
A solid stance against the terrorism and war perpetrators' right at trial without detainment

The patriot Act and Privacy

Introduction

Question one

A persuasive argument opposing unlawful enemy combatant's constitutional right to challenge their detainment in federal courts

I am opposing the Unlawful enemy combatant's constitutional rights are not upheld when they are restricted in other countries outside the US jurisdictions. If this effect in any jurisdiction, then points to the major setback of the US administration that works on the Supreme Court ruling of changing the legal parameters of the terror or war perpetrators. Incarcerating any suspect without the judicial review limits the due justice process and distorts the criminal justice system.

Under the Geneva Convention, any prisoner of war cannot be detained without being charged with the criminal offenses. The charges should be clear and commensurate to support the respect for the rule of law. The procedural rules upheld in the Supreme Court's decisions of the enemy combatant's detention are so deferential to the executive thus rendering the meanings of the reviews of law meaningless. Any alleged terrorist must be tried through observation of the international standards and this aspect that is missed in the Supreme Court decisions on unlawful detention of combatants. With this in the legal dispensation of justice, I kindly oppose the unlawful enemy combatants within and outside these jurisdictions in the justice exemption.

Question Two

On September 11, 2001, soon after terrorists known as Al Qaeda attacked World Trade Center in USA. Through the attorney general brought before Congress a list of recommendation involving amending of the law in order to combat terrorism. The controversial recommendation of the Patriot Act which I strongly oppose since it was infringing on the rights of Americans citizens. The issues which were surrounding this Act were among the privacy as well as government surveillance on the general public.

The fourth amendment to the United States of American provides privileges to the general public to be very secure in their persons, residents, writings, as well as impacts against irrational searches and also seizures. It needs the law enforcement agencies to obtain warrants before making generally searches among the general public in the USA. However, in order to obtain the warrant, the officers are required to put forth sworn expressions which are usually under the stable gaze of a particular judge of the court. This kind of sworn expressions normally shows the area where the officers would carry out the search as well as the people and even things to be seized from the suspected individuals. Furthermore, the judge may also issue a court order allowing the officers to carry on with the searches to the resident of the suspected criminals.

This is the case especially if the officers identify reasonable justification in order to prove that an individual actually had engaged in criminal activities. However, the constitution demands that the officers issue the court with the responses about the aftermath of the inquiry between the officers and the suspect individual.

However, Patriot Act violates all the rights of an individual such as protection against unjustified searches as seizures and also freedoms of speech as well as association. For instance, if people expect that their conversations through phone calls, emails as well as their reading habits are being monitored by the security agencies, then most of them feel uncomfortable. This is the case especially if they disagree with the government policies.

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