

Military Tribunals

Historical Patterns and Processes



United States Military
Government and the Military Tribunals
of the United States and the United States

Military Tribunals Historical Patterns And Lessons

**Louis Fisher, Library of Congress.
Congressional Research
Service, Library of Congress**

Military Tribunals Historical Patterns And Lessons:

Military Law Review , **Free Speech and the Suppression of Dissent During World War I** Eric Thomas

Chester,2020-08-24 A comprehensive history of the National Civil Liberties Bureau's role in the anti war movement during the First World War World War I given all the rousing Over There songs and in the trenches films it inspired was at its outset surprisingly unpopular with the American public As opposition increased Woodrow Wilson's presidential administration became intent on stifling antiwar dissent Wilson effectively silenced the National Civil Liberties Bureau forerunner of the American Civil Liberties Union Presidential candidate Eugene Debs was jailed and Debs' Socialist Party became a prime target of surveillance operations both covert and overt Drastic as these measures were more draconian measures were to come In his absorbing new book *Free Speech and the Suppression of Dissent During World War I* Eric Chester reveals that out of this turmoil came a heated public discussion on the theory of civil liberties the basic freedoms that are theoretically untouchable by any of the three branches of the U S government The famous clear and present danger argument of Supreme Court Justice Oliver Wendell Holmes and the balance of conflicting interest theory of law professor Zechariah Chafee for example evolved to provide a rationale for courts to act as a limited restraint on autocratic actions of the government But Chester goes further to examine an alternative theory civil liberties exist as absolute rights rather than being dependent on the specific circumstances of each case Over the years the debate about the right to dissent has intensified and become more necessary This fascinating book explains why a century after the First World War and in the era of Trump we need to know about this *Routledge Revivals: Encyclopedia of American Civil Liberties (2006)* Paul Finkelman,2018-04-17 Originally published in 2006 the *Encyclopedia of American Civil Liberties* is a comprehensive 3 volume set covering a broad range of topics in the subject of civil liberties in America The book covers the topic from numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book's multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students *Civil-Military 'Legal' Relations: Where to from Here?* Pauline Therese Collins,2018-04-03 *Civil military relations* establishes the civilian control over the military to protect democratic values This book argues analysis of the CMR is distorted by the absence of consideration of the judicial arm with the civil seen as referring only to the executive and or legislature The civil courts approach to military discipline and the impact that has for CMR within the United Kingdom United States and Australia is investigated The author concludes that by including the courts in the development of CMR theory militarisation of the civilian domain is discouraged A paradigm shift acknowledging the fundamental role of all three organs of government in liberal democracies for control of States power is essential for genuine civilian oversight **Encyclopedia of the American Presidency** Michael A. Genovese,2009 Praise for the print edition entries are well written an excellent addition **Soldiers on the Home Front** William C. Banks,Stephen

Dycus,2016-01-04 When crisis requires U S troops to deploy on American soil the nation depends on a rich body of law to establish lines of authority guard civil liberties and protect democratic institutions William Banks and Stephen Dycus analyze the military s domestic role as it is shaped by law and ask what we must learn and do before the next crisis **Military Tribunals** Louis Fisher,Library of Congress. Congressional Research Service,Library of Congress,2005 After the terrorist operations of September 11 2001 President George W Bush authorized the creation of military tribunals to try individuals who offered assistance to the attacks on New York City and Washington D C The military order issued by President Bush closely tracks the model established by President Franklin D Roosevelt for a military tribunal appointed in 1942 to try eight German saboteurs In Ex parte Quirin 1942 the Supreme Court unanimously upheld the jurisdiction of Roosevelt s tribunal also called military commission This report summarizes the types of military tribunals that have functioned from the Revolutionary War to the present time explaining the legislative enactments that have guided these tribunals and the judicial decisions that have reviewed their constitutionality One of the principal methods of legislative control over military trials including tribunals are the Articles of War that Congress enacts into law The Constitution vests in Congress the power to constitute Tribunals inferior to the supreme Court to make rules for the Government and Regulation of the land and naval Forces and to define and punish Piracies and Felonies committed on the high Seas and Offences against the Law of Nations By enacting Articles of War Congress defined not only the procedures but also the punishments to be applied to the field of military law At various times executive officials have claimed that the President has authority under the Constitution to create military tribunals and does not depend on statutory authorization The Supreme Court has never accepted that argument Instead it looks for implied or express statutory authority whenupholding military tribunals On a number of occasions federal courts have expressed concern that military tribunals enable an administration to exercise all three powers of government legislative executive and judicial and that the concentration of those powers thre Military Tribunals Louis Fisher,2004 After the terrorist operations of September 11 2001 President George W Bush authorized the creation of military tribunals to try individuals who offered assistance to the attacks on New York City and Washington D C The military order issued by President Bush closely tracks the model established by President Franklin D Roosevelt for a military tribunal appointed in 1942 to try eight German saboteurs This report summarizes the types of military tribunals that have functioned from the Revolutionary War to the present time explaining the legislative enactments that have guided these tribunals and the judicial decisions that have reviewed their constitutionality One of the principal methods of legislative control over military trials including tribunals are the Articles of War that Congress enacts into law The Constitution vests in Congress the power to constitute Tribunals inferior to the supreme Court to make rules for the Government and Regulation of the land and naval Forces and to define and punish Piracies and Felonies committed on the high Seas and Offences against the Law of Nations By enacting Articles of War Congress defined not only the procedures but also the punishments to be applied to the

