

Perspectives Questions for Discussion

Douglas W. Kmiec: Do Current Anti-Terrorism Efforts in The United States Compromise Civil Liberties? Are the Compromises Necessary?

1. What are this expert's answers to the questions presented?
2. What does the New York Times reporting about the National Security Agency surveillance program demonstrate? Do you agree? Why?
3. Which public law authorized the president to use "necessary and proper steps" to subdue terrorists?
4. According to the expert, does presidential action need to be bolstered by law?
5. To what extent does the expert support or oppose established FISA court processes for most surveillance taps and searches?
6. What perplexing question does the expert raise about fighting terrorism? Why does he contend that it is important?
7. What do you think the expert means by the statement, "hard cases make bad law—and whether we like it or not, this is a hard case." Do you agree? Why?