

**Annotated Bibliography on Human Rights Infringements in a
Post-September 11th United States**

**By
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Edited By Matthew Dickhoff**

**For
Richard Wilson and The Human Rights Institute
At The University of Connecticut**

Civil Liberties

Title: "BETWEEN EMPIRE AND COMMUNITY: The United States and Multilateralism 2001-2003: A Mid-Term Assessment: INTRODUCTION"

Journal: *Berkeley Journal of International Law*

Author: David D. Caron

Published: 2003

Journal Number: 21 Berkeley J. Int'l L. 395

The University of California at Berkeley in the Fall of 2002 undertook a mid-Presidential term assessment of the position of the United States vis-a-vis "multilateralism." The main focuses are; the Bush administration's efforts to secure a second resolution from the Security Council authorizing the use of force against Iraq, international concerns about the treatment of detainees in Guantanamo Bay, Cuba and the United State's hostility toward the International Criminal Court.

Title: "BETWEEN EMPIRE AND COMMUNITY: The United States and Multilateralism 2001-2003: A Mid-Term Assessment: HUMAN RIGHTS: Human Rights Within the United States: The Erosion of Confidence"

Journal: *Berkeley Journal of International Law*

Author: Natasha Fain

Published: 2003

Journal Number: 21 Berkeley J. Int'l L. 607

This article focuses on the human rights protections afforded by the Bush administration, particularly in the wake of the September 11th attacks. Racial and religious profiling, secret detentions, immigration hearings and prolonged arbitrary detention have all been made possible by the Bush administration amending federal criminal laws and procedures. These actions are justified by the Bush administration on the grounds of National Security. The article also examines the history of the United States and Human rights treaties, from 1948 and the UDHR to the present troubles of the Bush administration in reporting and adhering to international human rights treaties.

Title: "BETWEEN EMPIRE AND COMMUNITY: The United States and Multilateralism 2001-2003: A Mid-Term Assessment: HUMAN RIGHTS: The United States and the World: Changing Approaches to Human Rights Diplomacy under the Bush Administration"

Journal: *Berkeley Journal of International Law*

Author: L. Kathleen Roberts

Published: 2003

Journal Number: 21 Berkeley J. Int'l L. 631

The Bush Administration's stance towards human rights is viewed in a pre-September 11th and Post September 11th timeline. The administration had to consider Human rights of other countries differently post 9/11 due to the fact that countries with poor human rights records (Uzbekistan, Egypt, Pakistan) were now our allies in a war on terror. The State Department has also been criticized for softening language about our allies in the 6,000 page Country Reports on Human Rights. Also examined is the United State's shielding of Israel on the topic of Human Rights, another example of the United States and the protection of its allies.

Title: "BETWEEN EMPIRE AND COMMUNITY: The United States and Multilateralism 2001-2003: A Mid-Term Assessment: HUMANITARIAN LAW The Bush Administration's Response to the International Criminal Court"

Journal: *Berkeley Journal of International Law*

Author: Jean Galbraith

Published: 2003

Journal Number: 21 Berkeley J. Int'l L. 683

The Bush administration has made every effort possible to prevent the International Criminal Court from attaining any functional jurisdictional power over the American military personnel. The Bush administration has taken the stance of wholesale aggressive unilateralism, rejecting any participation in the Rome Statute, and that armed forces and government officials must be free from the jurisdiction of the ICC.

Title: "Sex, Gender and September 11"

Author: Hilary Charlesworth; Christine Chinkin

Journal: *The American Journal of International Law*, Vol. 96, No. 3. (Jul., 2002), pp. 600-605.

Link: <http://links.jstor.org/sici?sici=0002-9300%28200207%2996%3A3%3C600%3ASGAS1%3E2.0.CO%3B2-Y>

This editorial looks at the absence of women in the September 11th attacks. Women are viewed solely as victims of the attacks, and their voices aren't being listened to post-september 11th, with all the decision making done mainly by males (Bush, Powell, Rumsfeld, Ashcroft). The article concentrates the the various ways in which women continue to be socially, politically and economically marginalized in the post-Taliban Afganistan.

