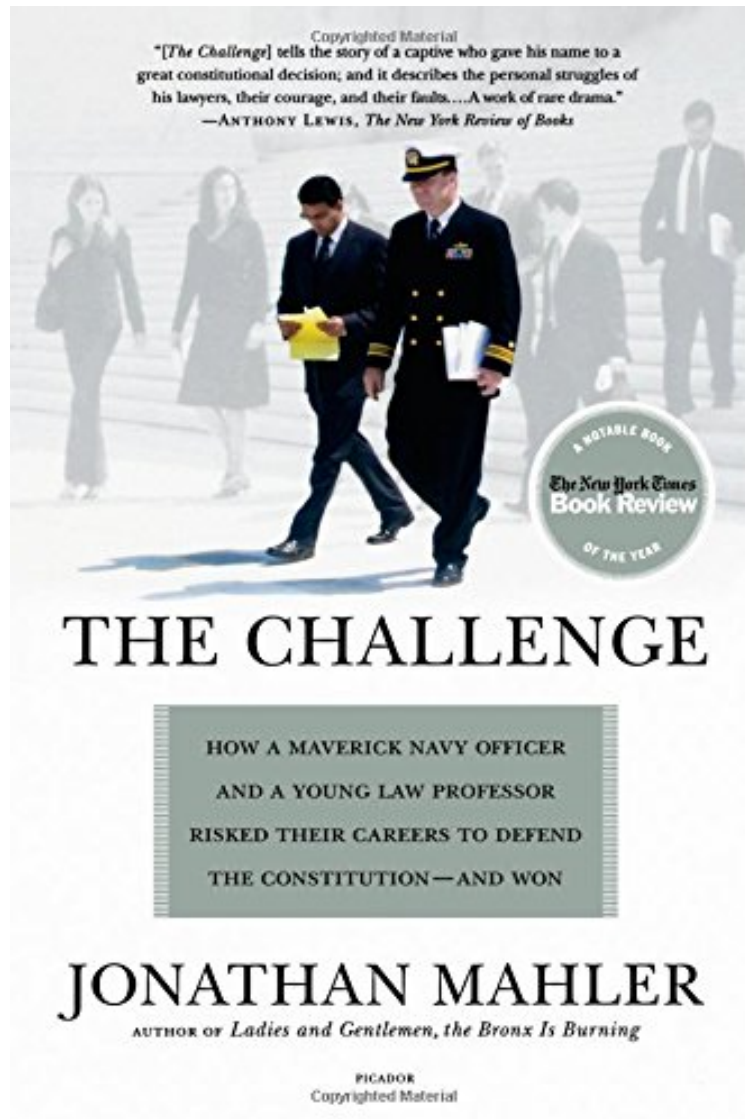


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# The Challenge: How a Maverick Navy Officer and a Young Law Professor Risked Their Careers to Defend the Constitution--and Won

Jonathan Mahler

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#356285 in Books Jonathan Mahler 2009-07-21 2009-07-21 Original language: English PDF # 1 8.50 x .81 x 5.50l, .70 #File Name: 0312428855368 pages The Challenge How a Maverick Navy Officer and a Young Law Professor Risked Their Careers to Defend the Constitution and Won | File size: 39.Mb

Jonathan Mahler : The Challenge: How a Maverick Navy Officer and a Young Law Professor Risked Their Careers to Defend the Constitution--and Won before purchasing it in order to gage whether or not it would be

worth my time, and all praised *The Challenge: How a Maverick Navy Officer and a Young Law Professor Risked Their Careers to Defend the Constitution--and Won*:

0 of 0 people found the following review helpful. Why did you like or dislike this product?By Christopher HitsonWhy did you like or dislike this product?It is a great read and I liked it because it is facts, not fiction.0 of 0 people found the following review helpful. In the tradition of Anthony Lewis's *Gideon's Trumpet*By C. I. McCabeThis book tells the behind-the-scenes story of the making of the landmark *Hamdan v. Rumsfeld* Supreme Court decision. I couldn't put it down, and highly recommend it.2 of 2 people found the following review helpful. The *Vanity Fair* Guide to Constitutional LitigationBy not me"*The Challenge*" is the story of *Hamdan v. Rumsfeld*, one of the landmark Constitutional cases of our time. The case began when Hamdan, a Yemeni jihadist incarcerated at Guantanamo, was accused of war crimes and set for trial before a military commission. Expected to plead guilty, Hamdan instead challenged the legality of the commissions, arguing that they had been set up in violation of the Constitution and international law. He was represented by a Navy lawyer and a law prof at Georgetown, who ended up winning the case -- sort of -- in the Supreme Court.The book is non-fiction, but leans heavily on novelistic devices such as reconstructed dialogue, access to the inner lives of characters, and atmospheric details that help readers visualize the action. The author had great materials to work with -- terrorism, official lawlessness, crusading lawyers, and a satisfying outcome -- so it's no surprise that his book is a pageturner. I raced through it in just a few days, loving every page of it.That said, I was struck by the absence of scholarly apparatus (such as footnotes) or respect for journalistic conventions (such as balance). And I was very disappointed that the author wrote an entire book about the most important Presidential war powers case since *Youngstown Steel* without trying to unpack the law at the heart of the litigation. "*The Challenge*" treats its legal material as background scenery -- including the Geneva Conventions, the war powers clause, the Habeas Corpus Act, and the *Hamdan* opinion itself. Instead, the book's focus is relentlessly on the lawyers -- on their rivalries, their neuroses, their tactical disagreements, their family lives, their punishing workloads, and so on, in elaborate cinematic detail. Unfortunately, it isn't possible to learn about the law without diving -- or at least dipping one's toe -- into the relevant legal texts. "*The Challenge*" doesn't even try to do so. It reminded me more of a movie about lawyers than a book about the law.Verdict: Jonathan Mahler is no Anthony Lewis, and "*The Challenge*" is no "*Gideon's Trumpet*." Lawyers may love the way "*The Challenge*" makes legal practice seem dramatic (it ain't), but non-lawyers hoping to learn something about the Constitution or the law of war will be disappointed. I respectfully dissent from the other reviews.

**INCLUDES A NEW EPILOGUE BY THE AUTHOR**The *Challenge* tells the inside story of an improbable act of patriotism. At its center are Navy lawyer Charles Swift and Georgetown law professor Neal Katyal, two men who, in the aftermath of 9/11, found themselves defending an accused Yemeni terrorist named Salim Hamdan in America's first military tribunals since World War II. The entire system was stacked against them, and Swift's superiors were pressing him to enter a guilty plea. Instead, he and Katyal sued the Bush administration on their client's behalf, arguing that his trial and treatment were illegal and unconstitutional. In the spring of 2006, the case, *Hamdan v. Rumsfeld*, reached the Supreme Court. The resulting ruling changed the legal landscape of the War on Terror, and it has been called the Court's most important decision ever on presidential power and the rule of law. Jonathan Mahler's gripping, detailed chronicle follows the case from Yemen to Guantanamo to the courtrooms and the chambers of power in Washington, delivering "the definitive work on an epic Supreme Court case--and on the human beings behind the headlines" (Jeffrey Toobin, author of *The Nine: Inside the Secret World of the Supreme Court*).