

# Guantanamo And The Abuse Of Presidential Power

## **US Counterterrorism and the Human Rights of Foreigners Abroad** Monika Heupel

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://www.taylorfrancis.com>, has been made available under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 license.

*The Terror Courts* Jess Bravin 2013-02-19 Soon after the September 11 attacks in 2001, the United States captured hundreds of suspected al-Qaeda terrorists in Afghanistan and around the world. By the following January the first of these prisoners arrived at the U.S. military's prison camp in Guantanamo Bay, Cuba, where they were subject to President George W. Bush's executive order authorizing their trial by military commissions. Jess Bravin, the "Wall Street Journal"'s Supreme Court correspondent, was there within days of the prison's opening, and has continued ever since to cover the U.S. effort to create a parallel justice system for enemy

aliens. A maze of legal, political, and moral issues has stood in the way of justice--issues often raised by military prosecutors who found themselves torn between duty to the chain of command and their commitment to fundamental American values. While much has been written about Guantanamo and brutal detention practices following 9/11, Bravin is the first to go inside the Pentagon's prosecution team to expose the real-world legal consequences of those policies. Bravin describes cases undermined by inadmissible evidence obtained through torture, clashes between military lawyers and administration appointees, and political interference in criminal prosecutions that would be shocking within the traditional civilian and military justice systems. With the Obama administration planning to try the alleged 9/11 conspirators at Guantanamo--and vindicate the legal experiment the Bush administration could barely get off the ground--"The Terror Courts" could not be more timely.

**Democracy's Blameless Leaders** Neil James Mitchell 2012-03-19 From the American and British counter-insurgency in Iraq to the bombing of Dresden and the Amritsar Massacre in India, civilians are often abused and killed when they are caught in the cross-fire of wars and other conflicts. In *Democracy's Blameless Leaders*, Neil Mitchell examines how leaders in democracies manage the blame for the abuse and the killing of civilians, arguing that politicians are likely to react in a self-interested and opportunistic way and seek to deny and evade accountability. Using empirical evidence from well-known cases of abuse and atrocity committed by the security forces of established, liberal democracies, Mitchell shows that self-interested political leaders will attempt to evade accountability for abuse and atrocity, using a range of well-known techniques including denial, delay, diversion, and delegation to pass blame for abuse and atrocities to the lowest plausible level. Mitchell argues that, despite the conventional wisdom that accountability is a 'central feature' of democracies, it is only a rare and courageous leader who acts differently,

exposing the limits of accountability in democratic societies. As democracies remain embroiled in armed conflicts, and continue to try to come to grips with past atrocities, Democracy's Blameless Leaders provides a timely analysis of why these events occur, why leaders behave as they do, and how a more accountable system might be developed.

**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.

**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 Guantánamo 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.

**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 Christoher H. Pyle  
2009-06 Follows the paper trail of torture memos that led to abuses at Guantanamo, in Afghanistan, and in Iraq

### **What Changed When Everything Changed**

Joseph Margulies 2013-05-21 DIV Beautifully written and carefully reasoned, this bold and provocative work upends the conventional wisdom about the American reaction to crisis. Margulies demonstrates that for key elements of the post-9/11 landscape—especially support for counterterrorism policies like torture and hostility to Islam—American identity is not only darker than it was before September 11, 2001, but substantially more repressive than it was immediately after the attacks. These repressive attitudes, Margulies shows us, have taken hold even as the terrorist threat has diminished significantly. Contrary to what is widely imagined, at the moment of greatest perceived threat, when the fear of another attack “hung over the country like a shroud,” favorable attitudes toward Muslims and Islam were at record highs, and the suggestion that America should torture was denounced in the public square. Only much later did it become socially acceptable to favor “enhanced interrogation” and exhibit clear anti-Muslim prejudice. Margulies accounts for this unexpected turn and explains what it means to the nation’s identity as it moves beyond 9/11. We express our values in the same language, but that language can hide profound differences and radical changes in

what we actually believe. “National identity,” he writes, “is not fixed, it is made.” /div  
*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  
Department of Justice to Guantanamo Bay: From the Department of Justice to Guantanamo Bay : administration lawyers and administration interrogation rules : hearing before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the Committee on the Judiciary, One Hundred Tenth Congress, second session United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, Civil Rights, and Civil Liberties  
2008

**From the Department of Justice to**

**Guantanamo Bay** United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, Civil Rights, and Civil Liberties 2009

**Guantanamo** Jana K. Lipman 2008-12-02  
Guantánamo has become a symbol of what has gone wrong in the War on Terror. Yet Guantánamo 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 Guantánamo 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 Guantánamo and the base created an ominous precedent likely to inform the functioning of U.S. military bases around the world.