Title: "Freedom Under Fire: Dissent in a Post-9/11 America"

Group: American Civil Liberties Union

Date; May 2003

Website; <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=12666&c=206>

Since The September 11th attacks, the United States government has issued many laws and resolutions that encroach upon the civil rights that are guaranteed by the Constitution. This article looks at the intimidation of supporters of human rights in a post-9/11 America. From John Ashcroft using his position as a “bully pulpit” to Bill O’Reilly suggesting that anti-war protestors are “enemies of the state”, this article looks at “government actions since 9/11 that threaten fundamental rights and freedoms without making us safer.” The article breaks down the civil rights infringements that the ACLU has been battling by location, ranging from on-campus protests to demonstrations at presidential appearances.

Title: “Unpatriotic Acts: The FBI’s Power to Rifle Through Your Records and Personal Belongings Without Telling You”

Group: American Civil Liberties Union

Date; July 2003

Website: <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=13246&c=206>

This article looks at The FBI’s power over personal records and the lack of privacy under the Patriot Act, and how an individual will never know that they were investigated by the FBI. The main focus is on Article 215 which gives “the FBI unprecedented access to sensitive, personal records and any ‘tangible things’”. Included in the reports are details of the history of unlawful surveillance, why the government should not be trusted to govern its own power, attempts by the ACLU and Congress to challenge the secrecy of article 215, and exposes a government disinformation campaign aimed at misleading the American public. It also goes on to explain specifically which Constitutional rights have been violated.

Title: “Winners and Sinners”

Publication: Broward Daily Business Review; WINNERSANDSINNERS; Vol. 03; No. 9-22; Pg. 6

Date: September 22, 2003

Author: Peter Weiss

Link: http://web.lexis-nexis.com/universe/document?_m=8a23aca57087535b4c74ece3f58384c0&_docnum=2&_wchp=dGLbVzz-zSkVA&_md5=5c3ee18f04008dea302b8e1c50743386

This article is principally focuses on how the United States Government is trying to put an end to the Alien Tort Claims Act. The act has allowed victims of oppressive regimes (such as Paraguay, Bosnia, Nigeria, Burma and China) to bring forth civil cases in American courts. The Bush administration is trying to stop the act due to cases being brought against American companies that have committed gross human rights abuses. The department of justice maintains that U.S. courts have no jurisdiction over sovereign

nations and may not enforce their own concepts of international laws. A court can also be viewed as interfering with the fight against terrorism if they are to interpret a case against American businesses or civilian.

Title: "The ACLU in the Courts since 9/11"

Group: American Civil Liberties Union

Date: Updated 6/11/03

Website: <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=11779&c=207>

Since September 11, the American Civil Liberties Union has received an increased number of complaints of the government violating the guaranteed civil liberties of citizens and residents of the United States. This article outlines the various cases that the ACLU has been involved with. The topics covered range from surveillance to closed hearings to material witness detentions. The overview of the cases includes the facts of the case and the current status of the case.

Title: "Insatiable Appetite, The Government's Demand for New and Unnecessary Powers After September 11"

Group: American Civil Liberties Union

Date: April 2002, with an update in October 2002

Website: <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=10623&c=207>

The Government's new powers after September 11 are examined in this article by the ACLU. It closely scrutinizes the Patriot Act, Detention of Citizens, new surveillance powers of the CIA and questioning and fingerprinting of immigrants. The article goes on to examine how the government is trying to further increase its ability to watch whoever they deem necessary. The article concludes with an analysis of the ways in which such new governmental powers have undermined the American way of life.

Title: "Civil Liberties After 9-11: The ACLU Defends Freedom"

Group: American Civil Liberties Union

Date: Unspecified (Fall 2002?)

Website: <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=10898&c=207>

The ACLU presents an account of the various ways the American Government has discriminated against groups historically, with an overview of the Palmer Raids, WWII internment camps and the actions of J. Edgar Hoover (F.B.I.). The report also looks at the governments actions towards groups since September 11, with a focus on how the government has violated the basic rights that are guaranteed by the Constitution. Among the violations examined; how the government is spying on its citizens, the

detainment of 1,200 individuals, mostly men of Middle Eastern decent or who practice the Muslim religion, after the September 11th attacks.

