

Military Commissions Act of 2006 / Act should be overturned

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Position: Act should be overturned

This position addresses the topic Military Commissions Act of 2006.

For this position

“ 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)

“ While the Republicans pretend that this bill will make America safer, let's be clear about its real dangers. It sets up a separate system of justice for any foreigner whom Mr. Bush chooses to designate as an "illegal enemy combatant." It raises insurmountable obstacles for prisoners to challenge their detentions. It does not require the government to release prisoners who are not being charged, or a prisoner who is exonerated by the tribunals. ”

From A Dangerous New Order, by The New York Times editorial board (*The New York Times*, October 19, 2006) (view)

“ The new law has significantly overruled two Supreme Court decisions -- in 2004 (*Rasul v. Bush*) and 2006 (*Hamdan v. Rumsfeld*) -- concerning due-process rights, and treatment of detainees, under our War Crimes Act and the Geneva Conventions. It also greatly expanded the definition of "unlawful enemy combatants," with serious potential consequences for many legal immigrants in the United States -- and American citizens presumed to be terrorist suspects until they can prove otherwise. ”

From 'We the people', by Nat Hentoff (*The Washington Times*, November 20, 2006) (view)

“ The endless imprisonment of Muslims without trial at Guantanamo has played into the hands of al-Qaeda propagandists. America's reputation as a country of laws and civil rights has sustained grievous damage. Now is the time for Congress to remember what values our forebears brought here with them, and how hard we've struggled to protect those values for 400 years. ”

From Uphold historic values, by USA Today editorial board (*USA Today*, May 11, 2007) (view)

“ “But to call the Italian government's insistence on redeeming its own rule of law "a hostile act against the U.S." appears to say that to defeat the viciously ruthless lawless terrorist enemy is to become lawless ourselves. And on our end, the CIA renditions are lawless, despite the unilateral "special powers" the president has given the CIA to conduct renditions and to operate its own secret prisons.”

From We are Americans, by Nat Hentoff (*The Washington Times*, March 19, 2007) (view)

“ “The right of prisoners to challenge their confinement — habeas corpus — is enshrined in the Constitution and is central to American liberty. Congress and the Supreme Court should act quickly and forcefully to undo the grievous damage that last fall's law — and this week's ruling — have done to this basic freedom.”

From American Liberty at the Precipice, by The New York Times editorial board (*The New York Times*, February 22, 2007) (view)

“ “For Americans, like us, who are sickened by the Guantánamo prison, the Hicks bargain was emblematic of its lawless nature. If there was evidence that Mr. Hicks was a terrorist, we have yet to see it. He was declared an illegal combatant by a kangaroo court created to confirm that designation, which had been applied long before. He was denied a lawyer and censored by the court when he tried to pursue abuse charges. Under his plea bargain he gave up his right to sue, repudiated his own accounts of abuse and was even barred from talking to the news media about his experience.”

From Guantánamo Follies, by The New York Times editorial board (*The New York Times*, April 6, 2007) (view)

“ “The Supreme Court was right in 1866: "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances" including prisoners of Guantanamo Bay.”

From Send jihadists to federal court, by Nat Hentoff (*The Washington Times*, April 2, 2007) (view)

“ “The act gives the president the power to declare anyone--citizen or non-citizen--for any number of frighteningly vague reasons, an "unlawful enemy combatant." Once this particular feat is accomplished, said unlawful enemy combatant can be held indefinitely, tortured, and denied the writ of habeas corpus--the right to know the reason for and challenge his or her detainment in a court of law...”

From Move Along, Lady Liberty, This Doesn't Concern You, by Rachel Haimowitz (*The Huffington Post*, April 17, 2007) (view)

Against this position

“ "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)

“ "Detainees can challenge their classification as enemy combatants in administrative tribunals and can be criminally punished only after a full and fair trial in a military commission. The commission procedures are more protective of the detainees' rights than any military commissions in American history, including those used to try World War II German and Japanese war criminals." ”

From Leave well enough alone, by David B. Rivkin Jr., Lee A. Casey (*USA Today*, May 11, 2007) (view)

Mixed on this position

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