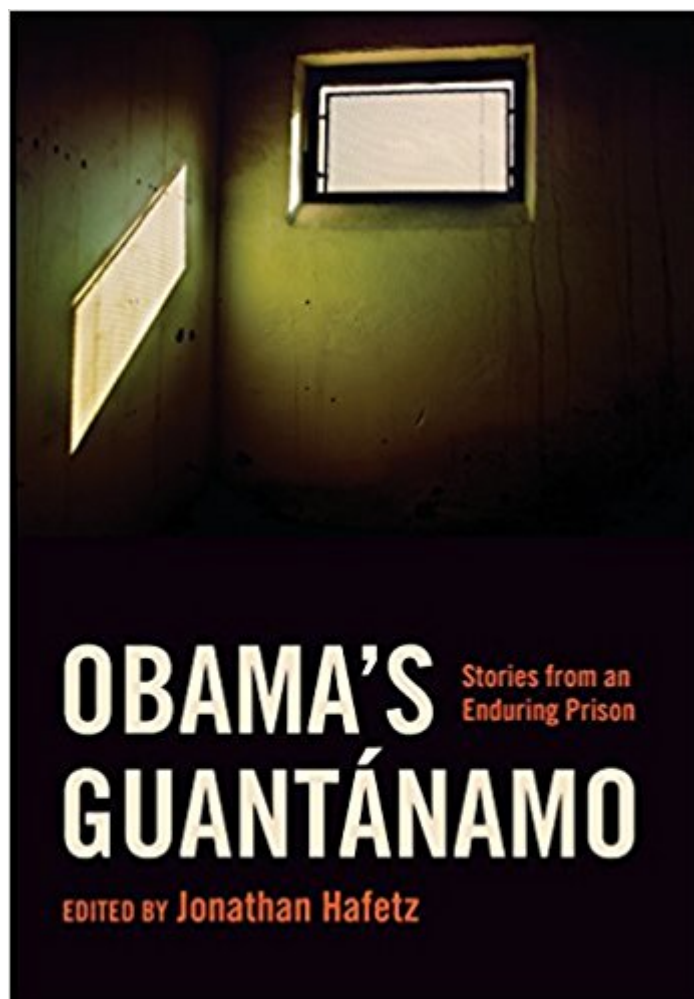


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Obama's Guantánamo: Stories From An Enduring Prison



Synopsis

The U.S. detention center at Guantánamo Bay has become the symbol of an unprecedented detention system of global reach and immense power. Since the 9/11 attacks, the news has on an almost daily basis headlined stories of prisoners held indefinitely at Guantánamo without charge or trial, many of whom have been interrogated in violation of restrictions on torture and other abuse. These individuals, once labeled “enemy combatants” to eliminate legal restrictions on their treatment, have in numerous instances been subject to lawless renditions between prisons around the world. The lines between law enforcement and military action; crime and war; and the executive, legislative, and judicial branches of power have become dangerously blurred, and it is time to unpack the evolution and trajectory of these detentions to devise policies that restore the rule of law and due process. Obama’s *Guantánamo: Stories from an Enduring Prison* describes President Obama’s failure to close America’s enduring offshore detention center, as he had promised to do within his first year in office, and the costs of that failure for those imprisoned there. Like its predecessor, *Guantánamo Lawyers: Inside a Prison Outside the Law*, Obama’s *Guantánamo* consists of accounts from lawyers who have not only represented detainees, but also served as their main connection to the outside world. Their stories provide us with an accessible explanation of the forces at work in the detentions and place detainees’ stories in the larger context of America’s submission to fearmongering. These stories demonstrate all that is wrong with the prison and the importance of maintaining a commitment to human rights even in times of insecurity.

Book Information

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Customer Reviews

"This collection of essays reveals the many ways in which the Obama administration, Congress, and the courts have all failed the Guantnamo prisoners. Its publication comes at an important time, with just months for President Obama to fulfill his 2009 promise to close the prison for good. Everyone in a position of power and authority in the U.S. should pay attention to what the lawyers have to say.'"-Andy Worthington,author of The Guantnamo Files: The Stories of the 774 Detainees in Americas Illegal Prison"These searing essays on the 'enduring prison' make an impressive follow up to The Guantanamo Lawyers, an earlier collection coedited by Hafetz...This book, from a legal perspective, looks deeply and insightfully into an American institution working in secret in the age of the War on Terror."-Publishers Weekly"An alarming and important indictment of Obama's ineffectual approach to one of his signature campaign issues and of America's tarnished system of justice as a whole."-Kirkus Reviews"Obama's Guantanamo...presents 14 essays from lawyers who work behind the scenes in the civilian habeas bar and the military commissions [that] make the case that Obama lost his way more than once when he had the chance to do the right thing, and retreated to the same failed positions of his predecessor."-Los Angeles Review of Books"Jonathan Hafetz has done it again with Obama's Guantnamo. Picking up where The Guantnamo Lawyers left off, the book follows the depressing trajectory of the detentions over the course of the Obama administration, a period that began with high ideals and lofty rhetoric but, as chronicled in these stories, degenerated into a tale of Executive Branch irresolution and missed opportunities coupled with 'Guantnamo fatigue' on the part of the Supreme Court. The result was to leave the field to the U.S. Court of Appeals for the District of Columbia Circuit, which turned habeas corpus into a cruel joke, and Congress, which threw endless obstacles in President Obama's path. The precise timing and course of the endgame remains to be seen, although slowly but surely the prison population is dwindling, Spandau-like, to the point that even those most committed to keeping the place open will have to recognize how profligate and indefensible a waste of taxpayer resources it has become. Obama's Guantnamo helps ensure that the stories of the prisoners, their lawyers, and the public officials responsible for this overlong grim saga are remembered long after the doors are shuttered."-Eugene R. Fidell,Yale University

