

Module 7: Correctional Law, Inmate Litigation & The War on Terror: The Supreme Court and Sentencing.

Module Overview

This module turns to the early history of correctional law and gradually moves to more recent developments in the world of prisoner's rights. Most inmate litigation revolves around the 1st, 4th and 8th amendments to the U.S. Constitution. The Supreme Court, when faced with inmate litigation, usually tries to balance its decisions between the inmate's constitutional rights and the right of the state/prison to maintain a secure institution. As with other cycles of corrections, the Court is very much a product of the time period in which it hears cases. As the country moves from get tough, to rehabilitation, and back to get tough, the court issues decisions that reflect the time period of which it is a part. Do inmates have rights? Should they have rights? These are some basic questions we will address.

Taking a critical approach to state crime, the module then delves into three instances of serious violations of human rights in the American war on terror: the unlawful enemy combatant designation, the use of Guantanamo Bay, and torture. In doing so, the discussion draws from an array of social theorists who insist that since the attacks of 9/11, executive power has become not only increasingly militarized but also reconfigured in ways that tend to override judicial and legislative oversight. We close with an analysis of each presidential administration since 9/11 (Bush, Obama, Trump) as well as recent developments in Biden's war on terror.

Ruddell, Chapters 12 (36 pages), 3 (33 pages)

ADDITIONAL NOTES HERE:

Latessa Readings 5, 14

ADDITIONAL NOTES HERE:

Latessa Chapter 14

- Cruz vs Beto: Rights period; prison could not prevent a Buddhist inmate from using the prison chapel, corresponding with religious advisors, and from distributing religious materials to other inmates (1972)
- Hutto vs Finney (1978): Rights period; could not be placed constitutionally in harsh conditions of punitive isolation cells for more than 30 days

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