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GUANTÁNAMO

AND THE

ABUSE OF PRESIDENTIAL POWER

JOSEPH MARGULIES



Guantanamo And The Abuse Of Presidential Power

Stuart Streichler



Guantanamo And The Abuse Of Presidential Power:

Guantanamo and the Abuse of Presidential Power Joseph Margulies, 2006-07-03 In his address to the nation on September 20 2001 President Bush declared war on terrorism and set in motion a detention policy unlike any we have ever seen Since then the United States has seized thousands of people from around the globe setting off a firestorm of controversy Guantanamo and the Abuse of Presidential Power explores that policy and the intense debates that have followed Written by an expert on the subject one of the lawyers who fought and won the right for prisoners to have judicial review this important book will be of immense interest to liberals and conservatives alike With shocking facts and firsthand accounts Margulies takes readers deep into the Guantanamo Bay prison into the interrogation rooms and secret cells where hundreds of men and boys have been designated enemy combatants Held without legal process they have been consigned to live out their days in isolation until the Bush administration sees fit to release them if it ever does Margulies warns Americans to be especially concerned by the administration's assertion that the President can have unlimited and unchecked legal authority Tracing the arguments on both sides of the debate this vitally important book paints a portrait of a country divided on the brink of ethical collapse where the loss of personal freedoms is under greater threat than ever before [Guantanamo and the Abuse of Presidential Power](#)

Joseph Margulies, 2007-07-03 Weaving together firsthand accounts of military personnel who witnessed the interrogations with the words of the prisoners themselves Margulies exposes the chilling reality of Guantanamo Bay

Guantánamo and the Abuse of Presidential Power Joseph Margulies, 2006 **Emergency Presidential Power** Chris Edelson, 2013-12-19 Can a U S president decide to hold suspected terrorists indefinitely without charges or secretly monitor telephone conversations and e mails without a warrant in the interest of national security Was the George W Bush administration justified in authorizing waterboarding Was President Obama justified in ordering the killing without trial or hearing of a U S citizen suspected of terrorist activity Defining the scope and limits of emergency presidential power might seem easy just turn to Article II of the Constitution But as Chris Edelson shows the reality is complicated In times of crisis presidents have frequently staked out claims to broad national security power Ultimately it is up to the Congress the courts and the people to decide whether presidents are acting appropriately or have gone too far Drawing on excerpts from the U S Constitution Supreme Court opinions Department of Justice memos and other primary documents Edelson weighs the various arguments that presidents have used to justify the expansive use of executive power in times of crisis *Emergency Presidential Power* uses the historical record to evaluate and analyze presidential actions before and after the terrorist attacks of September 11 2001 The choices of the twenty first century Edelson concludes have pushed the boundaries of emergency presidential power in ways that may provide dangerous precedents for current and future commanders in chief Winner Crader Family Book Prize in American Values Department of History and Crader Family Endowment for American Values Southeast Missouri State University **Liberal Democracies and the Torture of Their Citizens** Cynthia

Banham,2017-02-09 This book analyses and compares how the USA s liberal allies responded to the use of torture against their citizens after 9 11 Did they resist tolerate or support the Bush Administration s policies concerning the mistreatment of detainees when their own citizens were implicated and what were the reasons for their actions Australia the UK and Canada are liberal democracies sharing similar political cultures values and alliances with America yet they behaved differently when their citizens caught up in the War on Terror were tortured How states responded to citizens human rights claims and predicaments was shaped in part by demands for accountability placed on the executive government by domestic actors This book argues that civil society actors in particular were influenced by nuanced differences in their national political and legal contexts that enabled or constrained human rights activism It maps the conditions under which individuals and groups were more or less likely to become engaged when fellow citizens were tortured focusing on national rights culture the domestic legal and political human rights framework and political opportunities Presidential Power in Action D.

