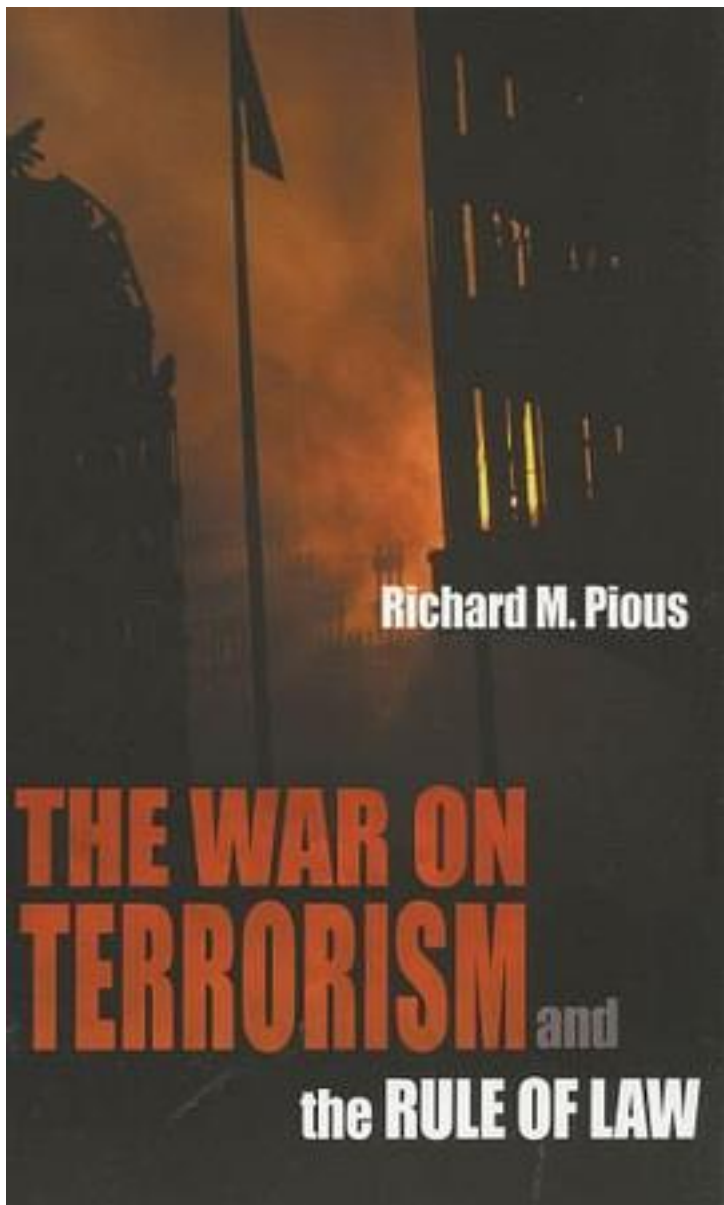


The War on Terrorism and the Rule of Law



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Pious' book provides a detailed discussion of due process issues invoked by the George W. Bush administration's war on terror. This book questions the premise that the government's obligation to protect Americans from terrorist acts leads to an inevitable tradeoff between constitutional and legal guarantees of due process. Instead, Pious argues that bringing terrorists to justice through the due process of law provides more rather than less security. The introductory chapter begins by laying out worst-case scenarios for terrorist attacks on the United States. Case studies of recent court cases document that when law enforcement takes shortcuts it may not only result in the imprisonment of innocent people, but also distorts or falsifies the intelligence needed to deploy law enforcement resources in the most efficient manner. Subsequent chapters apply this perspective to such topics as government surveillance (including warrantless surveillance), data-mining, immigration "hold and clear" hearings, the application of material support and material witness statutes, rules of evidence determining access to witnesses, the indefinite detention of American citizens and non-citizens, the use of military hearings, and the authorized and unauthorized mistreatment of detainees to obtain intelligence. Pious provides accessible, up-to-date materials such as testimony and speeches by Bush administration officials presenting their arguments for an "intelligence-driven" approach rather than a due process approach to combat terrorism, congressional testimony refuting these claims, proposed legislation to require adherence to due process of law, recent statute law delegating extensive power to government officials, and federal cases attempting to strike a balance between governmental prerogative claims and the rights of defendants. The cases have been extensively edited to make them accessible to undergraduate students and other non-lawyers. The author provides extensive commentaries and notes, some of which are based on his own research, and others that present alternative viewpoints. These are designed to stimulate students, organize class discussion, and point out further avenues of research and inquiry. Suggested readings at the end of the book provide students with a preliminary bibliography for short essays or longer research papers.

作者介绍:

目录:

[The War on Terrorism and the Rule of Law 下载链接1](#)

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评论

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书评

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