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## Foreign Terrorists Should Be Entitled to Constitutional Rights in U.S. Territory

## Foreign Terrorists Should Be Entitled to Constitutional Rights in U.S. Territory

When prosecuted in U.S. territory, foreign terrorists should be entitled to constitutional rights. In the U.S., the legal system is based on the principles of due process and fairness, which adhere to all individuals within U.S. jurisdiction regardless of their citizenship. The Fifth and Sixth Amendments protect the defendant's rights not to self-incriminate and to a fair trial and trial. Refusing to extend these rights based on nationality or alleged crimes would establish the foundation of injustice in America.

Since constitutional protections have been extended to non-citizens, the U.S. Supreme Court has consistently affirmed that. In *Yick Wo v. Hopkins (1886)*, the Court recognized that the Fourteenth Amendment applies to all persons within the U.S. borders. Similarly, in *Rasul v. Bush (2004)*, foreign detainees at Guantanamo Bay were given the right to contest their confinement. Furthermore, in *Boumediene v. Bush (2008)*, the Court held that the Constitution guaranteed even non-citizens designated enemy combatants a right to habeas corpus (Schroeder, 2021). These rulings confer constitutional rights to someone based in U.S. jurisdiction and are not solely reserved for U.S. citizens.

Its opponents claim that foreign terrorists should be tried in military tribunals as provided by the Military Commissions Act of 2006. They contend that giving constitutional rights would be a security risk and delay justice (McDonnell, 2023). The transparency and procedural safeguards of civilian courts, however, are lacking in military tribunals, leading to an increased risk of wrongful conviction and human rights violations and serving to eradicate all values of freedom and justice present in lawful military tribunals. Due process helps to ensure the credibility of U.S. courts and the United States' commitment to justice and the law is assured.

As a result, foreign terrorists who enter U.S. territory should enjoy constitutional rights. Upholding due process not only holds the law but also prevents the abuse of power. It shows how strongly the U.S. upholds fairness even in cases involving terrorism by applying constitutional protections uniformly.

## References

McDonnell, T. (2023). *The United States, International Law and the Struggle against Terrorism*.

Routledge.

Schroeder, J. J. (2021). Conservative Progressivism in Immigrant Habeas Court: Why Boumediene

v. Bush Is the Baseline Constitutional Minimum. *Harbinger*, 45, 46.