Title: “Bigger Monster, Weaker Chains: The Growth of an American Surveillance Society”

Group: American Civil Liberties Union

Date: January 15, 2003

Website: <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=10898&c=207>

The focus of this report is the increased risk to privacy and liberty that citizens of the United States face post 9-11. Types of surveillance that are examined in this report include: data surveillance, video surveillance, government surveillance, and the implications of the Patriot Act. This is the goal of the “Total Information Awareness”, the government’s plan to use all means possible to gain information on anyone that it wants

Title: “Symposium issue: civil liberties in a time of terror”

Journal: *Wisconsin Law Review* 2003 no2 253-412

Date: 2003

Author: Winn S. Collins; Jennifer R. Racine

This review contains many article based on lectures given at the University of Wisconsin Law Review’s Symposium: Civil Liberties in a Time of Terror. The keynote speaker was Anthony Lewis, who spoke on the overweening power that President Bush has exerted has severely impeded on the civil rights of all Americans. He concludes by saying that the most important roadmap for civil liberties in the future has to come from our law, more specifically from the Constitution. Among the other speeches from the symposium, there are many speakers that look to previous civil rights infringements during war-time as a viewpoint to examine the current war-time deprivation of civil rights. Mark Tushnet speaks on Japanese internment; Christopher Thomas and Carl Tobias examine Quirin (where President Franklin Roosevelt instituted and used a military commission to try, convict and sentence 8 nazi saboteurs). A main focus of the speeches is the relevance of historical precedence and how it is being used to validate the current loss of some civil liberties

Title: "Privacy in the Age of Terror"
 Journal: *Washington Quarterly* Vol. 26, no. 3
 Date: Summer 2003
 Author: Mary De Rosa

While advances in technology has made intelligence gathering and sharing far more effective for the U.S. government, these advances also pose a significant threat to the civil liberties of Americans. The author examines systems in place to protect the privacy of Americans, but also looks at new proposals in the wake of September 11th that look to undermine privacy. The Patriot Act, the creation of the new Terrorist Threat Integration Center (TTIC) and John Ashcroft's revision of the Attorney General Guidelines are all examined in respect to the new power that the government has been giving itself to monitor Americans. The framework for oversight on privacy protection is almost non-existent, with no real monitoring of the American governments' power to invade the privacy of their citizens.

Title: "The Influence of Terrorist Attacks on Human Rights in the United States: The Aftermath of September 11, 2001"
 Journal: *The North Carolina Journal of International Law and Commercial Regulation*
 28 no1 1-101
 Date: Fall 2002
 Author: Emanuel Gross

In describing the Patriot Act, The ACLU refers to the dangerous trend of "Court-Stripping", taking the power out of the judiciaries hand in a time of crisis, which inevitably erodes civil liberties by removing the process of judicial review. This article looks mainly to describe the specific civil liberties that are forfeited in the name of national security. The article looks at the 1996 Anti-terrorism and Effective Death Penalty Act (AEDPA), which mirrors the Patriot Act on many levels. The article then explains how civil liberties were treated in the United States prior to the passage of this legislation, and how other countries deal with terrorism.

Title: "National Security vs. Civil Liberties"
 Journal: *Presidential Securities Quarterly*
 Date: September 2003
 Author: Nancy Baker

In the aftermath of September 11, 2001 The White House has centralized its authority and the Bush administration views civil liberties as a weakness that can be exploited by terrorists. Since the administration views civil liberties as a weakness, they are compelled to act in a way that restricts civil rights, but at the same time, deny they are doing so. John Ashcroft view of civil liberties as a weakness that is waiting to be

exploited is focused on freedom of press and due process rights. Also, the access to information (records, names of detainees, closure of immigration hearings) has also been restricted during this war on terror. Many basic freedoms have disappeared because they were deemed a weakness that could be exploited by an enemy.

