

Module 7: Correctional Law, Inmate Litigation & The War on Terror: The Supreme Court and Sentencing.

Module Overview

This module turns to the early history of correctional law and gradually moves to more recent developments in the world of prisoner's rights. Most inmate litigation revolves around the 1st, 4th and 8th amendments to the U.S. Constitution. The Supreme Court, when faced with inmate litigation, usually tries to balance its decisions between the inmate's constitutional rights and the right of the state/prison to maintain a secure institution. As with other cycles of corrections, the Court is very much a product of the time period in which it hears cases. As the country moves from get tough, to rehabilitation, and back to get tough, the court issues decisions that reflect the time period of which it is a part. Do inmates have rights? Should they have rights? These are some basic questions we will address.

Taking a critical approach to state crime, the module then delves into three instances of serious violations of human rights in the American war on terror: the unlawful enemy combatant designation, the use of Guantanamo Bay, and torture. In doing so, the discussion draws from an array of social theorists who insist that since the attacks of 9/11, executive power has become not only increasingly militarized but also reconfigured in ways that tend to override judicial and legislative oversight. We close with an analysis of each presidential administration since 9/11 (Bush, Obama, Trump) as well as recent developments in Biden's war on terror.

Ruddell, Chapters 12 (36 pages), 3 (33 pages)

ADDITIONAL NOTES HERE:

Latessa Readings 5, 14

ADDITIONAL NOTES HERE:

Latessa Chapter 14

- Cruz vs Beto: Rights period; prison could not prevent a Buddhist inmate from using the prison chapel, corresponding with religious advisors, and from distributing religious materials to other inmates (1972)
- Hutto vs Finney (1978): Rights period; could not be placed constitutionally in harsh conditions of punitive isolation cells for more than 30 days

Module 7 Quizlets

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Table of Contents Module 7 Quizlets

1. Understanding the eBook Module 7 Quizlets
 - The Rise of Digital Reading Module 7 Quizlets
 - Advantages of eBooks Over Traditional Books
2. Identifying Module 7 Quizlets
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Module 7 Quizlets
 - User-Friendly Interface
4. Exploring eBook Recommendations from Module 7 Quizlets
 - Personalized Recommendations
 - Module 7 Quizlets User Reviews and Ratings
 - Module 7 Quizlets and Bestseller Lists
5. Accessing Module 7 Quizlets Free and Paid eBooks

- Module 7 Quizlets Public Domain eBooks
 - Module 7 Quizlets eBook Subscription Services
 - Module 7 Quizlets Budget-Friendly Options
6. Navigating Module 7 Quizlets eBook Formats
 - ePub, PDF, MOBI, and More
 - Module 7 Quizlets Compatibility with Devices
 - Module 7 Quizlets Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Module 7 Quizlets
 - Highlighting and Note-Taking Module 7 Quizlets
 - Interactive Elements Module 7 Quizlets
 8. Staying Engaged with Module 7 Quizlets
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Module 7 Quizlets
 9. Balancing eBooks and Physical Books Module 7 Quizlets
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Module 7 Quizlets
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Module 7 Quizlets
 - Setting Reading Goals Module 7 Quizlets
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Module 7 Quizlets
 - Fact-Checking eBook Content of Module 7 Quizlets
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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