

Contents

Foreword, Michael Ratner xi

Preface xvii

1. INTRODUCTION

Defining the Challenge 1

2. AMERICAN RESPONSES TO TERRORISM

A HISTORICAL PERSPECTIVE 25

3. ASSESSING THE TERRORIST THREAT 50

4. THE USA PATRIOT ACT

A CHALLENGE TO EQUAL JUSTICE? 114

5. OTHER POST-9/11 LEGAL RESPONSES 154

Subsequent Legislative Responses 154

Executive Action 171

6. JUDICIAL REACTION TO THE POST-9/11 LEGAL RESPONSES 190

Article III Federal Courts 195

Non-Article III Courts 224

The U.S. Supreme Court:

An Ultimate Destination 233

7. CONCLUSION 237
STRIKING THE BALANCE BETWEEN
CIVIL LIBERTIES AND SECURITY 237

Appendixes 243

Notes 261

Bibliography 287

Index 291