Wheeler,2016-04-30 This book examines how Supreme Court detainee cases have been implemented with emphasis on the role of the president concluding that an active executive branch has the ability to shape the manner in which judicial decisions are implemented and exploring why presidents have more influence than Congress and the courts *The U.S.*

Supreme Court and the Domestic Force of International Human Rights Law Stephen A. Simon,2016-07-25 The core idea underlying human rights is that everyone is inherently and equally worthy of respect as a person The emergence of that idea has been one of the most significant international developments since the Second World War But it is one thing to embrace something as an aspirational ideal and quite another to recognize it as enforceable law The continued development of the international human rights regime brings a pressing question to the fore What role should international human rights have as law within the American legal system The U S Supreme Court and the Domestic Force of International Human Rights Law examines this question through the prism of the U S Supreme Court s handling of controversies bearing most closely on it It shows that the specific disputes the Court has addressed can be best understood by recognizing how each interconnects with an overarching debate over the proper role to be accorded international human rights law within American institutions By approaching the subject from the justices standpoint this book reveals a divide in the Court between two fundamentally different orientations toward the domestic impact of the international human rights regime **Presidential Accountability**

in Wartime Stuart Streichler,2023-11-16 The American presidency has long tested the capacity of the system of checks and balances to constrain executive power especially in times of war While scholars have examined presidents starting military conflicts without congressional authorization or infringing on civil liberties in the name of national security Stuart Streichler focuses on the conduct of hostilities Using the treatment of war on terror detainees under President George W Bush as a case study he integrates international humanitarian law into a constitutional analysis of the repercussions of presidential war powers for human rights around the world Putting President Bush s actions in a wider context Presidential Accountability in

Wartime begins with a historical survey of the laws of war with particular emphasis on the 1949 Geneva Conventions and the Nuremberg Tribunal Streichler then reconstructs the decision making process that led to the president's approval of interrogation methods that violated Geneva's mandate to treat wartime captives humanely While taking note of various accountability options from within the executive branch to the International Criminal Court the book illustrates the challenge in holding presidents personally responsible for violating the laws of war through an in depth analysis of the actions taken by Congress the Supreme Court and the public in response In doing so this book not only raises questions about whether international humanitarian law can moderate wartime presidential behavior but also about the character of the presidency and the American constitutional system of government

Modern Misogyny Kristin J. Anderson, 2015 *Modern Misogyny* explores the landscape of popular culture and politics emphasizing relatively recent moves away from feminist activism to individualism and consumerism where self empowerment represents women's progress It also explores the retreat to traditional gender roles after September 11 2001 It interrogates the assumption that feminism is unnecessary that women have achieved equality and therefore those women who do insist on being feminists want to get ahead of men Finally it takes a fresh look at the positive role that feminism plays in today's post feminist era and how feminism does and might function in women's lives Post feminist discourse encourages young women to believe that they were born into a free society so if they experience discrimination it is an individual isolated problem that may even be their own fault *Modern Misogyny* examines that rendering of feminism as irrelevant and as the silencing and marginalizing of feminists

Christianity and Rabbinic Judaism Jonas E. Alexis, 2011-12 The simple step of a courageous individual is not to take part in the lie One word of truth outweighs the world Alexander Solzhenitsyn In this penetrating and provocative work Jonas E Alexis challenges common assumptions about the relationship between Christianity and Rabbinic Judaism and provides compelling evidence from history and theology that demonstrates the extent to which modern Judaism has been defined by the Pharisaic and Rabbinic schools of thought As Alexis meticulously documents there has been a constant struggle between Christianity and Rabbinic Judaism since the time of Christ a struggle that will define the destiny of the West Islam according to Christianity is a historically and theologically false religion since it denies both Jesus's deity and His work of salvation at the Cross But Rabbinic Judaism Alexis argues is equally false and in many respects more dangerous to Christianity and the West than Islam since at its root Rabbinic Judaism wages war against the Logos the system of order in the world embodied by Christ In this painstakingly scholarly yet readable work Alexis maintains that Rabbinic Judaism defined by the Pharisaic teachings now codified in the Talmud that Jesus sought to correct is a categorical and metaphysical rejection of Christianity a rejection that has had and will continue to have severe implications for Western culture intellectual history and theological exegesis

