

NAME OF EVENT: Indefinite Detention: Examining Guantanamo 20 Years After 9/11 (This event has been approved for 1 hour of California MCLE credit.)

DATE | TIME | LOCATION: September 9, 2021 | 4:00 to 5:00 p.m. ET | Online

BRIEF DESCRIPTION:

As American troops leave Afghanistan, the story of the remaining 39 detainees in the United States military prison at Guantanamo Bay Cuba may or may not be coming to an end. The fate of these men is in the hands of both the Biden administration – which states it wants to close the facility – and the judiciary, which is more conservative and more deferential to the executive branch than it was 20 years ago when it granted limited habeas corpus rights to detainees. What does this changed judiciary and polarized political climate mean for the remaining Guantanamo detainees? Will courts defer to executive branch claims that the U.S. Government can legally detain suspected terrorists after the withdrawal from Afghanistan as the Justice Department claims? If so, what does this say about how – or if – the judiciary will police separation of powers and protect civil liberties in the face of national security claims moving forward? And what is Congress' role in all of this – what has it done and what should it do?

SPEAKERS' NAMES AND BIOS:

Baher Azmy, Legal Director, Center for Constitutional Rights

Hina Shamsi, Director, ACLU National Security Program

Rita Siemion, Senior Counsel, U.S. Senate Judiciary Committee

Steve Vladeck, Charles Alan Wright Chair in Federal Courts, University of Texas at Austin School of Law

Linda Greenhouse, Clinical Lecturer in Law and Senior Research Scholar in Law, Yale Law School

AGENDA OF PROGRAM:

5 minutes introduction
40 minutes speaker presentations and moderated conversation
15 minutes Q&A

MATERIALS FOR CALL:

Janet Cooper Alexander, [*The Law-Free Zone and Back Again*](#), 2013 ILL. L. REV. 551 (2013).

Baher Azmy, [*The Pedagogy of Guantánamo*](#), 26 MD. J. INT'L L. 47 (2011).

David J.R. Frakt, [*Prisoners of Congress: The Constitutional and Political Clash Over Detainees and the Closure of Guantánamo*](#), 74 U. .PITT. L. REV. 181 (2012).

Leah Feiger, [*Guantánamo Detainees Say Conditions Are Worse Since Biden Became President*](#), VICE (June 16, 2021).

Linda Greenhouse, [*Will the Supreme Court Write Guantánamo's Final Chapter?*](#), N.Y. TIMES (May 6, 2021).

Jonathan Hafetz, Scott Roehm, Hina Shamsi, [*Biden Team's Litigation Tactics on Guantánamo Undercut Biden Policy to Close the Prison*](#), JUST SECURITY (Apr. 21, 2021).

Jen Patja Howell, [*The Lawfare Podcast: A Guantánamo Update with Latif Nasser and Steve Vladeck*](#), LAWFARE (July 23, 2021).

Aziz Huq, [*The President and the Detainees*](#), 165 U. PA. L. REV. 499 (2017).

Sasha Pfeiffer, [*What Might Happen to Guantánamo Now That U.S. Troops Are Leaving Afghanistan*](#), NPR (July 10, 2021).

Hina Shamsi, Rita Siemion, et al., [*Toward a New Approach to National and Human Security: Close Guantánamo and End Indefinite Detention*](#), JUST SECURITY, (Sept. 11, 2020).