

Volume 10 | Issue 2

---

Summer 2007

## Front Matter

Follow this and additional works at: <https://academicworks.cuny.edu/clr>



Part of the [Law Commons](#)

---

### Recommended Citation

*Front Matter*, 10 N.Y. City L. Rev. (2007).

Available at: <https://academicworks.cuny.edu/clr/vol10/iss2/1>

The CUNY Law Review is published by the Office of Library Services at the City University of New York. For more information please contact [cunylr@law.cuny.edu](mailto:cunylr@law.cuny.edu).

# NEW YORK CITY LAW REVIEW

Edited by the Students of the City University of New York School of Law

---

---

A Journal of Law in the Service of Human Needs

---

---

City University of New York School of Law  
65-21 Main Street  
Room #009  
Flushing, New York 11367-1358

---

---

Volume Ten

Summer 2007

Number Two

---

---



# NEW YORK CITY LAW REVIEW

Edited by the Students of the City University of New York School of Law

---

---

A Journal of Law in the Service of Human Needs

---

---

## 2006–2007 EDITORIAL BOARD

PAUL KEEFE  
*Editor-in-Chief*

LAURA NEGRÓN  
*Managing Editor*

LAUREN CUMBIA  
*Executive Articles Editor*

LILY GOETZ  
*Executive Articles Editor*

JESSICA REED  
*Notes & Comments Editor*

RACHEL SPECTOR  
*Executive Articles Editor*

EMILY WHITE  
*Executive Articles Editor*

JON STONBELY  
*Public Interest Practice Section Editor*

MUHAMMAD FARIDI  
*Symposium Editor*

## Associate Articles Editors

JACLENE AGAZARIAN  
SIENNA BASKIN  
BROOKE DEINES  
THERESA DELUCA

STACEY SCHLIFFER  
JEFF LEE  
AMY LEIPZIGER  
CHRISTINA PLAIA

## Staff Members

AMANDA ALLEN  
DANIELA ARREGUI  
ROD BIERMANN  
MEGAN BROWN  
REBECCA BROWN  
MICHELLE BURRELL  
JULIA BUSETTI  
SINA CHOI  
EILEEN CHOI  
SALLY CURRAN  
RUTH CUSICK  
SALVATORE DAVI  
LISA DAVIS

SHALINI DEO  
SANDRA DOS SANTOS  
JENNIFER FRANKOLA  
ASHLEY GRANT  
REBECCA GREENBERG  
REBECCA HEINEGG  
JENNIFER HOPE  
DEENITA LAKE  
THU LAM  
TRACY LAWSON  
MAX LEIGHTON  
SEAN MALLEY  
CHRIS MANOS  
MATT MONROE

CARA MOORE  
ALINA ONGKEKO  
DEJANA PERRONE  
DAWN PHILIP  
AMBER PLECHA  
ROSANNA ROIZIN  
COURTNEY SCHUSHEIM  
GURPAL SINGH  
RANDY SINKLER  
LESLIE SULTAN  
NATACHA THOMPSON  
MOLLY TIMKO  
MARGARET WILLIAMS