Guantánamo and the Abuse of Presidential Power Joseph Margulies 2006

**Hart, Fuller, and Everything After** Allan C Hutchinson 2023-02-23 More has been said about the Hart-Fuller debate than can be considered healthy or productive even within the precious world of jurisprudential scholarship – too much philosophising about how law has revelled in its own abstractness and narrowness. But the mission of this book is distinctly and determinedly different – it is not to rework these already-rehashed ideas, but to reject them entirely. Rather than add to the massive jurisprudential literature that has been generated by all and sundry, the book criticises and abandons the project that Hart and Fuller set in motion. It contends that the turn that was taken in 1957 has led down a series of cul-de-sacs, blind alleys, and dead-ends to nowhere useful or illuminating. It is more than past time to leave their debate behind and strike out in an

entirely new and more promising direction. The book insists that not only law, but also all theorising about law, is political in all its derivations, dimensions, and directions.

**Encyclopedia of the American Presidency**

Michael A. Genovese 2009 Praise for the print edition: " ... entries are well written ... an excellent addition."

*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.

**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.

**Worst Case Bioethics** George J. Annas 2010-03-01 "Carefully reasoned, clearly articulated, and pulls no punches...Boldly tackles the most contentious issues in bioethics and public policy....Worst Case Bioethics is certain to provoke strong responses across disciplines and ideologies on issues of great importance." - Mark Rothstein, *Journal of Legal Medicine* "Annas persuasively argues in *Worst Case Bioethics* that basing policy on extreme nightmare possibilities leads to a distortion of fundamental ethical principles and legal protections." - Arthur L. Caplan, *The Lancet* "Worst Case Bioethics offers a valuable consideration of how public health policy is sometimes shaped by fear in a counterproductive manner. The book is well-written, well-reasoned, and persuasive." - Thomas May, *Science*

*Selling Guantánamo* John Hickman 2013-05-14 In the aftermath of 9/11, few questioned the political narrative provided by the White House about Guantánamo and the steady stream of prisoners delivered there from half a world away. The Bush administration gave various rationales for the detention of the prisoners captured in the War on Terror: they represented extraordinary threats to the American people, possessed valuable enemy intelligence, and were

awaiting prosecution for terrorism or war crimes. Both explicitly and implicitly, journalists, pundits, lawyers, academics, and even released prisoners who authored books about the island prison endorsed elements of the official narrative. In *Selling Guantánamo*, John Hickman exposes the holes in this manufactured story. He shines a spotlight on the critical actors, including Rumsfeld, Cheney, and President Bush himself, and examines how the facts belie the "official" accounts. He chastises the apologists and the critics of the administration, arguing that both failed to see the forest for the trees.

**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.

*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.

*Human Rights in Crisis* Alice Bullard 2017-05-15 This volume expands our understanding of the pursuit of human rights during the era of the War on Terror. The threat to human rights both in the United States and among detainees in US-governed detention facilities created a widely perceived crisis in human rights. This text explores the broad and complicated ramifications of crisis by looking comparatively at societies in the present era and looking back at the historical and legal foundations of human rights. *Human Rights in Crisis* contains an element of hope derived from a conviction that the pursuit of human rights happens on many fronts and in many ways around the globe; that a retreat from human rights in the United States does not necessarily signal a global retreat. The essays here include perspectives from History, Anthropology, and Legal Studies, with a resulting interdisciplinary portrait of the complexities of pursuing human rights in wartime.

**The Guantánamo Lawyers** Mark P. Denbeaux



2011-03-04 Following the terrorist attacks of September 11, 2001, the United States imprisoned more than 750 men at its naval base at Guantánamo Bay, Cuba. The detainees, ranging from teenagers to elderly men from over forty different countries, were held for years without charges, trial, or a fair hearing. Without any legal status or protection, they were truly outside the law: imprisoned in secret, denied communication with their families, and subjected to extreme isolation, physical and mental abuse, and, in some instances, torture. These are the detainees' stories, told by their lawyers because the prisoners themselves were silenced. It took lawyers who had filed habeas corpus petitions over two years to finally gain the right to visit and talk to their clients at Guantánamo. Even then, lawyers worked under severe restrictions, designed to inhibit communication and maximize secrecy. Eventually, however, lawyers did meet with their clients. This book contains over 100 personal narratives from attorneys who have represented detainees held at Guantánamo as well as at other overseas prisons, from Bagram Air Base in Afghanistan to secret CIA jails or "black sites."

*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.

