

# War on terror essay sample

[Law](#), [Criminal Justice](#)



Pursuant to the Fifth Amendment to the United States Constitution which holds in relevant part “ No person shall be held to answer of a capital, or otherwise infamous crime, unless on a present or indictment of a Grand Jury,” There is an exception for military cases, however that applies only when the individual is in actual service at the time. Non citizen detainees do not possess the same rights as American citizens, however those individuals should legally be accorded the rights guaranteed under the Geneva Convention Since 9-11-2001 the United States Congress has passed legislation that conflicts with these rights. Subsequently the United Supreme Court has held against some of the practices instituted against US detainees. These rights, laws, practices and the apparent conflicts that have arisen are still working their way through the court system. New legislation will also need to be tested by the Judicial Branch of the Federal Government as well. In addition to the legislation enacted in recent years, the Executive Branch, through actions taken by the President of the United States through Presidential Orders has further complicated the issue of legal status for both citizen and non-citizen detainees held relating to the “ War on Terror.” Once again, these are issues that will have to be worked out through evaluations conducted by the United States Supreme Court. The Supreme Court is the final arbiter of Constitutional Issues in the United States and until they have heard the cases relating to the various issues arising from legislation and presidential orders will anyone be able to state with certainty if the policies and actions taken to date are legal or will be allowed to continue.

## References

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