Title: “Judging the 11 September Terrorist Attack”

Author: Mark Drumbl

Journal: *Human Rights Quarterly* 24.2 P 323-60

Date: 2002

URL: http://muse.jhu.edu/journals/human_rights_quarterly/v024/24.2drumbl.html

This article defines the September 11th attacks as a non-isolated war-like attack undertaken against a sovereign state by individuals from other states operating through a non-state actor. This means that the attack contains elements of both an armed attack and a criminal attack. The author argues that this act should be treated as a criminal act but not one that is addressed in the domestic criminal court. Rather, the war-like nature of the attack suggests that it must be recognized as being among the "most serious crimes of concern to the international community as a whole" and, accordingly, be addressed by international criminal law and process. Domestic courts, including federal or military courts might not be the best way to set a widespread social norm condemning terrorism, as there is a likelihood of the rights of those arrested are not respected. Prosecuting terrorists through a coordinated, diversified international tribunal can attenuate Islamic exclusion and empower the UN. It can help Western—yet presumptively universal—human rights become more pluralist and representative.

Title: “Cracking Down on Diaspora: Arab Detroit and America’s ‘War of Terror’”

Authors: Sally Howell and Andrew Shryock

Journal: *Anthropological Quarterly* vol.76, No.3 P 443-462

Date: Summer 2003

URL: http://muse.jhu.edu/journals/anthropological_quarterly/v076/76.3howell.html

Arab Detroit was just becoming part of mainstream culture in Detroit in early 2000. Within hours of the September 11th attacks, this all changed, the nearly 30,000 Arab-Americans that live in Detroit are being described as living in ghettos, being called “you people”, and dealing with being set back 100 years in the way of relations with non-Arabs. Arabs in Detroit have been forced to distance themselves from Arab political movements, ideologies, causes, religious organizations, and points of view that are currently at odds with U.S. policy. This coercive predicament, which thwarts scholarship as much as it curtails political activism, is the backdrop for their article. The privilege of transnational identification—that is, the ability to sustain political and economic ties to sites of belonging and social reproduction that are not American and are not fully subject to U.S. sovereignty—has been, for Arabs in Detroit, the first casualty of the War on

Terror. The people that helped build Detroit are effectively now outsiders who need to profess their loyalties to America while trying to win back the trust they had no part in losing.

Title: "The New McCarthyism: Repeating History in the War on Terrorism"

Author: David Cole

Journal: *Harvard Civil Rights-Civil Liberties Law Review* 38 no.1 P. 1-30

Date: Winter 2003

Cole's presents a historic overview of the various ways the American federal government has curtailed civil liberties during times of national emergencies. During World War I, for example, people were locked up for speaking against the war. During World War II, people were interned solely on the basis of their ethnicity. During the cold war, people were punished for being part of social and political groups. The current war on terror was supposed to avoid the pitfalls of these previous mistakes of American government and society. Now, under the cover of preventative security, the government has passed the material support statute, a law that provides for deportation and detention without any process at all, it gives the government substantial power to engage in preventive detention. This gives the government more power to detain and deport suspected terrorists and deport others by claiming they are part of a terrorist network.

Military Tribunals

Group: American Civil Liberties Union

Country: United States

Date; unspecified, searched January 25, 2004

Website; <http://www.aclu.org/International/InternationalMain.cfm>

The American Civil Liberties Union (ACLU) takes a strong stand in this article against President Bush's plan for a military tribunal for accused terrorists. The ACLU claims that a military tribunal will prevent "a fair and public hearing by a competent, independent and impartial tribunal established by law" as guaranteed by article 14 of the International Covenant on Civil and Political Rights (ICCPR).

Title: "The Use of Military Courts to Try Suspects"

Author: Rogers, APV.

Journal: *International and Comparative Law Quarterly* Vol 51, Issue 4 P. 967-980

Date: Oct. 2002

URL: http://www3.oup.co.uk/iclqaj/hdb/Volume_51/Issue_04/pdf/510967.pdf

There have been 500 detainees held by U.S. forces since September 11th including 300 at Guantanamo Base in Cuba. According to the Administration's official position, these individuals should be tried in front of military tribunals. The author looks at the historical basis for using military tribunals in English law, and recounts the history of using a military commissions to try members of the civilian population.