**Islamophobia** Stephen Sheehi 2010-12-03 *Islamophobia: The Ideological Campaign Against Muslims* examines the rise of anti-Muslim and anti-Arab sentiments in the West following the end of the Cold War through GW Bush's War on Terror to the Age of Obama. Using "Operation Desert Storm" as a watershed moment, Stephen Sheehi examines the increased mainstreaming of Muslim-baiting rhetoric and explicitly racist legislation, police surveillance, witch-trials and discriminatory policies towards Muslims in North America and abroad. The book focuses on the various genres and modalities of Islamophobia from the works of rogue academics to the commentary by mainstream journalists, to campaigns by political hacks and special interest groups. Some featured Islamophobes are Bernard Lewis, Fareed Zakaria, Thomas Friedman, David Horowitz, Ayaan Hirsi Ali, Irshad Manji, George W. Bush, Dick Cheney, John McCain, Hilary Clinton and Barack Obama. Their theories and opinions operate on an assumption that Muslims, particularly Arab Muslims, suffer from particular cultural lacuna that prevent their cultures from progress, democracy and human rights. While the assertion originated in the colonial era, Sheehi demonstrates that it was refurbished as a viable explanation for Muslim resistance to economic and cultural globalization during the

Clinton era. Moreover, the theory was honed into the empirical basis for an interventionist foreign policy and propaganda campaign during the Bush regime and continues to underlie Barack Obama's new internationalism. If the assertions of media pundits and rogue academics became the basis for White House foreign policy, Sheehi also demonstrates how they were translated into a sustained domestic policy of racial profiling and Muslim-baiting by agencies from Homeland Security to the Department of Justice. Furthermore, Sheehi examines the collusion between non-governmental agencies, activist groups and lobbies and local, state and federal agencies to in suppressing political speech on US campuses critical of racial profiling, US foreign policy in the Middle East and Israel. While much of the direct violence against Muslims on American streets, shops and campuses has subsided, Islamophobia runs throughout the Obama administration. Sheehi, therefore, concludes that Muslim and Arab-hating emanate from all corners of the American political and cultural spectrum, serving poignant ideological functions.

*Power Without Constraint* Chris Edelson 2016-05-11 As a presidential candidate, Barack Obama criticized the George W. Bush administration for its unrestrained actions in matters of national security. In secret Justice Department memos, President Bush's officials had claimed for the executive branch total authority to use military force in response to threats of terrorism. They set aside laws made by Congress, even criminal laws prohibiting torture and warrantless surveillance. Candidate Obama promised to restore the rule of law and make a clean break with the Bush approach. President Obama has not done so. Why? In a thorough comparison of the Bush and Obama administrations' national security policies, Chris Edelson demonstrates that President Obama and his officials have used softer rhetoric and toned-down legal arguments, but in key areas—military action, surveillance, and state secrets—they have simply found new ways to assert power without meaningful constitutional or statutory constraints. Edelson contends that this legacy of the two immediately post-9/11 presidencies raises crucial questions for future presidents,

Congress, the courts, and American citizens. Where is the political will to restore a balance of powers among branches of government and adherence to the rule of law? What are the limits of authority regarding presidential national security power? Have national security concerns created a permanent shift to unconstrained presidential power?

**Habeas Corpus After 9/11** Jonathan Hafetz 2012-08-20 Examines the rise of an American-run global detention system, including Guantánamo Bay, Bagram Air Base in Afghanistan, and secret CIA jails, and discusses efforts that are being made to challenge this new prison system through habeas corpus.

**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.

**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 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.

*Confronting Torture* Scott A. Anderson

2018-04-23 Torture has lately become front page news, featured in popular movies and TV shows, and a topic of intense public debate. It grips our imagination, in part because torturing someone seems to be an unthinkable breach of humanity—theirs and ours. And yet, when confronted with horrendous events in war, or the prospect of catastrophic damage to one's own country, many come to wonder whether we can really afford to abstain entirely from torture. Before trying to tackle this dilemma, though, we need to see torture as a multifaceted problem with a long history and numerous ethical and legal aspects. *Confronting Torture* offers a multidisciplinary investigation of this wrenching topic. Editors Scott A. Anderson and Martha C. Nussbaum bring together a diversity of scholars to grapple with many of torture's complexities, including: How should we understand the impetus to use torture? Why does torture stand out as a particularly heinous means of war-fighting? Are there any sound justifications for the use of torture? How does torture affect the societies that employ it? And how can we develop ethical or political bulwarks to prevent its use? The essays here resist the temptation to oversimplify torture, drawing together work from scholars in psychology, history, sociology, law, and philosophy, deepening and broadening our grasp of the subject. Now, more than ever, torture is something we must think about; this important book offers a diversity of timely, constructive responses on this resurgent and controversial subject.