Jonathan Hafetz is Associate Professor at Seton Hall Law School and has litigated numerous landmark habeas corpus detention cases. He also is the co-editor (with Mark Denbeaux) of The Guantnamo Lawyers: Inside a Prison Outside the Law (NYU Press, 2009).

Must read for anyone in the world of prison reform. While Guantanamo is a special type of prison, it still largely reflects the prison industrial complex in the US, and understanding what the lowest of the low are treated like in our prisons gives a better understanding of what work needs to be done to combat the system.

“Make America great again!” So goes the current campaign slogan. Personally, I would settle for making America less hypocritical. We are taught from childhood how America is a land of fairness, of due process, of open courts, a light unto the nations when it comes to human rights. We are taught to disdain regimes such as Soviet Russia, Communist China, and Iran, where people can be arrested and held without charge, tortured, and imprisoned after a sham trial in a closed court, the hapless offender’s fate decided upon secret evidence or no evidence at all. With chauvinistic hubris, we hear that America is “exceptional,” far superior to all other countries in its respect for the rule of law. If you believe that, I urge you to read this book: Obama’s Guantanamo: Stories from an Enduring Prison, edited by Jonathan Hafetz (NYU Press 2016). It is a collection of 14 essays by 14 lawyers who have represented multiple men imprisoned for years at the U.S. Naval Base at Guantanamo Bay, Cuba (full disclosure: I am one of the 14). We are all too familiar with George W. Bush’s initiation of America’s indefinite detention regime, under which 779 Muslim men from a variety of countries were captured (almost all by non-American forces), or were bought for bounties, and were flown, hooded and shackled, to Gitmo to be held without charge and tortured, without access to counsel or families. We know that Bush, his administration’s officials, and fear-mongering members of Congress lied to the American public about who these men were, proclaiming falsely that they were all terrorists, jihadists, and bomb-makers, murderers of American forces. (Often overlooked is the fact that Bush released, without criticism or fanfare, roughly 530 of these men when it was determined that they were innocent of wrongdoing). But we are prone not to blame President Obama for this abuse of human rights. After all, did he not promise immediately upon his election to close Guantanamo? Did he not say, “The idea that we would maintain forever a group of individuals who have not been tried” that is contrary to who we are, contrary to our interests, and it needs to stop. What this book reveals is that Barack Obama is very much responsible for the continued abuses at Gitmo. He is the Commander in Chief of our armed forces and the head of the Executive Branch and all of its agencies. The acts of the Department of Defense, the Department of Justice, the Department of State, the FBI, the CIA, and the NSA are, fundamentally, his acts. Belying his promises, President Obama has repeatedly signed legislation barring the

transfer of detainees from Gitmo; not only has he continued the Bush policy of indefinite detention of individuals without charge or trial, he enshrined it in an executive order. There is much more; the agencies controlled by this former constitutional law professor have sought to undermine legal process for these detainees at every turn. America under Obama has sought to intimidate lawyers for detainees; it has infiltrated and spied on defense teams and unlawfully listened in on attorney-client consultations, concealing a microphone in the smoke detector of the interview room. Lawyers must turn over notes of their client conferences for government review if they want to leave the prison with them. The government has seized, reviewed, and copied attorney-client materials from the cells of clients without consulting with their lawyers or obtaining a court order. It has decreed that a lawyer may not tell a client the reason he is being held (because everything is classified); and it has ordered that every word uttered by a detainee to his lawyer is classified and may not be shared with the public. Thus does the American government silence victims of its torture. This America, under Obama, has sought to prevent at all costs the revelation of evidence that would undermine its claims about these men it seeks to hold for life. His CIA destroyed videotapes documenting its use of torture, despite a court order prohibiting such destruction; his Justice Department invoked the "state secrets" doctrine to bar suits seeking redress for torture; it fought against releasing a detainee's medical records to his security-cleared lawyer, lest the records reveal evidence of torture. Seeking to persuade courts to deny habeas corpus petitions, Obama's Justice Department has submitted documents secretly to judges without revealing them to counsel who hold top-secret security clearances. When ordered by courts to reveal evidence to a detainee's lawyers, all of whom must have an appropriate security clearance, sometimes the documents are first heavily redacted to the point that they are meaningless. That Department of Justice has fought successfully for the admission of hearsay evidence that would be laughable in any other U.S. court (uncorroborated, unsourced, anonymous accusations); and it has fought unsuccessfully to prevent a detainee from seeing his own alleged statements. Even when a detainee has been determined not to be a threat to security and has been cleared for release, the United States government has refused to permit the detainee or his counsel to reveal that fact until it pleases the government to do so. This America has outdone Kafka. In this book, American lawyers (including two exceptionally courageous military lawyers) bear witness to their government's own tyranny.

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