Title: "Waging War, Deciding Guilt: Trying the Military Tribunals"

Authors: Neal Keamer and Laurence H. Trib

Journal: *The Yale Law Journal* volume 111, Number 6

Date: April 2002

URL:

<http://proquest.umi.com/pqdweb?index=5&did=000000113196816&SrchMode=3&sid=1&Fmt=3&VInst=PROD&VType=PQD&RQT=309&VName=PQD&TS=1082352796&clientId=48996>

President Bush is jeopardizing the separation of powers by his recent military orders, which call for the Defense Department to detain any members of an ill-defined class of individuals. Since the Constitution mandates that during both times of war and times of peace, fundamental decisions are not to be made by one man or one branch, but by the three branches of government working together. While the approval is necessary for military tribunals, it is not sufficient in proving the constitutionality of the tribunals. This article also looks at the differences between the military tribunals of the Civil War

and World War I and the present order. The problem of equal protection is it applies to military tribunals is also examined.

Title: "Using Legal Process to Fight Terrorism: Detentions, Military Commissions, International Tribunals and the Rule of Law"

Author: Laura Dickinson

Journal: *California Law Review*

Date: September 2003

URL: http://web.lexis-nexis.com/universe/document?_m=f852929a8f7d4f864ca46655a19a184e&_docnum=2&wchp=dGLbVzz-zSkVb&_md5=49ef4dce4571dd182274535c9ffccd17

Since September 11th, there has been a strong sentiment against the ineffectiveness of international law as an effective tool in the fight against terrorism. According to the author, international law and international security do not conflict but reinforce one another. Much like the precedent that was set by President Roosevelt with the Nuremburg trial, using international law to combat terrorism will help in generating a historical record, demonstrating American commitment to the value of legal process, and fostering respect for the rule of law abroad.

Title: "Detentions, Military Commissions, Terrorism and Domestic Case Precedent"

Author: Carl Tobias

Journal: *Southern California Law Review*

Date: September 2003

The White House is using the actions at Quirin (where President Roosevelt used a military tribunal to try 8 Nazi saboteurs) to claim that the high court has consistently upheld the use of military tribunals and stated that the phrasing in the Bush Order was derived from the terms of Roosevelt's Proclamation and Order - phrasing that the Court interpreted to allow habeas corpus scrutiny. Both the Department of Justice and the Department of Defense have relied on the Quirin precedent as well. The order found that Roosevelt had constitutional power to create a military tribunal and try the saboteurs, who had "not shown cause for being discharged by writ of habeas corpus". The present milieu necessitates scrutiny of domestic case precedent, so that the government can not blindly claim precedent from Quirin or other cases.

Guantanamo Bay

Title: “Unlawful Combatants or Prisoners of War: the Politics of Labels”

Authors: Manooher Mofidi and Amy E. Eckert

Journal: *Cornell International Law Journal*. V36 i1

Date: Spring 2003

Every person in enemy hands must have some status under international law: he is either a prisoner of war and, as such, covered by the Third Geneva Convention, a civilian covered by the Fourth Convention, [or] a member of the medical personnel of the armed forces who is covered by the First Convention. There is no intermediate status; nobody in enemy hands can fall outside the law. Al Qaeda prisoners, while captured during the war on terror, have not been claimed as prisoners of war, but rather as “enemy combatants”. The Geneva Convention specifically provides protection on the international stage for prisoners of war, and it helps to classify those involved with a war, whether they are combatant or other. While “lawful combatants” gain P.O.W. status, “unlawful combatants” do not get any protection.

Title: “BETWEEN EMPIRE AND COMMUNITY: The United States and Multilateralism 2001-2003: A Mid-Term Assessment: HUMANITARIAN LAW: The Executive Policy Toward Detention and Trial of Foreign Citizens at Guantanamo Bay”

Journal: *Berkeley Journal of International Law*

Author: K. Elizabeth Dahlstrom

Published: 2003

Journal Number: 21 Berkeley J. Int'l L. 662

This article focuses on The United States transference of hundreds of suspected Taliban soldiers and Al Qaeda operatives to Guantanamo Bay. These suspects were denied “Prisoner of War” status by President Bush, instead defining them as “unlawful combatants”, denying the suspects the protections afforded to P.O.W. by the Geneva Convention. The suspects have also been denied the rights to a lawyer, and have not been charged with any crimes, and the petitions submitted by relatives of the detainees have been ignored.

