

Why is the great writ of liberty significant?

Law



The attacks on American on September 11, 2001 was so horrible it left citizens in shock fear and despair. President Bush and his administration had no choice but to respond to ensure that Americans felt safe. It was very important for these terrorist to be brought to justice and pay for all the lives that were take on September 11, 2001. Bush's administration proceeded to use extreme methods to find and punish whomever was involved in attacking innocent people, Rights were taken away and Habeas Corpus did not apply to anyone suspected of terrorism. Why is Habeas Corpus significant?

Should anyone be denied due process? Habeas Corpus known as the Great Writ of Liberty. Fundamental of English law. Not in Bill of Rights, but is of such importance of all other rights. Without Habeas Corpus other rights are useless. Farmers knew what it was like to be attacked, labeled, and thrown away without their day in court. It's a legal action or writ for unlawful imprisonment seeks relief. A.) English Tradition- " Appears to be predominately of Anglo-Saxon common law origin. " Dates back to the Magna Carta of 1215 created to compel the appearance of the person in custody or have a day in court.

Habeas Corpus was " originally the prerogative writ of the King and his courts. " Also prevents one from being locked up before trial. B.) American Traditions- taking parts of all English practices and laws during the Revolutionary War; the Writ of Habeas Corpus was a part of colonies in New England. Its purpose was a " fundamental protection guaranteed by law to each citizen. " Constitution Article 1 Section 9 states " The privilege of the

Writ of Habeas Corpus shall not be suspended unless in Case of Rebellion or Invasion the public safety may require it.”

The Writ of The Habeas Corpus according to the constitution gives all citizens the right to their day in court as well prevents citizens from being locked up at police or military discretion. The Writ of Habeas Corpus is to protect all citizens' rights. Habeas Corpus is the “ King” to all other rights and liberties as an American citizen. If one right to question imprisonment is questioned that all other rights fade away. Because if a President and Congress is allowed to take ones freedom without cause what else are they allowed to take.

Habeas Corpus plays an important role in Supreme Court. It allows the president to make a decision that normally is not legal. The president is allowed to hold individuals he feels is a threat to the United States. Prior to Bush's administration there's only two cases of suspension of Habeas Corpus. President Lincoln suspended the Writ after Maryland tried to withdraw from the union which lead to chaos and violence. To protect the Union and the rest of the United States the Writ of suspension was legal because people was rebellion as well as jeopardizing public safety.

Dividing the 1870's under Presidents Ulysses Grant's watch members of the Ku Klux Klan were violating rights of citizens therefore it was invading safety of people of color's civil rights and liberties. The suspension of Habeas Corpus is relevant in today's society for people that have intentions of destroying thousands of lives , but as well as important national monuments and millions and billions of dollars. Most importantly suspension of Habeas Corpus is and utilitarian. Some basic rights and liberties may be taken from <https://assignbuster.com/why-is-the-great-writ-of-liberty-significant-persuasive-essay-samples/>

thousands of citizen, aliens, and terrorist, but the suspension of Habeas Corpus is the best for the most people.

According to the Anti-terrorism and Effective Death Penalty Act (AEDPA) anyone arrested and accused of terrorizing the country is allowed a year to claim Habeas Corpus. AEDPA also put the federal judicial system in between a rock and a hard place. Justices were only allowed to debate on what state and federal decisions not the rights of the accused. Individuals that have access to or a part of a group of a known terrorist organization are considered to be enemy combatants. This is worse when it's during war time. They wanted to keep them out of the war.

In the constituent it clearly states the right to due process. The Habeas corpus is a guideline for those with intentions of bringing harm to the citizens of the United States. During the war on terror " enemy combatants" are basically striped of all rights. Because they were held in Cuba President Bush's administration created loop hole to hold these individuals. The entire process of interrogating enemy combatants is completely different from normal court proceedings. They are tortured and beaten until the government receives the information that are true.

