Opinions: The Guantanamo Bay Detention Cases
To accompany Cases from the War on Terrorism

Majority
The Court decided the case 6-3, and Justice Stevens was joined in the majority opinion by Justices Ginsburg, Souter, Breyer and O’Connor. Justice Stevens’ opinion found that federal courts have jurisdiction to consider habeas corpus petitions from detainees at Guantanamo Bay Naval Base in Cuba. Conceding that the Constitution did not require habeas corpus to be available to enemy aliens held outside the United States, the majority nonetheless upheld their access to courts based on the federal habeas statute.

Concurrence
Justice Kennedy joined the five justices in the majority in holding that the federal courts have habeas corpus jurisdiction over the detainees in this case. His opinion stressed deference to “the power of the President as Commander in Chief” and respect for “military necessity” while recognizing that “as the period of detention stretches from months to years, the case for continued detention to meet military exigencies becomes weaker.”

Dissent
Justice Scalia, along with Chief Justice Rehnquist and Justice Thomas, dissented from the judgment of the Court and would not have allowed the detainees to bring their habeas petitions before a federal district court. He noted the “breathtaking” consequences of the majority holding and potentially extending jurisdiction to Afghanistan, Iraq and millions of future POWs.