Title: "Rule of Law or Rule by Law: the Detention of Yaser Hamdi"

Journal: *American Journal of Criminal Law* 30 no2 225-78

Date: Spring 2004

Author: Charles Lugosi

The attacks on September 11, 2001 forced our country to re-examine the balance between civil liberties. Yaser Hamdi is an American Citizen that is being detained as an enemy combatant, and in being detained as an enemy combatant, he is being stripped of his constitutional rights as an American citizen (due process). While a Fourth Circuit judge, Judge Robert Doumar recognized the validity of a petition on the behalf Hamdi, deciding that Hamdi did have right to counsel, his decision was over-turned by an en banc meeting of the Fourth Circuit. The fact that the United States is keeping Hamdi and other detainees (at Guantanamo Bay) in a state of legal limbo (not declaring them prisoners of war, so they can receive protection from the Geneva convention and from agencies such as the Red Cross) has left the United States open for much criticism throughout the world. The article goes on to examine previous war-time civil liberties infringements, such as civil war and second world war actions undertaken by the government. The article ends with the many legal viewpoints on the suspension of the writ of habeas corpus.

Title: "Presidential Authority to Detain 'Enemy Combatants'"

Author: Elsea, Jennifer

Journal: *Presidential Studies Quarterly* v33 i3

Date: September 2003

The President is using the law of war, and Supreme Court precedent to support his detainment of U.S. citizens without filing a charge because they are labeled as "enemy combatants". This power is viewed by the administration as inherent to the position of commander-in-chief, and congressional authorization is implied in statute (even though its unnecessary). This preventative detention is another measure the President uses to protect national security. Although the President might not feel the need for such Congressional approval, Elsea maintains that Congressional approval is necessary to validate such measures in the United States.

International Relations

Title: "Beyond the Charter Frame: Unilateralism or Condominium"

Author: Tom J. Farer

Journal: *The American Journal of International Law*, Vol. 96, No. 2. (Apr., 2002), pp. 359-364

Link: [http://links.jstor.org/sici?sici=0002-](http://links.jstor.org/sici?sici=0002-9300%28200204%2996%3A2%3C359%3ABTCFUO%3E2.0.CO%3B2-O)

[9300%28200204%2996%3A2%3C359%3ABTCFUO%3E2.0.CO%3B2-O](http://links.jstor.org/sici?sici=0002-9300%28200204%2996%3A2%3C359%3ABTCFUO%3E2.0.CO%3B2-O)

Since the September 11th attacks, the United States' Government has broadly used the term of "self-defense" as a justification for the United States attacking Al Qaeda and Taliban Regimes. According to Article 51 of the U.N. Charter, there is an *inherent* right of self-defense, but this does not encompass The United States' overthrow of regimes with records of aggressive behavior, nor does it provide an excuse to seize suspected Al Qaeda members. In acting unilaterally, as Farer argues the United States is, the U.S. is challenging a root principle of the U.N. Charter: namely the equality of states. Farer comes to the conclusion that American unilateralism may alienate the U.S. from other nations.

Title: "BETWEEN EMPIRE AND COMMUNITY: The United States and Multilateralism 2001-2003: A Mid-Term Assessment: HUMANITARIAN LAW The Bush Administration's Response to the International Criminal Court"

Journal: *Berkeley Journal of International Law*

Author: Jean Galbraith

Published: 2003

Journal Number: 21 Berkeley J. Int'l L. 683

The Bush administration has put forth a strong effort to prevent the International Criminal Court from attaining any functional jurisdictional power over the United States or its citizens. The Bush administration has taken the stance of wholesale aggressive unilateralism, rejecting any participation in the Rome Statute, and that armed forces and government officials would be free from prosecution by the ICC. This current strategy of unilateralism might lead to the ICC targeting American Citizens, since the United States can no longer exert influence as an ICC supporter.

Title: "Lawyers put focus on human rights concerns"

Publication: Chicago Daily Law Bulletin

Date: February 9, 2004

Author: Patricia Manson

Link: <http://web.lexis->

[nexis.com/universe/document?_m=2124cd64d36c6c4459c5619dff716b7e&_docnum=1&wchp=dGLbVzz-zSkVA&_md5=ae7d059f83c6b8897186ffaaa21164e](http://web.lexis-nexis.com/universe/document?_m=2124cd64d36c6c4459c5619dff716b7e&_docnum=1&wchp=dGLbVzz-zSkVA&_md5=ae7d059f83c6b8897186ffaaa21164e)

Human rights advocates warned the American Bar Association of the weakening of the "rule of law" due to the actions of the American government and its war on terror. They claim that since the American government is quick to sacrifice rights in the effort to fight terrorism, other governments might not be far in following. Included is the government's new rules and procedures involving lawyers and clients who might be going before a military tribunal. The government has had to allow for outside help for civilian lawyers representing those going before a military tribunal and to relax its rules on eavesdropping between a lawyer and client. The ABA delegates have to consider many resolutions on the actions of the U.S. government, concerning mainly the government's rules against suspected terrorists.