*States of Emergency* Russ Castronovo 2009

The contributors to this volume argue that for too long, inclusiveness has substituted for methodology in American studies scholarship. The ten original essays collected here call for a



robust comparativism that is attuned theoretically to questions of bo

Guantanamo's Child Michelle Shephard 2010-02-12 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*

Reining in the Imperial Presidency United States. Congress. House. Committee on the Judiciary. Majority Staff 2009 Documents the various abuses that occurred during the Bush Admin. relating to the House Judiciary Committee's review and jurisdiction, and to develop a comprehensive set of recommendations to prevent the recurrence of

these or similar abuses in the future. Contents: Preface: ¿Deconstructing the Imperial Presidency,¿ which describes and critiques the key war power memos that gave rise to the concept of broad-based, unreviewable, and secret presidential powers in time of war. Also describes specific abuses of the Imperial Presidency relating to Judiciary Comm. inquiries. Includes a comprehensive set of 47 policy recommendations designed to respond to the abuses and excesses of the Bush Imperial Presidency.

*Poems from Guantanamo* Marc Falkoff 2007-08 Since 2002, at least 775 men have been held in the U.S. detention center at Guantánamo Bay, Cuba. According to Department of Defense data, fewer than half of them are accused of committing any hostile act against the United States or its allies. In hundreds of cases, even the circumstances of their initial detainment are questionable. This collection gives voice to the men held at Guantánamo. Available only because of the tireless efforts of pro bono attorneys who submitted each line to Pentagon scrutiny, *Poems from Guantánamo* brings together twenty-two poems by seventeen detainees, most still at Guantánamo, in legal limbo. If, in the words of Audre Lorde, poetry "forms the quality of light within which we predicate our hopes and dreams toward survival and change," these verses—some originally written in toothpaste, others scratched onto foam drinking cups with pebbles and furtively handed to attorneys—are the most basic form of the art. Death Poem by Jumah al Dossari Take my blood. Take my death shroud and The remnants of my body. Take photographs of my corpse at the grave, lonely. Send them to the world, To the judges and To the people of conscience, Send them to the principled men and the fair-minded. And let them bear the guilty burden before the world, Of this innocent soul. Let them bear the burden before their children and before history, Of this wasted, sinless soul, Of this soul which has suffered at the hands of the "protectors or peace." Jumah al Dossari is a thirty-three-year old Bahraini who has been held at Guantanamo Bay for more than five years. He has been in solitary confinement since the end of 2003 and, according to the U.S. military, has tried to kill himself twelve times while in custody.

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.

**Fresh Perspectives on the 'War on Terror'**

Miriam Gani 2008-07-01 On 20 September 2001, in an address to a Joint Session of Congress and the American people, President George W Bush declared a 'war on terror'. The concept of the 'war on terror' has proven to be both an attractive and a potent rhetorical device. It has been adopted and elaborated upon by political leaders around the world, particularly in the context of military action in Afghanistan and Iraq. But use of the rhetoric has not been confined to the military context. The 'war on terror' is a domestic one, also, and the phrase has been used to account for broad criminal legislation, sweeping agency powers and potential human rights abuses throughout much of the world. This collection seeks both to draw on and to engage critically with the metaphor of war in the context of terrorism. It brings together a group of experts from Australia, Canada, the United Kingdom, France and Germany who write about terrorism from a variety of disciplinary perspectives including international law and international relations, public and constitutional law, criminal law and criminology, legal theory, and psychology and law.

**Speaking about Torture** Julie A. Carlson

2012-09-12 This collection of essays is the first book to take up the urgent issue of torture from the array of approaches offered by the arts and humanities. In the post-9/11 era, where we are once again compelled to entertain debates about the legality of torture, this volume speaks about the practice in an effort to challenge the surprisingly widespread acceptance of state-sanctioned torture among Americans, including academics and the media-entertainment complex. Speaking about Torture also claims that the concepts and techniques practiced in the humanities have a special contribution to make to this debate, going beyond what is usually deemed a matter of policy for experts in government and the social sciences. It contends that the way one speaks about torture—including that one speaks about it—is key to comprehending, legislating, and eradicating torture. That is, we cannot discuss torture without taking into account the assaults on truth, memory, subjectivity, and language that the humanities theorize and that the experience of torture perpetuates. Such accounts are crucial to framing the silencing and demonizing that accompany the practice and representation of torture. Written by scholars in literary analysis, philosophy, history, film and media studies, musicology, and art history working in the United States, Europe, and the Middle East, the essays in this volume speak from a conviction that torture does not work to elicit truth, secure justice, or maintain security. They engage in various ways with the limits that torture imposes on language, on subjects and community, and on governmental officials, while also confronting the complicity of artists and humanists in torture through their silence, forms of silencing, and classic means of representation. Acknowledging this history is central to the volume's advocacy of speaking about torture through the forms of witness offered and summoned by the humanities.

*Presidential War Power* Louis Fisher 1995  
Fisher chronicles the expansion of the president's power to make war.

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