancy through the new millennium Featuring Marbury v Madison Dred Scott v Sandford Miranda v Arizona Brown v Board of Education and many more this text covers foundational rulings and more recent decisions Written with students in mind Melvin I Urofsky s voice offers compelling and fascinating accounts of American legal milestones

Supreme Decisions Melvin I. Urofsky,2012-02-28 Compellingly written accessible and interpretive Melvin I Urofsky s stories of major Supreme Court cases and the impact of each ruling on American constitutional law make a readable book for every student

Evolution of U.S. Counterterrorism Policy Yonah Alexander,Michael B. Kraft,2007-12-30 Including many older documents not available electronically or otherwise accessible this three volume set provides the first comprehensive collection of key documents statements and testimony on U S government counterterrorism policies as they have evolved in the face of the changing terrorist threats Selected executive and congressional materials highlight the government s diverse policy and program responses to terrorism The testimony statements and documents provide the public articulation and face to the largely important intelligence law enforcement preventative security measures and international cooperation used in the shadowy war against terrorism Recent entries provide a handy compilation of important post 9 11 materials For example useful background information on U S actions against Osama bin Laden the Taliban and Saddam Hussein and terrorism fundraising Also included are statements from the Reagan and other administrations that relate to disputes over the appropriate use of force Introductory chapters by Alexander and Kraft provide the historical context and analysis of previous and current U S counterterrorism policy including

U S legislation For over two centuries America has faced occasional outbreaks of terrorism perpetrated by both indigenous and foreign groups But the spectacular bombing in Oklahoma City in 1995 and the September 11 2001 attacks seemed to signify a new age frightening many Americans and destroying their sense of domestic security In addition U S citizens and interests have been increasingly affected by acts of terrorism abroad The challenges of terrorism therefore have required the United States to develop comprehensive strategies and programs to counter both conventional and unconventional threats nationally and globally **International Humanitarian Law and International Human Rights Law** Orna

Ben-Naftali,2011-01-13 Examining the complex relationship between international human rights and humanitarian law this volume explores the potential for fusing the two regimes into a new legal paradigm *Armed groups: Studies in National Security, Counterterrorism, and Counterinsurgency* Jeffrey H. Norwitz,2008 Discussion of armed groups which are considered to include classic insurgents terrorists guerrillas militias police agencies criminal organizations war lords privatized military organizations mercenaries pirates drug cartels apocalyptic religious extremists orchestrated rioters and mobs and tribal factions To study armed groups use of history political science anthropology sociology theology and economics are traditional areas of research The book also delves into matters of ethics technology intelligence education the law diplomacy military science and even mythology The book is divided into five sections History and armed groups Present context and environment Religion and inspiration thinking differently about armed groups the shape of things to come

Whispering the Secrets of Language: An Mental Quest through **Terrorism The Laws Of War And The Constitution Debating The Enemy Combatant Cases**

In a digitally-driven world wherever monitors reign supreme and immediate connection drowns out the subtleties of language, the profound secrets and psychological nuances concealed within phrases usually move unheard. However, located within the pages of **Terrorism The Laws Of War And The Constitution Debating The Enemy Combatant Cases** a charming literary value pulsating with organic emotions, lies a fantastic quest waiting to be undertaken. Published by a skilled wordsmith, that wonderful opus attracts visitors on an introspective journey, softly unraveling the veiled truths and profound affect resonating within the fabric of every word. Within the emotional depths of this moving review, we shall embark upon a sincere exploration of the book is primary styles, dissect its captivating writing type, and succumb to the effective resonance it evokes strong within the recesses of readers hearts.

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