

COUNTERTERRORISM LAW

CHARLES A. SHANOR

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COUNTERTERRORISM LAW

CASES AND MATERIALS

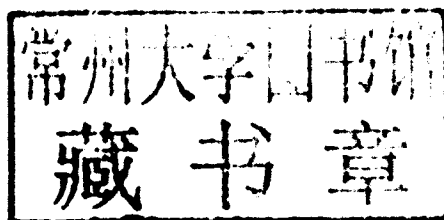
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**In Memory of
Elbert Parr Tuttle
Judge, General, and Mentor**

PREFACE

COUNTERTERRORISM LAW: CASES AND MATERIALS

In the aftermath of 9/11, 2001, I taught a seminar on legal issues related to terrorism with voluminous and sometimes disjointed photocopied materials. Students liked the seminar and I learned a great deal from it. Demand, however, exceeded the availability of seminar spaces, so I agreed to teach a Counterterrorism Law course, for which I prepared increasingly edited and coherent materials and eventually this casebook.

A decade after the 9/11 attacks, there is now a relatively stable framework for this eclectic and rapidly-changing field. While rooted in traditional national security law, counterterrorism law addresses recent structural shifts in criminal law, civil liberties, victim compensation, judicial review, and distribution of governmental powers. Nearly 80% of the principle cases in this book postdate 9/11, a fraction no doubt consistent with dates of the statutory and administrative materials. Counterterrorism law will continue to evolve, though perhaps at a slower pace than in this past decade, as lower court decisions are reconsidered by higher courts and as legislation, regulations, and executive practices, here and abroad, shift in response to terrorist threats, public opinion, technological change, and international dialogue.

Emory Law School has been generous in funding research assistance and administrative support. This book would not have been possible without the research contributions of Laurie Blank, Joe Hicks, Alex Whitman, Eric Fredrickson, and others who made useful but less extensive contributions. The introductory chapter owes a debt of gratitude to Jeffrey Holzgrefe, who teaches at Agnes Scott College and Emory Law, and the military commission chapter was enhanced by Captain Edward White, whose experience in this venue was invaluable. I owe my daughter Amanda an enormous debt for converting her experience at the Yale Law 9/11 clinic with Harold Koh and her work as a Fellow at Georgetown Law with David Cole into many improvements to this book. Without her enthusiasm, the final chapter would have been reserved for a later edition.

In the final months of preparing the manuscript for publication, I was incredibly fortunate to have the tireless and upbeat assistance of Marianne D'Souza and the multi-talented aid of Jay Burhan Haider (Emory Law 2010). All mistakes, of course, are mine alone.

Finally, I could not have completed this project without the love and support of my wife, Susan, who is the cornerstone of my life.

Charles A. Shanor
Atlanta, GA.
March 31, 2011

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