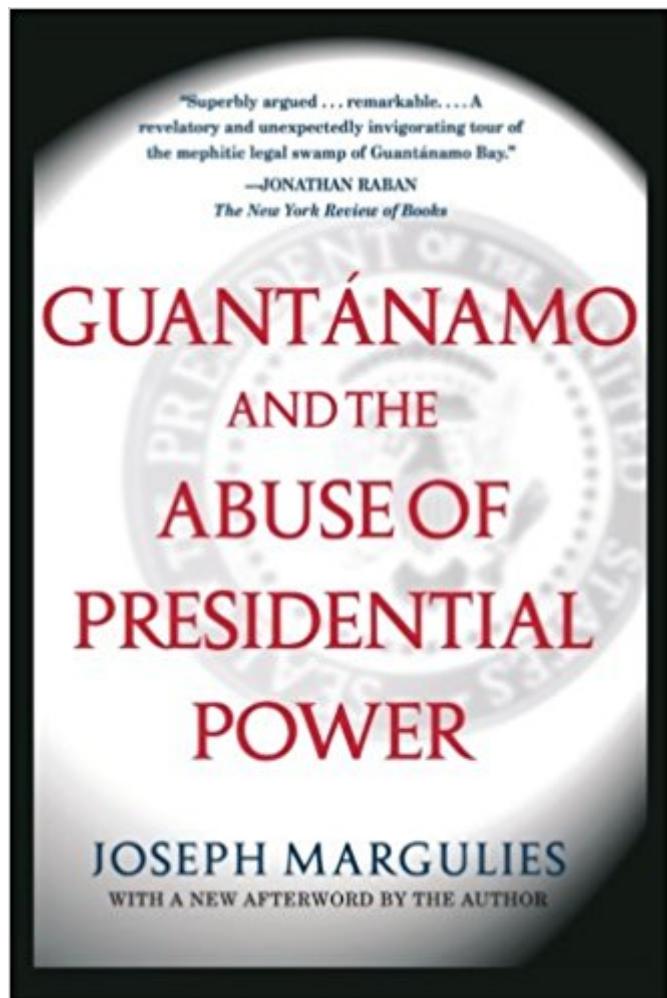


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# Guantanamo And The Abuse Of Presidential Power



## **Synopsis**

The detention system established by the Bush Administration at Guantánamo Bay Naval Station in Cuba is like no other in our nation's history. Joseph Margulies traces the development of this detention policy from its ill-conceived creation in 2002 as "the ideal interrogation chamber" to its present form, where most prisoners are held without charges in a super-maximum security prison, even though the U.S. government has acknowledged that many have been cleared for release and most of the others are not even alleged to have committed a hostile act against the United States or its allies. Margulies, who was the lead attorney in the Supreme Court case *Rasul v. Bush*, writes that Guantánamo and other secret CIA and Defense Department detention centers around the world have become "prisons beyond the law," where the Administration claims the right to hold people indefinitely, incommunicado, and in solitary confinement without charges, access to counsel, and without benefit of the Geneva Conventions. Weaving together firsthand accounts of military personnel who witnessed the interrogations at Guantánamo along with the words of the prisoners themselves, Margulies exposes the chilling reality of a "war on terror" that masks an assault on basic human rights -- rights to which the United States has always subscribed.

## **Book Information**

Paperback: 352 pages

Publisher: Simon & Schuster; Reprint edition (July 3, 2007)

Language: English

ISBN-10: 0743286863

ISBN-13: 978-0743286862

Product Dimensions: 6.1 x 1 x 9.2 inches

Shipping Weight: 14.4 ounces (View shipping rates and policies)

Average Customer Review: 4.8 out of 5 starsÂ  See all reviewsÂ  (16 customer reviews)

Best Sellers Rank: #1,087,954 in Books (See Top 100 in Books) #93 inÂ  Books > History > Military > Prisoners of War #214 inÂ  Books > Law > Specialties > Military #1058 inÂ  Books > Law > Constitutional Law > Human Rights

## **Customer Reviews**

Hearing much about the myriad court cases running through the system the past several years in regard to Guantánamo, this book did a great job detailing the Administration's position and laying out the misguidedness of this policy. I found much about the book shocking for many of the truths revealed as to how our Administration has allowed the torture of "enemy combatants" at

Guantanamo and has encouraged the torture of these people by foreign governments (i.e. Egypt, Pakistan). Margulies does a good job of concisely explaining the history of Guantanamo as well as laying out a very thoughtful and powerful argument against the Administration. He traces back into US military conflicts over the past 50 years to show why the Administration's current policies contradict everything for which our country stands. Most impressive about Margulies' book is the lack of partisan ranting and uncivil discourse heard by other Bush opponents. Margulies succeeds in convincing the reader that from both a Left and Right standpoint the Bush Administration has overstepped its bounds and put our country more at risk, not less.

