

Discuss Art I § 8, cl 11

War, Emergency, Vietnam, etc.

Is it appropriate to alter the Constitution to deal with emergency situations?

Article I, sec. 9, paragraph 2, allows the Writ of Habeas Corpus to be suspended "in Cases of Rebellion or Invasion" if the public safety may require it.

*By whom? Congress or the President? Note that it is in Art 1, the legislative article!*

*71 US 2 (1866)*

Ex Parte Milligan, 611, says ~~that martial law can be declared~~

that martial law can be declared and military courts can try civilians, if civilian courts are not ~~in~~ operating.

Where does this idea come from? *The rest of the Constitution*

Look at the language in the first full paragraph on 612. Is it consistent with the result?

What about civil disorder ~~and~~ situations--Can CURFEWS be imposed in America? Under what power?

What about the Fulbright lecture on 609 saying that nuclear war requires us to restructure our constitutional makeup.

Is it persuasive?