Books

Title: *The Enemy Within; Intelligence Gathering, Law enforcement and Civil Liberties in the Wake of September 11*

Author: Stephen J Schulhofer

Published 2002, The Century Foundation Press, New York

September 11th jarred the nation into reactions that were all the more likely to be impulsive. While many legal and procedural changes have occurred since September 11th, little has been done to weigh the consequences of those changes and many of the far-reaching initiatives have gone largely unnoticed. While it is not unusual for a president to limit civil liberties during wartime, the current restrictions on liberty have overstepped the acceptable parameters of Presidential powers. Approximately 1,200 people were detained in the 2 months after September 11, and by the end of that November 548 of those detained remained unnamed. These detainees have also been stripped of their right to a public trial. Access to counsel has been restricted and excessive surveillance has been imposed on detainees. Also, surveillance on everyday Americans has been increased and the government now has an almost unlimited power to gather information about any individual. Throughout all of this, there has been little to inform the public of the actual liberties they are being deprived of, and consequently, there has been little in the way of public discussion and public outcry.

Title: *Be Very Afraid; Personal Freedom in America After September 11*

Edited: Danny Goldberg, Victor Goldberg and Robert Greenwald

Published 2002, RDV books, New York

This book serves as a collection political commentaries from many different viewpoints. It includes congressional viewpoints such as Congresswoman Maxine Waters (D-CA) who, commenting on the loss of civil liberties and the Patriot Act, states that “they represent a huge step backwards for a nation that prides itself on having an open society with many freedoms”. The collection also includes four writings from the point of view of the ACLU, and investigations into the misuse of power by the government and the media. The volume also contains powerful personal testimonies to of those affected first-hand by the current loss of liberty.

Title: *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism*

Author: David Cole

Published: New York: New Press. 2003

Abstract taken from *Publishers Weekly*, copyright 2003 Reed Business Info

The Government stripping foreigners of their rights within our borders usually leads to the rights of citizens also being stripped of rights. Cole believes that this has already started and The Patriot Act is one example of how the government is further encroaching upon the rights of citizens. During times of mass terror, the government has been quick to quell the voices of the opposing view (World War I protesters, McCarthyism). Foreigners inside the borders of the United States need the same rights guaranteed to them as citizens, there needs to be an end to the double standards. We can not impose measures on foreigners that would not be tolerated if imposed on American citizens

Title: *Lost Liberties: Ashcroft and the Assault on Personal Freedom.*

Edited: Cynthia Brown

Published: New York: New Press 2003

This collection of essays and opinions contains many views on post September 11th American. The start of the book has a look at the general problems and history involved with a war that looks to invoke preventative security measures, thereby infringing upon the civil rights of its citizens. Where this book differentiates itself from other Post-September 11th civil rights publications is in its focus on John Ashcroft and his personal involvement in national security and his perceived war on civil liberties. Different essays take on topics such as John Ashcroft's refusal to release the names of those detained after the attacks, the new use of racial profiling in the United States in the name of the war on terror, and how John Ashcroft's measures have impacted the American citizen. The book ends with a look at the global impact that the war on terror is having on such things as women's rights and U.S.-European relationships.

Title: *The Politics of Terror: The U.S. Response to 9/11*

Author: William Crotty

Published: Boston, Northeastern University 2003

Book summary from The Center for the Study of Democracy Publications

<http://www.csd.neu.edu/csdpubs.htm>

In the wake of the September 11 attacks, Americans were confronted with a new kind of war and a new kind of danger. After the strikes, institutions were created to mobilize the domestic response to potential terrorist threats and Congress passed legislation giving the President broad powers to fight terrorism and to provide heightened security for the nation. In this timely work, a team of experts addresses the question of

how a democracy faces the challenge of balancing legitimate homeland security concerns against the rights and freedoms of its citizens. They evaluate the measures introduced in the aftermath of 9/11 and assess the far-reaching consequences of those changes for American politics and society.

