

Boumediene v. Bush / Supreme Court was correct in its ruling

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Position: Supreme Court was correct in its ruling

This position addresses the topic Boumediene v. Bush.

For this position

“As the conservative and libertarian Cato Institute argued in its amicus brief in support of the petitioning detainees, habeas, in the context of U.S. constitutional law, "is a separation of powers principle" involving the judicial and executive branches. The latter cannot be the only judge of its own judgment.”

From Contempt Of Courts, by George F. Will (*The Washington Post*, June 17, 2008) (view)

“It was a very good day for people who value freedom and abhor Mr. Bush’s attempts to turn Guantánamo Bay into a constitutional-rights-free zone. The right of habeas corpus is so central to the American legal system that it has its own clause in the Constitution: it cannot be suspended except “when in cases of rebellion or invasion the public safety may require it.””

From Justice 5, Brutality 4, by The New York Times editorial board (*The New York Times*, June 13, 2008) (view)

“A 5 to 4 majority of the court correctly concluded that habeas corpus, the ancient right to contest one's detention, extends to those held at the U.S. Navy base in Guantanamo Bay. Although it only leases the property from Cuba, the United States exerts complete legal and military control over the base; those held there have nowhere to challenge their detentions other than U.S. courts. To have forbidden the detainees access to those courts would have left the executive branch almost unfettered power to hold people indefinitely -- a proposition that is untenable.”

From The Justices' Refrain, by The Washington Post editorial board (*The Washington Post*, June 13, 2008) (view)

“Although the ruling rested on an interpretation of the Constitution, it also reflected the court's impatience at the glacial pace of due process for suspects who have been imprisoned for six years. In a dissent caustic even for him, Justice Antonin Scalia referred to detainees as "alien enemies" (while suggesting that the ruling "will almost certainly cause more Americans to be killed"). But presumption is not proof. As Kennedy pointed out, a detainee is entitled to a "meaningful opportunity" to demonstrate that he is being held in error. ”

From Habeas for Guantanamo detainees, by Los Angeles Times editorial board (*Los Angeles Times*, June 13, 2008) (view)

“ Even so, Bush fought hard against according even the basic legal rights granted an American under arrest. After two previous Supreme Court rulings tripped up the justice-lite system set up by Bush lawyers to put the detainees on trial, the president did the unthinkable: He convinced a compliant Congress to outlaw the federal courts from intervening under the Constitution's most fundamental human-rights precept - the writ of habeas corpus, which grants prisoners an impartial court review of their detention”

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From Supreme Court blots a stain, by The Philadelphia Inquirer editorial board (*The Philadelphia Inquirer*, June 13, 2008) (view)

“ Are they innocent victims? Vicious terrorists? Somewhere in between? It's unclear. Yet they've sat at Guantanamo for six years, facing the equivalent of a life sentence for the duration of the war on terror. Now, a federal court will get the chance to sort out the facts and evaluate whether there is evidence to hold them. That seems just.”

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From Latest Guantanamo ruling reaffirms American values, by USA Today editorial board (*USA Today*, June 13, 2008) (view)

“ This 5-to-4 ruling cuts to the essence of American values and the rule of law: Habeas corpus, the centuries-old legal principle that an individual has a right to go to court to challenge the legality of his or her detention. This is one of the basic standards that separates free and totalitarian nations. The Bush administration shredded this and other civil liberties under the guise of protecting Americans after the terrorist attacks of Sept. 11, 2001. Time and again - most recently Thursday - the White House presented a false choice between pursuit of terrorism and respect for rights of the accused.”

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From A rebuked Bush, by San Francisco Chronicle editorial board (*San Francisco Chronicle*, June 13, 2008) (view)

Against this position

“ The idea of our judiciary protecting the "rights" of the Nazis or the Viet Cong from executive overreaching is every bit as absurd as it sounds. But had Boumediene been decided in 1940, more than 400,000 Axis troops held in more than 500 military facilities in this country during World War II would have had a right to challenge their detention in federal court.”

”

From We'll Rue Having Judges on the Battlefield, by Andrew McBride (*The Wall Street Journal*, June 21, 2008) (view)

“ Judicial micromanagement will now intrude into the conduct of war. Federal courts will jury-rig a process whose every rule second-guesses our soldiers and intelligence agents in the field. A judge's view on how much "proof" is needed to find that a "suspect" is a terrorist will become the standard applied on the battlefield. Soldiers will have to gather "evidence," which will have to be safeguarded until a court hearing, take statements from "witnesses," and probably provide some kind of Miranda-style warning upon capture. No doubt lawyers will swarm to provide representation for new prisoners.”

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From *The Supreme Court Goes to War*, by John Yoo (*The Wall Street Journal*, June 17, 2008) (view)

“ "By the logic of *Boumediene*, members of al Qaeda will now be able to challenge their status in court in a way that uniformed military officers of a legitimate army cannot. And Justice Scalia points out that this was not a right afforded even to the 400,000 prisoners of war detained on American soil during World War II. It is difficult to understand why any terrorist held anywhere in the world – whether at Camp Cropper in Iraq or Bagram Air Base in Afghanistan – won't now have the same right to have their appeals heard in an American court." ”

From *President Kennedy*, by The Wall Street Journal editorial board (*The Wall Street Journal*, June 13, 2008) (view)

“ "The court's unprecedented power grab is inexplicable given the absence of substantial evidence that innocent people are being detained. Every Guantanamo Bay detainee has been afforded a hearing in front of a Combatant Status Review Tribunal; those still being held were all determined to be enemy combatants. The basic fairness of the hearings is readily apparent. Many resulted in detainees being released." ”

From *An inexplicable power grab*, by Richard Samp (*USA Today*, June 13, 2008) (view)

“ "The Court decided that for the first time in American history, non-American enemy combatants detained abroad, in the course of an ongoing war, had a constitutional right to habeas corpus (a proceeding used to review the legality of a prisoner's confinement in criminal cases). " ”

From *Supreme Disgrace*, by Peter Wehner (*National Review*, June 13, 2008) (view)

“ "In sum, the court bestowed upon the judiciary the power to decide who can be held as an enemy combatant whenever judges feel inclined to intervene. This instead of the military, under court supervision, making such a determination - as directed by the considered judgments of an elected Congress and an elected President. As Roberts put it, Americans "today lose a bit more control over the conduct of this nation's foreign policy to unelected, politically unaccountable judges," a group that is hardly qualified to make life-and-death calls as to which prisoners are terrorists and which are simple goatherds, as they all claim to be." ”

From *Supreme arrogance*, by New York Daily News editorial board (*New York Daily News*, June 12, 2008) (view)

“ "The decision "sets our military commanders the impossible task of proving to a civilian court, under whatever standards this Court devises in the future, that evidence supports the confinement of each and every enemy prisoner." [Scalia] concluded: "The Nation will live to regret what the Court has done today." ”

From *The Jihad Five*, by Investor's Business Daily editorial board (*Investor's Business Daily*, June 12, 2008) (view)

“ "While GIs gathered shell casings or interviewed witnesses to meet a U.S. judge's habeas standard, they would leave themselves open to counterattack or sniper fire. No commander – and no Commander in Chief – can ask his troops to put themselves in danger to satisfy Justice Kennedy's legal afflatus. This is what Justice Antonin Scalia meant when he wrote that Americans will die as a result of *Boumediene*." ”

From The Enemy Detainee Mess, by The Wall Street Journal editorial board (*The Wall Street Journal*, July 3, 2008) (view)

Mixed on this position

No results

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