## Faculty Advisors

PROFESSOR PENELOPE ANDREWS  
PROFESSOR ANDREA McARDLE

PROFESSOR RUTHANN ROBSON

---

---

Volume Ten

Summer 2007

Number Two

---

---



# NEW YORK CITY LAW REVIEW

Edited by the Students of the City University of New York School of Law

---

---

A Journal of Law in the Service of Human Needs

---

---

## 2007–2008 EDITORIAL BOARD

LISA DAVIS  
*Editor-in-Chief*

DEJANA PERRONE  
*Managing Editor*

AMANDA L. ALLEN  
*Executive Articles Editor*

JULIA BUSETTI  
*Executive Articles Editor*

SHALINI R. DEO  
*Notes & Comments Editor*

SANDRA DOS SANTOS  
*Public Interest Practice Section Editor*

SEAN MALLEY  
*Executive Articles Editor*

COURTNEY SCHUSHEIM  
*Executive Articles Editor*

MATTHEW MONROE  
*Symposium Editor*

ASHLEY GRANT  
*Public Interest Practice Section Editor*

## Associate Articles Editors

DANIELA ARREGUI  
AMBER PLECHA

SINA CHOI

RUTH CUSICK  
MOLLY TIMKO

## Staff Members

CHRISTINE BACK  
JENNIFER BECKER  
LINDSEY BLANK  
SEAN BURKE  
JOHAN P. BYSSAINTHE  
TING TING CHENG  
REBECCA CURTISS  
JUSTIN DAVIS  
YASMIN DAVIS  
FARAH DIAZ-TELLO  
SHELLEY GOLDFARB  
ERIN HAMBY  
HOLLY HOBART  
DALE HUNTER  
WENDY JENNINGS  
IRENE KALAVROUZOTIS

VINITA KAMATH  
MAUREEN KATZ  
TANYA KESSLER  
EMILY LANGDON  
ANTHONY M. LISE  
ALEXANDRA McADAMS  
THOMAS MARIADASON  
MICHAEL MELLON  
SARAH MUGFORD  
LEILA NELSON  
ERIK NILSSON  
TIANE PATTERSON  
ROBERT C. PENN, JR.  
SEETA PERSAUD  
THUY Q. PHAM

DEXTERRIE RAMIREZ  
TASHIA RASUL  
RITA RENJEN  
ALLIE ROBBINS  
DEBORAH RUBIN  
MICHAEL SCIMONE  
RACHEL SEGER  
NYDIA SHAHJAHAN  
LEE C. STETSON  
MEGAN STUART  
TONY TATE  
SAMANTHA THOMAS  
MARIA THUKRAL  
KERRY TONER  
MIA UNGER  
ILYA YUKHTMAN

## Faculty Advisors

PROFESSOR PENELOPE ANDREWS

PROFESSOR ANDREA McARDLE

PROFESSOR RUTHANN ROBSON

---

---

Volume Ten

Summer 2007

Number Two

---

---



# NEW YORK CITY LAW REVIEW

Edited by the Students of the City University of New York School of Law

---

---

A Journal of Law in the Service of Human Needs

---

---

## CONTENTS

### **Guantánamo Bay: The Global Effects of Wrongful Detention, Torture & Unchecked Executive Power**

#### **Symposium**

Introduction *Muhammad Usman Faridi & Maxwell Leighton* i

#### **Transcripts**

Opening Remarks	<i>Barry Kamins</i>	313
Who's Afraid of the Criminal Law Paradigm in the "War on Terror?"	<i>Eric M. Freedman</i>	323
The Jose Padilla Habeas Case: A Modern Day Struggle to Preserve the Great Writ	<i>Donna Newman</i>	333
International Crimes Within the White House	<i>Jordan J. Paust</i>	339
The Guantánamo Effect and Some Troubling Implications of Limiting Habeas Rights Domestically	<i>Jonathan Hafetz</i>	351
Balancing Power in the U.S. Response to External Threats: NSA Surveillance and Guantánamo Detention	<i>Jameel Jaffer</i>	361
Use of Military Force at Home	<i>Jason Mazzone</i>	369
Jumah Al-Dossari: What Indefinite Detention Without Charge or Trial Looks Like	<i>Joshua Colangelo-Bryan</i>	379
Navigating the New Military Commissions: The Case of David Hicks	<i>Joshua L. Dratel</i>	385
Litigation and Delay at Guantánamo Bay	<i>Marc D. Falkoff</i>	393
The Practitioner's View: Clients at Guantánamo	<i>Martha Rayner</i>	405



## Articles

Citizenship and Location in a World of Torture	<i>Julie Mertus &amp; Lisa Davis</i>	411
The “War on Terror” Through British and International Humanitarian Law Eyes: Comparative Perspectives on Selected Legal Issues	<i>David Turns</i>	435
Guantánamo Bay and the Evolution of International Leases and Servitudes	<i>Michael J. Strauss</i>	479
Dereliction of Duty: When Members of Congress Vote for Laws They Believe to Be Unconstitutional	<i>Anant Raut &amp; J. Benjamin Schrader</i>	511

## Comment

The Unilateral Creation of International Law During the “War on Terror:” Murder by an Unprivileged Belligerent Is Not a War Crime	<i>Noman Goheer</i>	533
---	---------------------	-----