When these procedures were made I believe it was initially for the greater good, and should have followed the law over time it seemed to do more harm than good. False confessions, brutality, and wrongful convictions of the innocent open room for other attacks. If the government is allowed to manure the Constitution of the framer when they see fit. What happens to the rights accused of other crimes throughout the country? The Supreme

Court's interpretation of the right of Habeas Corpus. When it comes to enemy "combatants". The interpretation on the case *Boumediene vs.*

Bush the decision was 5 to 4 meaning they agreed with Bourmedine. The majority felt the decisions of Detainee Treatment Act is not enough reasons to alter the Habeas Corpus clause. They also feel that the Military Commission Act is not written in the Constitution so rights and liberties should not be violated The United States used foreign leased land to try and undermine the Constitution. Justices, Styens, Kennedys, Souter, Ginsburg, and Breyer did not fall for the trickery our President at the time nor was congress putting out there.

These five men that made the majority defines why Habeas Corpus was created and why it's important. The three branches of government all share power. NO one branch is more powerful that the others. Denying the judicial system to do what they were appointed to do showed how the President was over stepping his boundaries. The four justices that did not agree with the decisions are Justices: Roberts Jr. , Scalia, Thomas, and Alito. These men felt that letting enemy combatants utilize their legal rights will ultimately back fire on the United States.

The majority feels that the Executive and Legislative branches was not allowing them to conduct their duty, but minorities felt as though they voted that way for power not the people. More lives will be lost due to this ruling according to Justice Scalia. All nice of these men have a complicated job. Win some and lose others but justice should continue to be served. In the United States our Commander in Chief is elected by the people. Being the president

does not mean is above the law. The Presidents should be a leader for the country by abiding the laws of the land.

He should also make laws according to the Bill of Rights as well as the Constitution. Make law and/or policies that is for the people not the government. The president does not have authority to arrest “ enemy combatants” with no charge and hold them for eternity. His role is to appoint individuals that have the skills to track terrorists not to torture innocent people on a hope and wish. President Bush’s idea of Guantanamo did not prove to be positive. Almost three hundred if not more of American citizens or aliens have been tortured for years with no promise it will ever end.

This is why the Supreme Court upheld Habeas Corpus for such individuals. The president’s role is to protect the lives and liberties of all American citizens but not deny right of those they chose by considering them enemy combatants. Congress never declared the war on terrorism but stood by the President because they felt something needed to be done to ensure the safety and lives of the people of the United States and around the world. If congress feels or have proof that individuals are invading or threatening lives could possibly open a door to suspend a constitutional right.

The suspension of Habeas Corpus states the privilege of Habeas Corpus shall not be suspended unless when in cases of rebellion or invasion of public safety may require it. If someone is accused and charge with doing any of these things the congress holds the right to suspend them. Not just because they believe it will be the best to keep these “ animals” locked up forever. When the majority of justices made their decisions five to four in the case

Boumediene vs. Bush justice was preserved. Under no circumstances should the President or congress invade the role of judges.

The courts should be aware of the laws, right, and liberties of all citizens. If it's a part of the United States or on leased land the courts makes decisions on guilt and innocence. Protecting the people is the main role of the Supreme Court. Under the constitution everyone deserves due process. If suspension of Habeas Corpus is in order then prove the cases in court with professional lawyers and judges. Electing military personal to conduct trial is not a fair trial because soldiers are obligated to follow orders. The war on terrorism was sort of necessary because the United States will not allow terrorist to over throw us.

I feel that it was out of order for anyone's rights to be disregarded. If holding known terrorist or those hiding terrorist at Guantanamo Bay, Cuba is done in accordance to the law no issue be questioned. The President and Congress had no intentions of following the law when it came to these detainees. In my opinion it was the reason the used Gitmo was used to torture and kill suspected enemy combatants. The Supreme Court made the right decision holding on the law on Habeas Corpus. If it wasn't for persistence of important people it would have never been overturned. Anyone arrested, charged or detained for any reason should have their rights.

No matter how terrifying the crime may be. It's a complicated job running a country and trying to do what is right for society. Bush's administration wanted those responsible to pay. Breaking laws or created them to hurt people is unconstitutional. The rights and liberties of any human beings is not negotiable. Having better intelligence will prevent other attacks not the <https://assignbuster.com/why-is-the-great-writ-of-liberty-significant-persuasive-essay-samples/>

concept of Gitmo. Forcing people to take leads to false information and put more lives at risk. Unless one invades or rebel against the United States he is guaranteed due process and/or Habeas Corpus.