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The Challenge: Hamdan v. Rumsfeld and the Fight over Presidential Power

Jonathan Mahler

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An inspiring legal thriller set against the backdrop of the war on terror, *The Challenge* tells the inside story of a historic Supreme Court showdown. At its center are a Navy JAG and a young constitutional law professor who, in the aftermath of 9/11, find themselves defending their nation in the unlikeliest of ways: by suing the president of the United States on behalf of an accused terrorist in order to prevent the American government from breaking the law and violating the Constitution.

Jonathan Mahler traces the journey of their client, Salim Ahmed Hamdan, from the Yemeni mosque where he was first recruited for jihad in 1998, through his years working as a driver for Osama bin Laden, to his capture in Afghanistan in November 2001 and his subsequent transfer to Guantanamo Bay. It was there that Hamdan was designated by President Bush to be tried before a special military tribunal and assigned a military lawyer to represent him, a thirty-five-year-old graduate student of the Naval Academy, Lieutenant Commander Charles Swift.

No one expected Swift to mount much of a defense. Not only were the rules of the tribunals, America's first in more than fifty years, stacked against him, his superiors at the Pentagon were pressuring him to persuade Hamdan to plead guilty. But Swift didn't believe that the tribunals were either legal or fair, so he enlisted a young Georgetown law professor named Neal Katyal to help him sue the Bush administration over their legality. In the spring of 2006, Katyal, who had almost no trial experience, took the case to the Supreme Court and won. The landmark ruling has been called the Court's most important decision ever on presidential power and the rule of law.

Written with the cooperation of Swift and Katyal, *The Challenge* follows the braided stories of Swift's intense, precarious relationship with Hamdan and the unprecedented legal case itself. Combining rich character portraits and courtroom drama reminiscent of Jonathan Harr's *A Civil Action* with sophisticated yet accessible legal analysis, *The Challenge* is a riveting narrative that illuminates some of the most pressing constitutional questions of the post-9/11 era.

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