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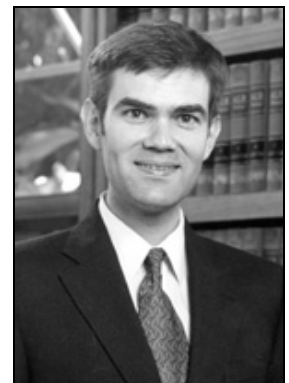
The One Court that Congress Cannot Take Away: Singularity, Supremacy, and Article III

Professor Laurence Claus
School of Law, University of San Diego

Monday 11 December 2006, 12 noon

Staff Library Level 1, ANU College of Law, (Bldg 5),
cnr Fellows & East Roads, The ANU

RSVP to: cipl@law.anu.edu.au



In this seminar Laurence Claus will talk about the constitutional case against the jurisdiction-stripping provisions of the Military Commissions Act of 2006, including a new analysis of what the United States Constitution's suspension clause tells us about the proper interpretation of Congress's power to make "Exceptions" to the Supreme Court's appellate jurisdiction. Laurence will conclude that neither text nor founding-era history supports letting Congress remove matters from the Supreme Court's jurisdiction by reference to the legal issues at stake in those matters. Neither text nor founding-era history supports letting Congress use the Exceptions power to stop the Supreme Court from ultimately determining the legality of federal detentions. To the extent that the Military Commissions Act of 2006 purports to stop the Court from ultimately determining the legality of federal detentions, it is unconstitutional.

Professor Laurence P. Claus clerked for Judge Frank H. Easterbrook of the U.S. Court of Appeals for the Seventh Circuit from August 1999 to August 2000. He was a John M. Olin fellow in law at Northwestern University School of Law prior to joining the USD law faculty in 2001. Earlier appointments include associateships to distinguished jurists in his native Australia and three years in the Office of Foreign Litigation, United States Department of Justice, based at the U.S. Embassy in London. His publications include "Implication and the Concept of a Constitution," and "Federalism and the Judges," (both *Australian Law Journal*).

This event is free and open to the public.