

J E S S B R A V I N

THE TERROR COURTS

ROUGH JUSTICE AT GUANTANAMO BAY



The Terror Courts Rough Justice At Guantanamo Bay

Alex Adams



The Terror Courts Rough Justice At Guantanamo Bay:

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

The Army Lawyer, 2014-06 **The 9/11 Terror Cases** Allan A. Ryan, 2015-11-06 The terrorist attacks of 9 11 are indelibly etched into our cultural memory This is the story of how the legal ramifications of that day brought two presidents Congress and the Supreme Court into repeated confrontation over the incarceration of hundreds of suspected terrorists and enemy combatants at the US naval base in Guant namo Cuba Could these prisoners including an American citizen be held indefinitely without due process of law Did they have the right to seek their release by habeas corpus in US courts Could they be tried in a makeshift military judicial system With Guant namo well into its second decade these questions have challenged the three branches of government each contending with the others and each invoking the Constitution s separation of powers as well as its checks and balances In *The 9 11 Terror Cases* Allan A Ryan leads students and general readers through the pertinent cases *Rasul v Bush* and *Hamdi v Rumsfeld* both decided by the Supreme Court in 2004 *Hamdan v Bush* decided in 2006 and *Boumediene v Bush* in 2008 An eloquent writer and an expert in military law and constitutional litigation Ryan is an adept guide through the nuanced complexities of these cases which rejected the sweeping powers asserted by President Bush and Congress and upheld the rule of law even for enemy combatants In doing so as we see clearly in Ryan s deft account the Supreme Court s rulings speak directly to the extent and nature of presidential and congressional prerogative and to the critical separation and balance of powers in the governing of the United States

A Triumph of Ill Conceived Language Brian Christopher Jones, 2013 Throughout the years the Naval Base at Guantanamo Bay has witnessed an abundance of intriguing linguistic words and phrases Yet the language that has had the most significant

impact throughout the years has been the words and phrases used in the administration of justice regarding the detainees being held on terrorism charges Wall St Journal Supreme Court reporter Jess Bravin s book *The Terror Courts Rough Justice* at Guantanamo Bay thoroughly chronicles how the use of military commissions came about for the first time since the Second World War and pointedly demonstrates the abundance of problems they faced once established In addition to telling the story of Marine Corps lieutenant colonel Stuart Couch an earnest military prosecutor who later becomes exhaustively disenchanted with the commissions the book chronicles the new linguistic frontiers in the American legal community This piece analyzes how particular language used throughout the establishment and execution of the commissions significantly differed from American legal traditions In particular the essay focuses on four linguistic changes that had considerable influence 1 From Due Process to Full and Fair 2 From Classified to Protected 3 From Custodial Interrogation to Enhanced Interrogation and 4 From Acts of Terrorism to Material Support for Terrorism *The War on Terror and the Laws of War* Geoffrey S. Corn,2015 Many years after the United States initiated a military response to the terrorist attacks of September 11th 2001 the nation continues to prosecute what it considers an armed conflict against transnational terrorist groups Understanding how the law of armed conflict applies to and regulates military operations executed within the scope of this armed conflict against transnational non state terrorist groups is as important today as it was in September 2001 In *The War on Terror and the Laws of War* seven legal scholars each with experience as military officers focus on how to strike an effective balance between the necessity of using armed violence to subdue a threat to the nation with the humanitarian interest of mitigating the suffering inevitably associated with that use Each chapter addresses a specific operational issue including the national right of self defense military targeting and the use of drones detention interrogation trial by military commission of captured terrorist operatives and the impact of battlefield perspectives on counter terror military operations while illustrating how the law of armed conflict influences resolution of that issue This Second Edition carries on the critical mission of continuing the ongoing dialogue about the law from an unabashedly military perspective bringing practical wisdom to the contentious topic of applying international law to the battlefield *Symposium* ,2009 *Newsweek* ,2006-09

