

Hamdan v. Rumsfeld / Supreme Court was correct in its ruling

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Position: Supreme Court was correct in its ruling

This position addresses the topic Hamdan v. Rumsfeld.

For this position

“ The Supreme Court had to order the president to do what he knows he should -- formally charge the detainees at Guantanamo and give them fair trials of some kind -- but even now he wants to stack the deck by refusing to let the detainees even see or hear some of the evidence against them.”

From 'Values' We Have to Hide Abroad, by Eugene Robinson (*The Washington Post*, September 8, 2006) (view)

“ President Bush tried to armor the Republican Party before the mid-term elections by projecting himself as the commander-in-chief. Now he has torn the epaulets from his uniform to reveal himself as something no other president has ever been: torturer-in-chief.”

From How Bush Rules: The Torturer-in-Chief, by Sidney Blumenthal (*The Huffington Post*, September 18, 2006) (view)

“ But now, since the new Military Commissions Act shuts off habeas-corpus petitions in our federal courts by lawyers for detainees on their conditions of confinement -- where coerced interrogations (that could include torture, but we'll never know) are permitted -- Hamdan was right: There is no law for these detainees. ”

From Eroding detainees rights, by Nat Hentoff (*The Washington Times*, October 30, 2006) (view)

“ The Supreme Court's decision striking down the military tribunals set up to try the detainees being held in Guantánamo Bay is far more than a narrow ruling on the issue of military courts. It is an important and welcome reaffirmation that even in times of war, the law is what the Constitution, the statute books and the Geneva Conventions say it is -- not what the president wants it to be.”

From A Victory for the Rule of Law, by The New York Times editorial board (*The New York Times*, June 30, 2006) (view)

“ "Now, however, balancing these concerns against the accused's rights to a fair trial will not be the sole province of the administration itself but a shared responsibility of the executive and legislative branches. The results will bear the mark of democratic legitimacy: They will be law." ”

From A Victory for Law, by The Washington Post editorial board (*The Washington Post*, June 30, 2006) (view)

“ "It seemed almost too much to hope for, but the Supreme Court finally called George W. Bush onto the carpet yesterday and asked him the obvious question: What part of "rule of law" do you not understand?" ”

From Checking the Decider, by Eugene Robinson (*The Washington Post*, June 30, 2006) (view)

“ "The Hamdan ruling should be a cause for celebration, at home and abroad, because it demonstrates that the self-correcting mechanisms of American democracy remain healthy." ”

From Fight Terror -- With Law, by David Ignatius (*The Washington Post*, June 30, 2006) (view)

“ "Much like the so-called "Patriot Act," the tribunals were created in haste following the Sept. 11, 2001, attacks. In that traumatic time, Congress was unwilling to challenge the president's call for such wide-ranging security measures. But there is no excuse for the Pentagon's treatment of the estimated 750 detainees, who have been held in the U.S. military prison in Cuba since 2002. Reports show our military using torture-like treatments such as solitary confinement, exposure to extreme temperatures and sleep-depriving noise and light. " ”

From Return of due process, by San Francisco Chronicle editorial board (*San Francisco Chronicle*, June 30, 2006) (view)

“ "Bush should do what he should have done in 2002: Try suspects fairly in courts, military or civilian, that would show that justice has not fallen victim to terrorism in the United States." ”

From No blank check for Bush, by The Boston Globe editorial board (*The Boston Globe*, June 30, 2006) (view)

“ "The court, reacting to this presidential claim, swept aside all of the procedural barriers in order to get to the heart of the matter: The United States remains a constitutional republic." ”

From Step back, imperial president, by Harvey Silverglate (*Los Angeles Times*, June 30, 2006) (view)

“ "Once again the chief executive had to be reminded that he is not above the law. No more than the security threats Nixon invented to justify his rogue police state operations will the war on terrorism relieve the president of the burden imposed by the Constitution to "faithfully execute the laws." He can't just make them up to suit his convenience." ”

From The Court Hands Congress an Opportunity, by David S. Broder (*The Washington Post*, July 6, 2006) (view)

“ "This is a moment in which this country can correct the mistake of five years ago, when the executive branch sought to fight a novel war based on a combination of outdated laws and new rules it made up on its own. The Supreme Court has created the chance to bring real law to the war on terror -- if Congress is willing to do its job." ”

From Let There Be Law, by The Washington Post editorial board (*The Washington Post*, July 2, 2006) (view)

Against this position

“ "To keep everyone honest, I would add another layer of accountability: Every so often, the government would report to the public on how many people it roughed up over a given period, in what fashion, and why. Even with sensitive particulars redacted, a general description would force politicians to confront the public." ”

From Tortured Reasoning, by Jonathan Rauch (*Reason*, September 25, 2006) (view)

“ "The Bush-McCain compromise makes the best of this legal hash. More importantly, it gives the president specific congressional authority for an interrogation program essential to defeating an international army of mass murderers bent on killing more Americans." ”

From Bush, McCain and 'torture', by Robert J. Caldwell (*The San Diego Union-Tribune*, September 24, 2006) (view)

“ "The details of this week's compromise on detainee treatment between the White House and a small group of Senators led by John McCain are complicated. But the upshot of the agreement is simple and welcome: Aggressive CIA interrogations of such high-level al Qaeda prisoners as Khalid Sheikh Mohammed will be able to continue." ”

From An Antiterror Victory, by The Wall Street Journal editorial board (*The Wall Street Journal*, September 23, 2006) (view)

