

Imagine yourself visiting somewhere faraway... the “land of the free.” This is the first time that you have traveled to America; you immediately notice the beauty of the place, the diversity of the people, and, moreover, you are quick to appreciate the freedom of it. Why are you here? Perhaps you have come to negotiate business. Maybe you have come to say hello to an old friend; perhaps you have come just to get away. It is fair to say that an average passerby has no way of knowing why you are here. However, there are some who look your way with suspicious eyes. Because you do not look just like that man, because you do not sound just like those women, and even because the clothes on your back are not like those onlookers’, you are not “one of them.”

Now, picture yourself in a prison cell. You are cramped; darkness and coldness envelop you. Silence. You are alone, and you are feeling a strange mixture of devastation and anger. You come to the harsh reality that you may never see your family again. What will become of them? Will you have the chance to say goodbye to your loved ones? What will happen to you? Panic. Stillness. Why are you here? You are an enemy to America.

Each year, millions of dollars are ceaselessly wasted on providing for prisons, many of which are bursting at the seams. Numbers of inmates are unfairly incarcerated; quite a few of these men and women, in fact, have been imprisoned despite the fact that they have committed no genuine offenses. Innocent people are subjected to harsh and unfair treatment daily right here in America. The writ of habeas corpus defends the victims of this unjust behavior.

Habeas corpus has forever been a building block of American society. The term may be translated into English as, “You have the body.” Quite simply, this writ states that if one is ever arrested by the government, he has the right to know why he has been

detained; furthermore, he also has the right to a fair trial. The origins of habeas corpus can be traced back to the year 1215. English landowners presented a document entitled the Magna Charta to King John in order to limit his powers and to protect their rights. Amidst the privileges stated in the Magna Charta was that, "No free man shall be taken, imprisoned, diseased, outlawed, banished, or in any way destroyed, not will we proceed against or prosecute him, except by the lawful judgment of his peers and by the law of the land."

Presidents of the United States take an oath to uphold the Constitution. The Constitution of the United States affirms that "The Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." In October of 2006, President George Bush suspended habeas corpus by signing the Military Commissions Act of 2006. The suspension declared that "unlawful enemy combatants" may not be granted writs of habeas corpus. However, it is clear that America was neither in a rebellion nor an invasion at that time, so how was this act justified? Habeas corpus was also suspended shortly after the beginning of the Civil War by Abraham Lincoln, arguably being in the time of one of the most influential wars in American history. Some may say that this president's actions were justified. In his public announcement, Lincoln specifically explained that rebels and those "guilty of any disloyal practice" shall have their rights to habeas corpus suspended. Both presidents' actions were based on the protection from the dangers of war; however, it is open to question whether either of the leaders' procedures were warranted.

I strongly believe that we, as Americans, must maintain habeas corpus, an incredibly large part of the foundation of our country, to preserve the American way. The

writ is a fundamental portion of the freedom and equality which defines this nation partly because of the fact that habeas corpus was directly written into the Constitution by our forefathers. Clearly, those who founded our nation so long ago recognized how vital the rights that the writ provides are, and knew that no citizen of this country should ever be bereft of those rights. I find that there must be no reason, save for a revolt or an assault on our nation, to disregard such a defining element of America. President Barack Obama has stated, when speaking about habeas corpus, “The reason you have that safeguard... is because we don’t always have the right person. We don’t always catch the right person... The reason that you have this principle is not to be soft on terrorism, it’s because that’s who we are... That’s what we’re protecting. Don’t mock the Constitution!”

In conclusion, habeas corpus is an exceedingly significant part of American society. The writ is so important that our forefathers deemed it to be necessary to have it appear in the Constitution; it is an enormously defining component of American life. So as to preserve one of the finest nations in the world, we must maintain one of the most basic elements of our society; habeas corpus must never be forgotten.