

## **IRAC Method: Rule and Analysis**

4 pages | 999 words

### **Introduction**

This case involved Reid, who was a superintendent with District of Columbia jail and Mrs. Clarice Covert, who was a military dependent. While residing in England at an airbase, she was tried and thereafter convicted for the murder of her husband by court-martial. Mrs. Covert's husband worked with United States Air force as a sergeant; however, Mrs. Covert was not an armed forces member. The trial and conviction of Mrs. Covert in the united states by the court martial was authorized by United states code of the military justice under article 2(11). She was, therefore, sentenced to life imprisonment where she was supposed to serve this sentence in a federal prison in United States. However, she appealed the case, and she was taken to District of Columbia jail awaiting retrial by the court martial in Washington, D.C at an airbase after her conviction being set aside. It is at the federal district court that she petitioned for a writ of the habeas corpus claiming that her constitutional rights under Fifth and Sixth Amendments were being violated because of her conviction by the military authorities ("Reid V. Covert Case Brief,"2011).

### **Rule**

Mrs. Covert termed this conviction to be unconstitutional under article2 (11) stating that she was not a member of armed forces and therefore not subject to the military jurisdiction. The district court ruled out the case that a civilian was warranted to have a civilian trial and in this regard this court granted Mrs. Covert her petition. The government appealed to the Supreme Court directly in the United States. The Supreme Court gave a ruling that military trial of Mrs. Covert was constitutional and that the trial by a jury that was a constitutional right did not apply for those American citizens, who were being tried in the foreign lands ("Reid V. Covert," 2014). According to the court's ruling, the congress was within its constitutional mandate and that by any means it could provide for trial through any means it deemed fit as long as that means were consistent and reasonable with the due process. A lengthy reservation was issued by Justice Felix Frankfurter, and Justices William O. Douglas and Hugo L. Black together with chief justice Earl Warren issued a dissent that was strong. The court granted a petition for the rehearing subsequently. They held that those Americans citizens who were outside the territorial jurisdiction of United States still retain the protections warranted by the constitution of the United States. Therefore, the decision that was granting habeas corpus to Mrs. Covert was affirmed accordingly. In the case of a treaty which tends to conflict with any subsequent congressional act, congressional act in such a case prevails over the treaty except when it violates the constitution ("Reid V. Covert," 2014).

### **Analysis**

Mrs. Covert argued that Article 2 (11) is supposed to be geographically restricted and thus military jurisdiction which was over her expired when she was returned to the United States. Additionally she also argued that as a civilian, she was not supposed to be subjected to the code, because under Article 2(7) she was not in custody of...

# Irac Example Paper

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