"Guantanamo and the Abuse of Presidential Power" is a powerful and extraordinary book about the Bush Administration's attempt to create a law-free zone at Guantanamo, Cuba, where suspected terrorists can be held outside of judicial scrutiny and tortured for information on al-Qaeda. Anyone who cares about the U.S. Constitution, the law of war, our relationship with the Islamic world, or the successful prosecution of the war on terror should read this book. The revelations of Bush Administration incompetence and criminality are shocking. The book is written from a lawyer's perspective and lays out clearly the history of the Guantanamo prison and the legal battles over the treatment of prisoners there. As the author stresses, the torture tactics have done immense damage to American prestige yet produced little if any valuable intelligence. This failure should not be a surprise, since most of the prisoners are either innocent of terrorist activity or were Taliban small-fry with no connection to September 11 or other attacks on U.S. targets. That hundreds of these pathetic men are still incarcerated speaks volumes about the indecency of the Bush Administration and its inability to admit that it ever makes mistakes. Fortunately, the Supreme Court and the U.S. Senate have stepped in to curb the worst abuses and to restore some sanity to our detention policies. They have partially rescued America's good name and commitment to the rule of law. However, until officials of the Bush Administration are put on trial for violations of the War Crimes Act and the Torture Act, the stain on our national honor will not be fully erased.

I truly wish this book were fiction, so that I might consider it merely a thought-provoking, witty and beguiling book, as humorous as Joseph Heller's "Catch 22". But alas, this is not fiction. And the reality that this book is not fiction of a perverse, evil and unfair mind, and that it is as true and real as the tiny, crawling, white worms one so often finds in an old bag of rice, actually paralyzed me at moments with fright as I read the book at night, and I felt as if my hair was almost set on fire. The author, Joseph Margulies, is an attorney at Mac Arthur Justice Center, and a law professor at

Northwestern University Law School in Chicago. He has been honored with the prestigious Sullivan Award (2005) for the commendable service he did in protecting our civil liberties, and also for challenging the detention policies of the Bush administration at Guantanamo Bay. At a time when the members and the chairmen of the relevant oversight committees of both the Congress and the Senate (the House and Senate Judiciary Committee, e.g.) have done nothing to either halt or restrain the blatantly unconstitutional policies (the Supreme Court has now clearly said so) and atrocities of the Bush Whitehouse, it is admirable that the author has strived, often pro bono, to force the Bush White House, in federal courts, to abide by our constitution and also the Geneva Conventions. (The White House has now said that it will abide by the Geneva Conventions!). By striving so courageously to rescue the Guantanamo Bay detainees from a legal Black Hole, he has won the admiration of decent people from around the world, and we should consider ourselves fortunate that we have a man of his caliber and decency living amongst us. Writes Margulies: "The Bush administration claims all the authority that could conceivably flow to the executive branch during a time of armed conflict, but accepts none of the restrictions. The result is unchecked, almost imperial power: the power to define the enemy, to act against this enemy anywhere in the world, to imprison him indefinitely without legal process and under any conditions, and to prevent review of any of these discretionary actions by the courts. All of this power is limited to the president's promise to exercise it wisely. Nowhere is this power, and its abuse, more evident than at Guantanamo Bay." Further, he states: "In the end, the detentions at Guantanamo are important not simply -- and perhaps not even principally- because of the unpardonable treatment the men and boys have been forced to endure, and not simply because of the unprecedented legal position the Administration has taken to defend this state of affairs. Guantanamo is important, as well, because of what it reveals about the Administration's vision of presidential power, and the lengths to which it will go to defend this radical vision. ""What distinguishes us from terrorists is our devotion to the rule of law," he has said. He is confident that "sooner or later the U. S. government would see Guantanamo as a big mistake". Well, a majority of learned people all over the world already think so, and now even the United States Supreme Court has said so. It is shocking that the man who articulated this absurd policy, attorney general Alberto Gonzalez, is still in office, leading our Justice Department. What a shame! The author is certain that the Bill of Rights will eventually prevail, just as it did in the Japanese internment cases during World War II. "At that time people thought it was a great idea. Now we recognize it as shameful. This will happen to Guantanamo as well," the author has said. I only hope he is right.

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