Chicago Tribune Index ,2007 **The Washington Post Index** ,1989 *Losing Our Democracy* Mark J. Green,2006 Celebrated author and lawyer Mark Green who coauthored the New York Times bestseller *The Book on Bush* now takes aim at the most chilling and dangerous trend in America today the betrayal of America s democracy by its own leaders In a perpetual quest for more money to line their pockets and more power to wield against average citizens a coalition of big business the Far and Religious Right and most terrifyingly Bush Co are assaulting our rights our liberties our very democratic system of government by of and for the people With his classic blend of careful reasoning and brilliant style Mark Green provides anecdotes and ample evidence of a systematic attack being waged by Americans against America From voter suppression to religious corporate and legislative tyranny from the problem of purchased politicians to the Far Right s Stone

Age approach to race and civil rights this is a call to arms for all real patriots who have had enough of reactionary politicians who wave the flag while they trample on its values

Crimes of Power & States of Impunity Michael Welch, 2009 Since 9 11 a new configuration of power situated at the core of the executive branch of the U S government has taken hold In Crimes of Power States of Impunity Michael Welch takes a close look at the key historical political and economic forces shaping the country s response to terror Welch continues the work he began in Scapegoats of September 11th and argues that current U S policies many enacted after the attacks undermine basic human rights and violate domestic and international law He recounts these offenses and analyzes the system that sanctions them offering fresh insight into the complex relationship between power and state crime Welch critically examines the unlawful enemy combatant designation Guantanamo Bay recent torture cases and collateral damage relating to the war in Iraq This book transcends important legal arguments as Welch strives for a broader sociological interpretation of what transpired early this century analyzing the abuses of power that jeopardize our safety and security

Guantánamo and Beyond Fionnuala Ni Aoláin, Oren Gross, 2013-08-26 This book brings together the viewpoints of leading scholars and policy makers on the topic of exceptional courts and military commissions with a series of unique contributions setting out the current state of the field The book assesses the relationship between such courts and other intersecting and overlapping legal arenas including constitutional law international law international human rights law and international humanitarian law

Editorials on File, 2006 Guantanamo Bay and the Judicial-moral Treatment of the Other Clark Butler, 2007 Neither journalistic nor sensationalistic eye witness accounts this is the first book of serious reflection on the moral background and issues of internal legality surrounding the events of Guantanamo Bay

The New York Times Index, 2004 *The Bulletin*, 2006

Detention and Denial Benjamin Wittes, 2011-01-01 Our current stalemate over detention serves nobody not the military or any other component of the U S government that has to operate overseas It is a system that no rational combination of values or strategic considerations would have produced it could have emerged only as a consequence of a clash of interests that produced a clear victory for nobody from the Introduction Benjamin Wittes issues a persuasive call for greater coherence clarity and public candor from the American government regarding its detention policy and practices and greater citizen awareness of the same In Detention and Denial he illustrates how U S detention policy is a tangle of obfuscation rather than a serious set of moral and legal decisions Far from sharpening focus and defining clear parameters for action it sends mixed signals muddies the legal and military waters and produces perverse incentives Its random operation makes a mockery of the human rights concerns that prompted the limited amount of legal scrutiny that detention has received to date The government may actually be painting itself into a corner leaving itself unable to explain or justify actions it may need to take in the future The situation is unsustainable and must be addressed Preventive detention is a touchy subject an easy target for eager to please candidates and indignant media so public officials remain largely mum on the issue Many Americans would be surprised to learn that no

broad principle in American jurisprudence actually prohibits preventive detention rather the law eschews it except when legislatures and courts deem it necessary to prevent grave public harm But the habeas corpus legal cases that have come out of the Guant namo Bay detentionfacility which remains open despite popular expectations to the contrary have addressed only a small slice of the overall issue and have not and will not produce a coherent body of policy U S government an

Eight O'Clock Ferry to the Windward Side Clive Stafford Smith,2008-12-30 Every time human rights lawyer Clive Stafford Smith lands in Cuba he takes the eight o clock ferry to the windward side his journey ends at Guant mo Bay One of the few people in the world who has ongoing independent access to the prison Smith reveals the grotesque injustices that are perpetrated there in the name of national security including the justifications created to legitimate the use of torture and the bureaucratic structures that have been put in place to shield prison authorities from legal accountability By bearing witness to the stories of the forty prisoners that he represents Smith asks us to consider what is done to American democracy when the rule of law is jettisoned in the name of combating terrorism **National Journal** ,2004 Congressional Record United States. Congress,2005

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