The Collapse of Fortress Bush Alasdair Roberts, 2008-02-01 When the Bush presidency began to collapse pundits were quick to tell a tale of the imperial presidency gone awry a story of secretive power hungry ideologues who guided an

arrogant president down the road to ruin But the inside story of the failures of the Bush administration is both much more complex and alarming says leading policy analyst Alasdair Roberts In the most comprehensive balanced view of the Bush presidency to date Roberts portrays a surprisingly weak president hamstrung by bureaucratic constitutional cultural and economic barriers and strikingly unable to wield authority even within his own executive branch The Collapse of Fortress Bush shows how the president fought and lost key battles with the defense and intelligence communities From Homeland Security to Katrina Bush could not coordinate agencies to meet domestic threats or disasters Either the Bush administration refused to exercise authority was thwarted in the attempt to exercise authority or wielded authority but could not meet the test of legitimacy needed to enact their goals Ultimately the vaunted White House discipline gave way to public recriminations among key advisers Condemned for secretiveness the Bush administration became one of the most closely scrutinized presidencies in the modern era Roberts links the collapse of the Bush presidency to deeper currents in American politics and culture especially a new militarism and the supremacy of the Reagan era consensus on low taxes limited government and free markets Only in this setting was it possible to have a total war on terrorism in which taxes were reduced private consumption was encouraged and businesses were lightly regulated A balanced incisive account by a skilled observer of U S government The Collapse of Fortress Bush turns the spotlight from the powerful cabal that launched the war in Iraq to tell a much more disturbing story about American power and the failure of executive leadership

Guantanamo's Child Michelle Shephard, 2010-02-18 A prize winning journalist tells the troubling story of Canadian Omar Khadr who has spent a quarter of his life growing up in Guantanamo Bay Khadr was captured in Afghanistan in July 2002 at the age of 15 Accused by the Pentagon of throwing a grenade that killed U S soldier Sgt First Class Christopher Speer Khadr faces charges of conspiracy and murder His case is set to be the first war crimes trial since World War II In Guantanamo's Child veteran reporter Michelle Shephard traces Khadr's roots in Canada Pakistan and Afghanistan growing up surrounded by al Qaeda's elite She examines how his despised family dubbed Canada's First Family of Terrorism has overshadowed his trial and left him alone behind bars for more than five years Khadr's story goes to the heart of what's wrong with the U S administration's post 9/11 policies and why Canada is guilty by association His story explains how the lack of due process can create victims and lead to retribution and instead of justice fuel terrorism Michelle Shephard is a national security reporter for the Toronto Star and the recipient of Canada's top two journalism awards You will be shocked saddened and in the end angry at the story this page turner of a book exposes I read it straight through and Omar Khadr's plight is one you cannot forget Michael Ratner New York President of the Center for Constitutional Rights Michelle Shephard's richly reported well written account of Omar Khadr's trajectory from the battlefields of Afghanistan to the cells of Guantanamo is a microcosm of the larger war on terror in which the teenaged Khadr either played the role of a jihadist murderer or tragic pawn or perhaps both roles Peter Bergen author of Holy war Inc and The Osama bin Laden I know

Arsenal of Democracy Julian E. Zelizer, 2009-12-29 It has long been a truism that prior to George W Bush politics stopped at the water's edge that is that partisanship had no place in national security In *Arsenal of Democracy* historian Julian E Zelizer shows this to be demonstrably false partisan fighting has always shaped American foreign policy and the issue of national security has always been part of our domestic conflicts Based on original archival findings *Arsenal of Democracy* offers new insights into nearly every major national security issue since the beginning of the cold war from FDR's masterful management of World War II to the partisanship that scarred John F Kennedy during the Cuban Missile Crisis from Ronald Reagan's fight against Communism to George W Bush's controversial War on Terror A definitive account of the complex interaction between domestic politics and foreign affairs over the last six decades *Arsenal of Democracy* is essential reading for anyone interested in the politics of national security