“ "Does any sane adult believe the cutthroats we are dealing with will respect the Geneva Convention? Or that our extension of Geneva Convention rights to them will be seen as anything other than another sign of weakness and confusion that will encourage them in their terrorism?" ”

From Suicidal hand-wringing, by Thomas Sowell (*The Washington Times*, September 21, 2006) (view)

“ "What's more, the definition of an "outrage" is context-dependent. What's outrageous when dealing with the likes of 9/11 mastermind Khalid Sheikh Mohammed, or a terrorist who might know about imminent plots, is clearly different than what's outrageous when dealing with a lawful combatant or prisoner of war." ”

From Geneva Contention, by The Wall Street Journal editorial board (*The Wall Street Journal*, September 18, 2006) (view)

“ "We are not, and the administration is not, advocating torture. But there are, manifestly, methods of coercion that, though rougher than the Miranda standards of the criminal- and military-justice systems, fall short of torture. ...; Those methods will be effectively outlawed if Congress does not act." ”

From Tortured Debate, by National Review editorial board (*National Review*, September 18, 2006) (view)

“ "The act" is a painstakingly conscientious effort to establish a system of military tribunals that will satisfy Hamdan. The statute is some 86 pages long; I would highly recommend that you at least skim it to gain some impression of the good faith with which the administration has tried to follow Hamdan's misguided mandate." ”

From They Liked It When It Was McCain's Idea, by John Hinderaker (*Power Line*, September 16, 2006) (view)

“ "In Hamdan, the court moved to sweep aside decades of law and practice so as to forge a grand new role for the courts to open their doors to enemy war prisoners. Led by John Paul Stevens and abetted by Anthony Kennedy, the majority ignored or creatively misread the court's World War II precedents. The approach catered to the legal academy, whose tastes run to swashbuckling assertions of judicial supremacy and radical innovations, rather than hewing to wise but boring precedents." ”

From Congress to Courts: 'Get Out of the War on Terror', by John Yoo (*The Wall Street Journal*, October 19, 2006) (view)

“ "The Supreme Court's decision to impose by judicial fiat a treaty that no politically accountable official would dare propose — a one-sided compact wherein the United States gives elevated due process to al Qaeda's terrorists while they continue slaughtering civilians and torturing their captives to death — is an abomination." ”

From An Outrage, by National Review editorial board (*National Review*, June 30, 2006) (view)

“ "What five justices failed to comprehend is that America is at war with an enemy unlike any other we have faced, one that does not abide by the Geneva Conventions or wear uniforms or represent any one nation or limit themselves to killing only opposing forces." ”

From Supreme Court goes overboard, by New York Daily News editorial board (*New York Daily News*, June 30, 2006) (view)

“ "In stark contrast to Ex parte Quirin -- the 1942 decision that upheld the constitutionality of a military tribunal established to try, and ultimately convict, German saboteurs -- the Supreme Court yesterday issued an appalling 5-3 decision that encroaches on the authority of a president during a time of war." ”

From A war-time precedent, by The Washington Times editorial board (*The Washington Times*, June 30, 2006) (view)

“ "What the justices did would have been unthinkable in prior military conflicts: Judicial intervention in the decisions of the president and Congress on how best to wage war. They replaced his wartime judgment and Congress' support with their own speculation that open trials would not run intelligence risks." ”

From 5 wrong justices, by John Yoo (*USA Today*, June 29, 2006) (view)

“ "All rise: The Supreme Court has decreed a return to normality. A lovely idea, except that al-Qaeda has other ideas. The war does go on. One can sympathize with the court's desire for a Harding-like restoration to normalcy. But the robed eminences are premature. And even if they weren't, they really didn't have to issue a ruling this bad." ”

From Emergency Over, Saith the Court, by Charles Krauthammer (*The Washington Post*, July 7, 2006) (view)

“ "Wartime decisions, which often must be made under pressure of time and unique circumstances, do not always fit the general rules passed beforehand by legislatures. War is dangerous and unpredictable and best handled by a president who can act with "decision, activity, secrecy and dispatch," in the words of the Federalist Papers." ”

From The high court's Hamdan power grab, by John Yoo (*Los Angeles Times*, July 7, 2006) (view)

“ "Despite the fact that the public generally trusts Republicans more on national-security issues than Democrats, the latter have been given a golden opportunity to capitalize on growing public disapproval of the Iraq war. But at every turn, liberals overreach, overreact, and, quite frankly, give the American people reason to distrust their judgment." ”

From "The Good Guys" Won?!, by Robert Alt (*National Review*, July 5, 2006) (view)

“ "As for the Geneva Conventions, Justice John Paul Stevens in his opinion for the majority seems stunningly unaware of when they apply and when they do not. They apply when we are at war with a uniformed enemy belonging to another country that is a signatory to and practitioner of the Conventions' protections. Not one of those conditions applies in the war on terror." ”

From What Was the Supreme Court Thinking?, by Mark Davis (*The Dallas Morning News*, July 3, 2006) (view)

“ "And, of course, al-Qaeda never need to sign the Conventions now, do they? As the ultimate beneficiaries of the progressive mindset, they get all the benefits with none of the obligations. We're bound, they're not. If you're captured with the severed head of a U.S. soldier in your knapsack, you're covered by Geneva - and, as your victim learned a mile back up the road, it's too late for him to call his lawyer." ”

From Justices insist on 'civilized' war on terror, by Mark Steyn (*The Orange County Register*, July 2, 2006) (view)

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