Authors in Support of the Bush Administration's Iraq Policy

Compiled by Matthew Dickhoff

Title: *The Lesser Evil: Political Ethics in an Age of Terror*

Author: Michael Ignatieff

Published: Princeton University Press, 2004

Abstract from Princeton University Press, <http://pup.princeton.edu/titles/7578.html>

Ignatieff argues that we must not shrink from the use of violence--that far from undermining liberal democracy, force can be necessary for its survival. But its use must be measured, not a program of torture and revenge. And we must not fool ourselves that whatever we do in the name of freedom and democracy is good. We may need to kill to fight the greater evil of terrorism, but we must never pretend that doing so is anything better than a lesser evil.

Title: *The Threatening Storm: The Case for Invading Iraq*

Author: Kenneth M. Pollack

Published: Random House, 2002

Abstract taken from book jacket, Copyright 2002, Kenneth M. Pollack

Examining all sides of the debate and brining a keen eye to the military and geopolitical forces at work, Pollack ultimately comes to this controversial conclusion: through our own mistakes, the perfidy of others, and Saddam's cunning, the United States is left with few good policy options regarding Iraq. Increasingly, the option that makes the most sense is for the United States to launch a full-scale invasion, eradicate Saddam's weapons of mass destruction and rebuild Iraq as a prosperous and stable society for the good of the United States, the Iraqi people, and the entire region.

Title: *A Long Short War: The Postponed Liberation of Iraq*

Author: Christopher Hitchens

Publisher: Plume Books, 2003

Abstract taken from

<http://www.eshop.msn.com/search/detail.aspx?prodId=1677455&pcId=14461&ptnrId=14&ptnrData=0>

One of our most respected and controversial liberal thinkers makes the case for war in Iraq. Written in his trademark contrarian voice, *A Long Short War* is comprised of Hitchens' essays on the justification for war in Iraq and other related issues written for Slate.com, The Wall Street Journal, The Nation, and more.

Title: *Terror and Liberalism*

Author: Paul Berman

Publisher: W.W. Norton & Company, 2004

Abstract taken from [http://www.amazon.com/exec/obidos/tg/detail/-/0393325555/qid=1090250590/sr=12-1/103-6259702-](http://www.amazon.com/exec/obidos/tg/detail/-/0393325555/qid=1090250590/sr=12-1/103-6259702-0287049?v=glance&s=books#product-details)

[0287049?v=glance&s=books#product-details](http://www.amazon.com/exec/obidos/tg/detail/-/0393325555/qid=1090250590/sr=12-1/103-6259702-0287049?v=glance&s=books#product-details). Copyright 2003 Reed Business Information Inc.

Berman puts his leftist credentials (he's a member of the editorial board of *Dissent*) on the line by critiquing the left while presenting a liberal rationale for the war on terror, joining a discourse that has been dominated by conservatives. The most original aspect of his analysis is to categorize Islamism as a totalitarian reaction against Western liberalism in a class with Nazism and communism; drawing on the ideas of Camus in *The Rebel*, Berman delineates how all three movements descended from utopian visions (in the case of Islamism, the restoration of a pure seventh-century Islam) into irrational cults of death. He illustrates this progression through a nuanced analysis of the writings of a leading Islamist thinker, Sayyid Qutb, ending with some chilling quotations from other Islamists, e.g., "History does not write its lines except with blood," the blood being that of Islam's martyrs (such as suicide bombers) as well as of their enemies, Zionists and Crusaders (i.e., Jews and Christians). Berman then launches into his most provocative chapter, and the one he will probably be most criticized for in politically correct journals: a scathing attack on leftist intellectuals, such as Noam Chomsky, who have applauded terrorism and tried to explain it as a rational response to oppression. Berman exhorts readers to accept that, on the contrary, Islamism is a "pathological mass political movement" that is "drunk on the idea of slaughter." A former MacArthur fellow and a contributing editor to the *New Republic*, Berman offers an argument that will be welcomed by disaffected progressives looking for a new analysis of today's world.