Detainee 002 Leigh Sales, 2016-03-16 In a remote American military base at Guantanamo Bay 385 enemy combatants sit waiting for their day in court Among them is David Hicks who was detained for five years until the March 2007 hearing where he pleaded guilty to the charge of providing material support for terrorism *Detainee 002* reveals in unprecedented detail how an Australian citizen wound up in the War on Terror Based on more than five years of reporting and dozens of interviews with insiders Leigh Sales explains the intricacies of Hicks's case from his capture in Afghanistan to life in Guantanamo Bay to the behind the scene establishment and workings of the military commissions Sales' impeccable research takes us from top secret negotiations at the White House and Pentagon to the domestic fallout Hicks's incarceration has had on his family to the campaign that Major Michael Mori the marine who becomes his greatest advocate waged on his behalf David Hicks's case is emblematic of some of the greatest challenges facing the world today the rise of Islamic extremism terrorism and the accountability of governments towards their citizens It is a chilling reminder that in a war with ever changing rules and no end in sight there are no limits

Getting Away with Torture Christopher H. Pyle, 2009-06 That American forces should torture prisoners in their war on terror is disturbing but more shocking still is that the highest officials of the Bush Cheney administration planned, authorized, encouraged and concealed these war crimes When the Supreme Court ruled that the officials were bound by the Geneva Conventions a Republican Congress responded by granting amnesty to all responsible from lowly interrogators to the president while conservative judges erected a wall of secrecy to protect them even from civil liability Meanwhile timid Democrats have shown little stomach for repealing the amnesty law and bringing those responsible to justice Many Americans including those who endorsed torture to find ticking bombs that never were are now embarrassed by credible reports of CIA kidnappings for purposes of torture secret prisons into which prisoners have disappeared without a trace and rigged tribunals to convict al Qaeda's criminals on evidence obtained by torture But the problem is not just embarrassment it is the widespread acceptance of unaccountable secret government that now threatens to destroy the very foundations of constitutional government The moral standing of the United States will not be restored Christopher Pyle argues until a

concerted effort is made to bring our secret government under the rule of law **Nationalism, Terrorism, Patriotism**

Yamuna Sangarasivam,2022-01-01 This book examines the intersecting forces of nationalism terrorism and patriotism that normalize an acceptance of the global war on terror as essential to maintaining freedom and democracy as defined by white nation states Readers are introduced to speculative ethnography an experimental methodology that bends time and space through the practice of avant garde poetics This study conceptualizes terrorism as a place of colonial encounters between soldiers insurgents civilians and leaders of nation states The tactics of suicide bombings employed by the Tamil nationalist movement the Liberation Tigers of Tamil Eelam are juxtaposed with drone strikes in asymmetric warfare where violence becomes a means of dialogue Each chapter weaves seemingly disparate narratives from multiple experiences and sites of war inviting readers to witness the condition of getting lost in that willful attachment to killing and being killed in service of patriotic pride and national belonging Torture As Public Policy James P. Pfiffner,2015-11-17 After September 11 2001 the

Bush Administration decided that the most important intelligence about terrorism would come from the interrogation of captives suspected of terrorism As a result many detainees were subject to harsh interrogation techniques that at times amounted to torture Here James P Pfiffner authoritatively examines the policy directives operational decisions and leadership actions of the Bush Administration that reversed centuries of US policy on the treatment of enemy prisoners He shows how the serious reservations of career military lawyers about these policies were overcome by the political appointees of the Bush Administration Pfiffner then analyses the philosophical and legal underpinnings of the policies and practices that have led to the denunciation of the United States policies by its allies and adversaries throughout the world Looking ahead Pfiffner anticipates Obama administration policy changes to restore U S credibility and accountability In all *Torture as Public Policy* is a model of detailed policy analysis that demonstrates how greatly public policy matters beyond the back corridors of bureaucracy *US Counterterrorism and the Human Rights of Foreigners Abroad* Monika Heupel,Caiden Heaphy,Janina

