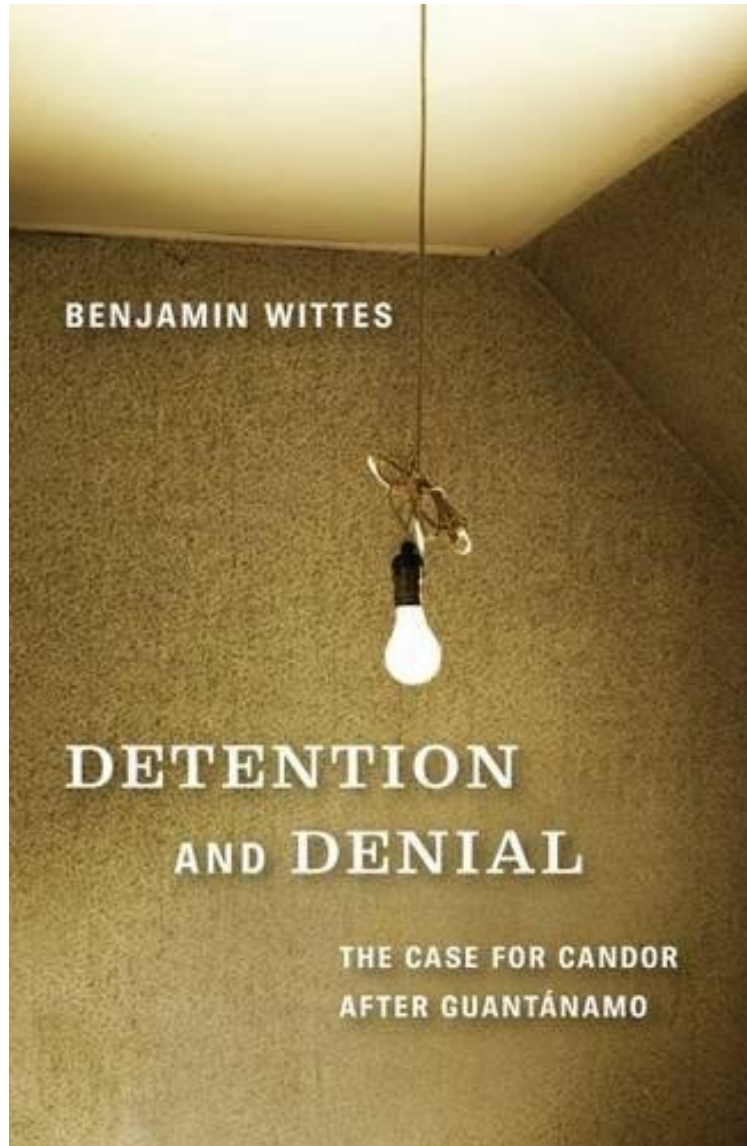


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Detention and Denial: The Case for Candor after Guantnamo

Benjamin Wittes

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Benjamin Wittes : Detention and Denial: The Case for Candor after Guantnamo before purchasing it in order to gage whether or not it would be worth my time, and all praised Detention and Denial: The Case for Candor after Guantnamo:

1 of 1 people found the following review helpful. This is the book.By J. SimonThis is the book to buy: it explains like no one else why Congress must deal with the issue of detention, meaning Guantnamo, instead of wishing the issue would quietly disappear.

"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 Guantanamo Bay detention facility 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 and security forces need clear and consistent application of their detention policies, and Americans must be better informed about them. To that end, Wittes critiques America's current muddled detention policies and sets forth a detention policy based on candor. It would set clear rules and distinguish several types of detention, based on characteristics of the detainees themselves rather than where they were captured. Congress would follow steps to "devise a coherent policy to regulate the U.S. system of detention, a system that the country cannot avoid developing."

"*Detention and Denial* is a clear account of what's wrong with American detention policy. Benjamin Wittes has been speaking clearly about detention, a subject many policymakers and political leaders have not wanted to address. This brief volume brings it all together. Wittes offers a compelling argument about what our failure to act means for our own nation's security. Those wanting to learn more about Guantanamo and the law of counterterrorism should read this book." U.S. Senator Lindsey Graham (R.-South Carolina) "As always, Benjamin Wittes brings pragmatism and a refreshing honesty to a subject which is usually wrapped in layers of ideology, obfuscation, and deceit." Anne Applebaum, *Washington Post* "For the past decade, Ben Wittes has been one of America's most serious and perceptive students of the intersection between law and counterterrorism. *Detention and Denial* is a balanced, tough-minded appraisal of what needs to be done to transform our ad hoc detention policy into a sustainable architecture that accommodates security imperatives and the rule of law. This should be on the top of the reading list for all three branches of government." Michael Chertoff, former U.S. secretary of homeland security "[Wittes outlines] with clarity and brevity the current state of preventive detention and why a considered position must be taken in relation to its future, rather than continuing the present approach of lurching from legal crisis to legal crisis." *Law and Politics Book*

About the Author Benjamin Wittes is a senior fellow in Governance Studies at the Brookings Institution. He cofounded and is the editor-in-chief of the *Lawfare* blog and is a member of the Hoover Institution's Task Force on National Security and Law. He is coeditor with Jeffrey Rosen of *Constitution 3.0: Freedom and Technological Change* (2011), and editor of *Campaign 2012: Twelve Independent Ideas for Improving American Public Policy* (2012), both published by Brookings.