field of military law At various times executive officials have claimed that the President has authority under the Constitution to create military tribunals and does not depend on statutory authorization The Supreme Court has never accepted that argument Instead it looks for implied or express statutory authority when upholding military tribunals On a number of occasions federal courts have expressed concern that military tribunals enable an administration to exercise all three powers of government legislative executive and judicial and that the concentration of those powers threatens individual rights and liberties This report will be updated as events warrant Symposium 9/11 Five Years on,2007 **Hamdan V. Rumsfeld (2006)**. United States. Supreme Court,2006 Symposium ,2009 **Minnesota Law Review** ,2007 Military Tribunals ,2004 After the terrorist operations of September 11 2001 President George W Bush authorized the creation of military tribunals to try individuals who offered assistance to the attacks on New York City and Washington D C The military order issued by President Bush closely tracks the model established by President Franklin D Roosevelt for a military tribunal appointed in 1942 to try eight German saboteurs In Ex parte Quirin 1942 the Supreme Court unanimously upheld the jurisdiction of Roosevelt s tribunal also called military commission This report summarizes the types of military tribunals that have functioned from the Revolutionary War to the present time explaining the legislative enactments that have guided these tribunals and the judicial decisions that have reviewed their constitutionality One of the principal methods of legislative control over military trials including tribunals are the Articles of War that Congress enacts into law The Constitution vests in Congress the power to constitute Tribunals inferior to the supreme Court to make rules for the Government and Regulation of the land and naval Forces and to define and punish Piracies and Felonies committed on the high Seas and Offences against the Law of Nations By enacting Articles of War Congress defined not only the procedures but also the punishments to be applied to the field of military law At various times executive officials have claimed that the President has authority under the Constitution to create military tribunals and does not depend on statutory authorization The Supreme Court has never accepted that argument Instead it looks for implied or express statutory authority when upholding military tribunals On a number of occasions federal courts have expressed concern that military tribunals enable an administration to exercise all three powers of government legislative executive and judicial and that the concentration of those powers threatens individual rights and liberties For other CRS reports on military tribunals see CRS Report RL31191 Terrorism and the Law of War Trying Terrorists as War Criminals before Military Commissions by Jennifer Elsea CRS Report RL31600 The Department of Defense Rules for Military Commissions Analysis of Procedural Rules and Comparison with Proposed Legislation and the Uniform Code of Military Justice by Jennifer Elsea and CRS Report RL31340 Military Tribunals The Quirin Precedent by Louis Fisher This report will be updated as events warrant **Homeland Security** Bruce Maxwell,2004-10-15 Homeland Security A Documentary History provides a rich and relevant exploration of the concept of homeland security throughout the nation s history leading up to an examination of the new Homeland Security Department and its mission and impact This

essential reference was recently selected as one of the Best Reference Works of 2005 by the New York Public Library System. The Homeland Security Department was created in 2002 and involved the largest restructuring of the federal government in over forty years. Yet American institutions and officials have responded to homeland security issues throughout the life of the nation, for example with the Alien and Sedition Acts of 1798. Homeland Security explores the concept and challenges of homeland security through government reports, budget proposals, public affairs campaigns, and press releases, speeches, testimony, and other primary sources. Themes covered include historical homeland security issues and responses, process for creating a new executive department and changing institutions and bureaucracies, steps, major debates and events leading up to the creation of the Department, impact on governmental institutions and employees such as Congress and its committees, and structure of federal and state bureaucracies and civil servants. Budgetary implications at the federal and state levels, challenges and ramifications for citizens and civil liberties, missions and goals such as aviation and border security, crisis planning, and citizen preparedness. Supplemented with a chronology, print and web resource list, and an index. Homeland Security is unique in exploring historical antecedents as well as the Department's impact on political institutions and the ways Americans live and govern. Perfect for undergraduates in political science and journalism programs, AP Social Studies students, and public library patrons.

Terrorism Robert A. Friedlander, Howard Sidney Levie, Donald J. Musch, Yonah Alexander, Douglas C. Lovelace (Jr.), 1979. An extensive collection of significant documents covering all major and minor issues and events regarding terrorism. Government reports, executive orders, speeches, court proceedings, and position papers are presented in full text reprint. Oceana Website.

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Historical Abstracts Eric H. Boehm, 1963 **Historical Abstracts**, 1966 *America, History and Life*, 2003. Article abstracts and citations of reviews and dissertations covering the United States and Canada.

German Military History, 1648-1982 Dennis E. Showalter, 1984

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