Heaphy,2022-02-22 This book examines why the United States has introduced safeguards that are designed to prevent their counterterrorism policies from causing harm to non US citizens beyond US territory It investigates what made US policymakers take steps to put the gloves back on through five case studies on the emergence of such safeguards related to the right not to be tortured the right not to be arbitrarily detained the right to life in connection with targeted killing operations the right to seek asylum in connection with refugee resettlement and the right to privacy in connection with foreign mass surveillance The book exposes two mechanisms coercion and strategic learning which explain why the United States has introduced what the authors refer to as extraterritorial human rights safeguards thus demonstrating that the emerging norm that states have human rights obligations towards foreigners beyond their borders constrains policy choices This book will be of key interest to scholars and students of human rights counterterrorism US foreign policy human rights law and more broadly to political science and international relations The Open Access version of this book available at [http](http://www.openaccessjournals.org/)

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Guantanamo Jana K. Lipman, 2008-12-02 Guantanamo has become a symbol of what has gone wrong in the War on Terror. Yet Guantanamo is more than a U.S. naval base and prison in Cuba; it is a town and our military occupation there has required more than soldiers and sailors; it has required workers. This revealing history of the women and men who worked on the U.S. naval base in Guantanamo Bay tells the story of U.S.-Cuban relations from a new perspective and at the same time shows how neocolonialism, empire, and revolution transformed the lives of everyday people. Drawing from rich oral histories and little explored Cuban archives, Jana K. Lipman analyzes how the Cold War and the Cuban revolution made the naval base a place devoid of law and accountability. The result is a narrative filled with danger, intrigue, and exploitation throughout the twentieth century. Opening a new window onto the history of U.S. imperialism in the Caribbean and labor history in the region, her book tells how events in Guantanamo and the base created an ominous precedent likely to inform the functioning of U.S. military bases around the world.

The SAGE Encyclopedia of Terrorism, Second Edition Gus Martin, 2011-06-15 Six years after publication of the first edition of the best-selling Encyclopedia of Terrorism, much has changed on the national security scene. Despite the dark promises of Osama bin Laden following the 9/11 attacks, the United States has not experienced any major domestic terror incidents. Al Qaeda itself is believed to be a severely crippled organization. But while U.S. wars in Afghanistan and Iraq, not to mention the arrival of the Obama administration, a new balance of power within Congress, and an increasingly fragile economic picture have significantly affected the national security picture, the threat of economic chaos and massive loss of life due to terror attacks has not abated. Indeed, in July 2008, analysts pointed out that even a relatively small terrorist organization could present a dire threat, with some experts arguing that a biological, chemical, or even nuclear attack on a major U.S. city is all but inevitable. In this highly charged, rapidly shifting environment, we are pleased to present the *The SAGE Encyclopedia of Terrorism, Second Edition*, a thoroughly updated and expanded edition of the original, highly regarded reference work. Nearly 100,000 words of new material will be added, along with fully updated original entries and expanded coverage. New introductory essays will explore the impact of terrorism on economics, public health, religion, and even pop culture. Ethical issues such as the role of torture in interrogations, competing notions of security versus liberty, and the debates over FISA legislation and Guantanamo Bay will also be covered. Two dozen entries on significant recent events such as the London bombings, Chechen attacks on Russian interests, and the rescue of Ingrid Bettancourt, and some 60 additional new entries will restore the work as an up-to-the-minute, natural first stop for researchers.

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