

**Hogan
Lovells**

Executive and Judicial Overreaction in the Guantanamo Cases

2005

The U.S. Supreme Court in *Rasul v. Bush*¹ and *Al-Odah v. United States* held that detainees at Guantanamo Bay may challenge their detentions via writs of habeas corpus. Justice Stevens' majority opinion held that "the federal courts have jurisdiction to determine the legality of the Executive's potentially indefinite detention of individuals who claim to be wholly innocent of wrongdoing."

Read "Executive and Judicial Overreaction in the Guantanamo Cases"

Contacts



Neal Katyal

Partner

> [Read the full article online](#)