

## TABLE OF CONTENTS

<b>1. INTRODUCTION.....</b>	<b>11</b>
1.1. SOCIAL SCIENCES AND PERSONAL PERSPECTIVE .....	11
1.2. THE IMPACT OF 9/11 .....	12
1.3. PROBLEM DEFINITION.....	18
<b>2. THE POLITICAL SYSTEM OF THE UNITED STATES.....</b>	<b>21</b>
2.1. THE NATURAL LAW TRADITION.....	21
2.2. THE UNITED STATES CONSTITUTION.....	23
2.3. THE RULE OF LAW.....	28
2.4. THE UNITED STATES COURT SYSTEM.....	29
<b>3. NATIONAL EMERGENCIES AND EXECUTIVE ORDERS.....</b>	<b>39</b>
3.1. INTRODUCTION.....	39
3.2. HISTORIC BACKGROUND.....	40
3.3. NATIONAL EMERGENCIES .....	42
3.4. EXECUTIVE ORDERS .....	48
3.5. LEGISLATIVE CONTROL AND JUDICIAL REVIEW .....	50
3.6. WORLD WAR II.....	51
<b>4. THE EXECUTIVE COURSE OF ACTION AFTER 9/11.....</b>	<b>55</b>
4.1. INTRODUCTION.....	55
4.2. EXECUTIVE ORDER 57833 .....	56
4.3. DETAINING ENEMY COMBATANTS .....	65
4.4. GUANTANAMO BAY, CUBA.....	69
<b>5. LEGAL CONCEPTS AFFECTED .....</b>	<b>79</b>
5.1. THE WRIT OF HABEAS CORPUS .....	79
5.2. THE WRIT OF CERTIORARI.....	85
5.3. INTERNATIONAL LAW AND HUMAN RIGHTS.....	87
<b>6. THE WAR ON TERRORISM SUPREME COURT CASES.....</b>	<b>89</b>
6.1. RUMSFELD, SECRETARY OF DEFENSE V. PADILLA ET AL .....	89
6.2. HAMDI ET AL. V. RUMSFELD, SECRETARY OF DEFENSE, ET AL.....	107
6.3. RASUL ET AL. V. BUSH, PRESIDENT OF THE UNITED STATES, ET AL.....	126
<b>7. CONCLUSIO .....</b>	<b>139</b>
7.1. THE BUSH ADMINISTRATION.....	140
7.2. THE UNITED STATES JUDICIARY .....	143
<b>8. REFERENCE.....</b>	<b>149</b>