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2023

### The Bush Administration and Guantanamo Bay: The Difference Between Public and Private Information

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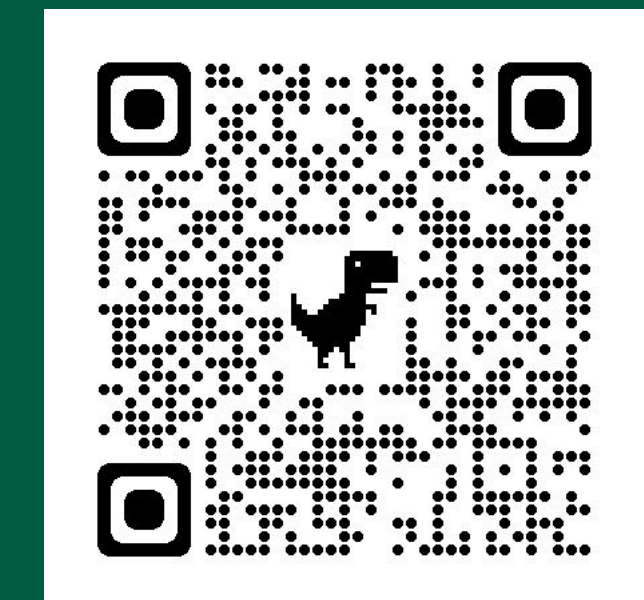
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#### Recommended Citation

Quenneville, Emma, "The Bush Administration and Guantanamo Bay: The Difference Between Public and Private Information" (2023). *Research Days Posters 2023*. 77.

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### Overview

- One major factor of George Bush's tenure was the War on Terror, and the aftermath, specifically Guantanamo Bay prison.
- Bush and his cabinet consistently put out public information denying the use of enhanced interrogation techniques, or more commonly known as torture.
- The American public is led to believe that their government is imprisoning terrorists and handling them according to their crimes, when in reality that could not be further from the truth.
- The Department of Justice then issued memorandums that "justified" torture.
- The differences between "public" and "private" information are vast, and truly expose the conditions of Guantanamo Bay.

### Legal Issues

There is no question as to whether or not torture is illegal in U.S. jurisdiction. These laws, one domestic and one international, directly outlaw torture:

- Section 2340A of Title 18, United States Code, prohibits torture committed by public officials under color of law against persons within the public official's custody or control. Torture is defined to include acts specifically intended to inflict severe physical or mental pain or suffering. (It does not include such pain or suffering incidental to lawful sanctions.) U.S. Code, Section 2340A
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation. ICCPR

### Limitations

- Many of the official government records of what happened in GTMO are still classified.
- There are hundreds of memorandums and speeches that are about the use of torture in GTMO, which would be impossible for me to go through alone in this time period.

### Methods & Procedures

- Document analysis
- Interviews of human subjects (former detainees)
- Legal research
- reading memoirs/first hand accounts of GTMO

### Mansoor Adayfi, 14 Years Detained



Slavoljub Milanović, Photograph, NY Times

"Guantanamo Bay is one of the most expensive prisons in the world, why not tell the truth to the media about it if there's nothing to hide?"

### Mohamedou Ould Slahi, 15 Years Detained

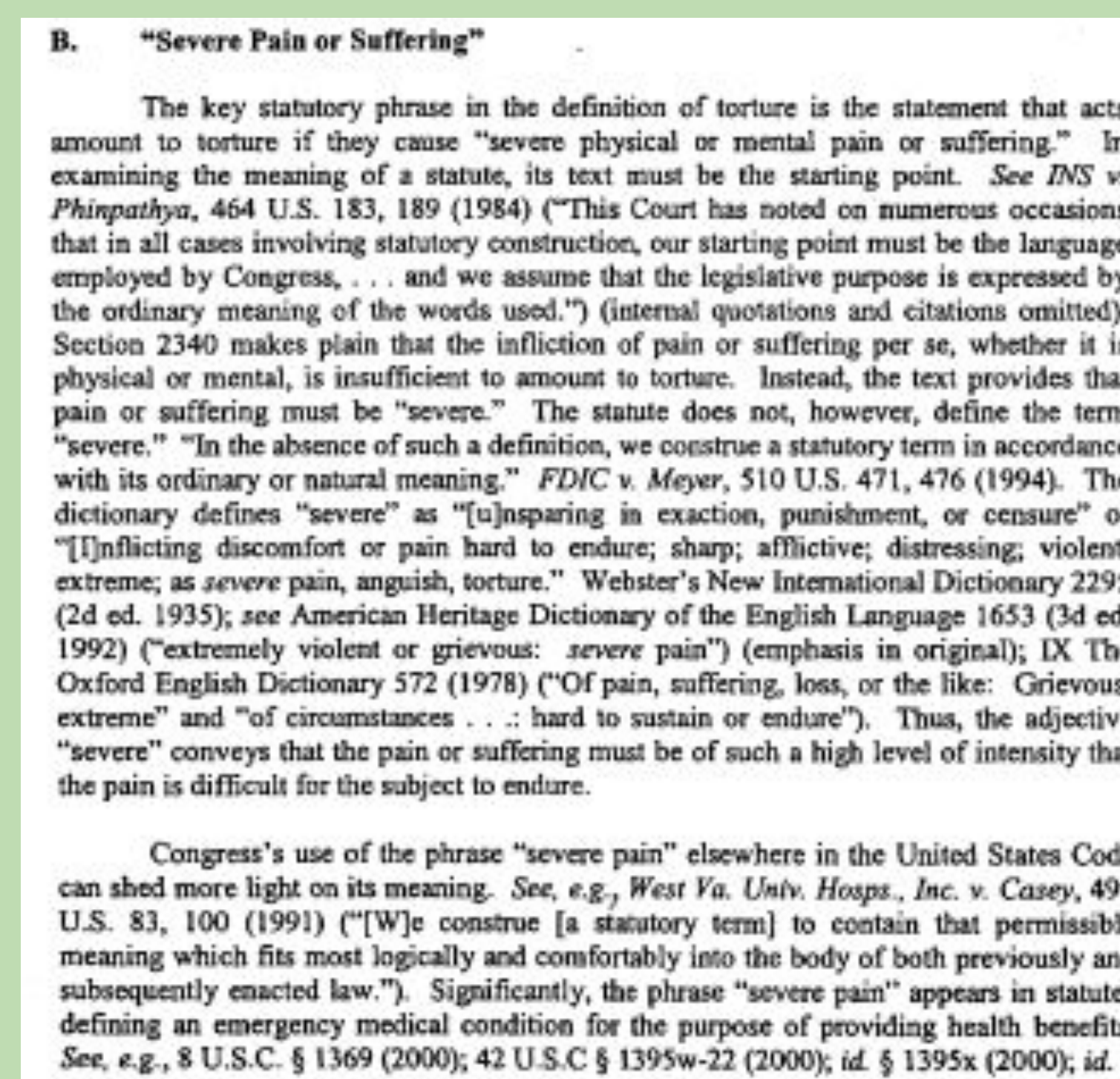
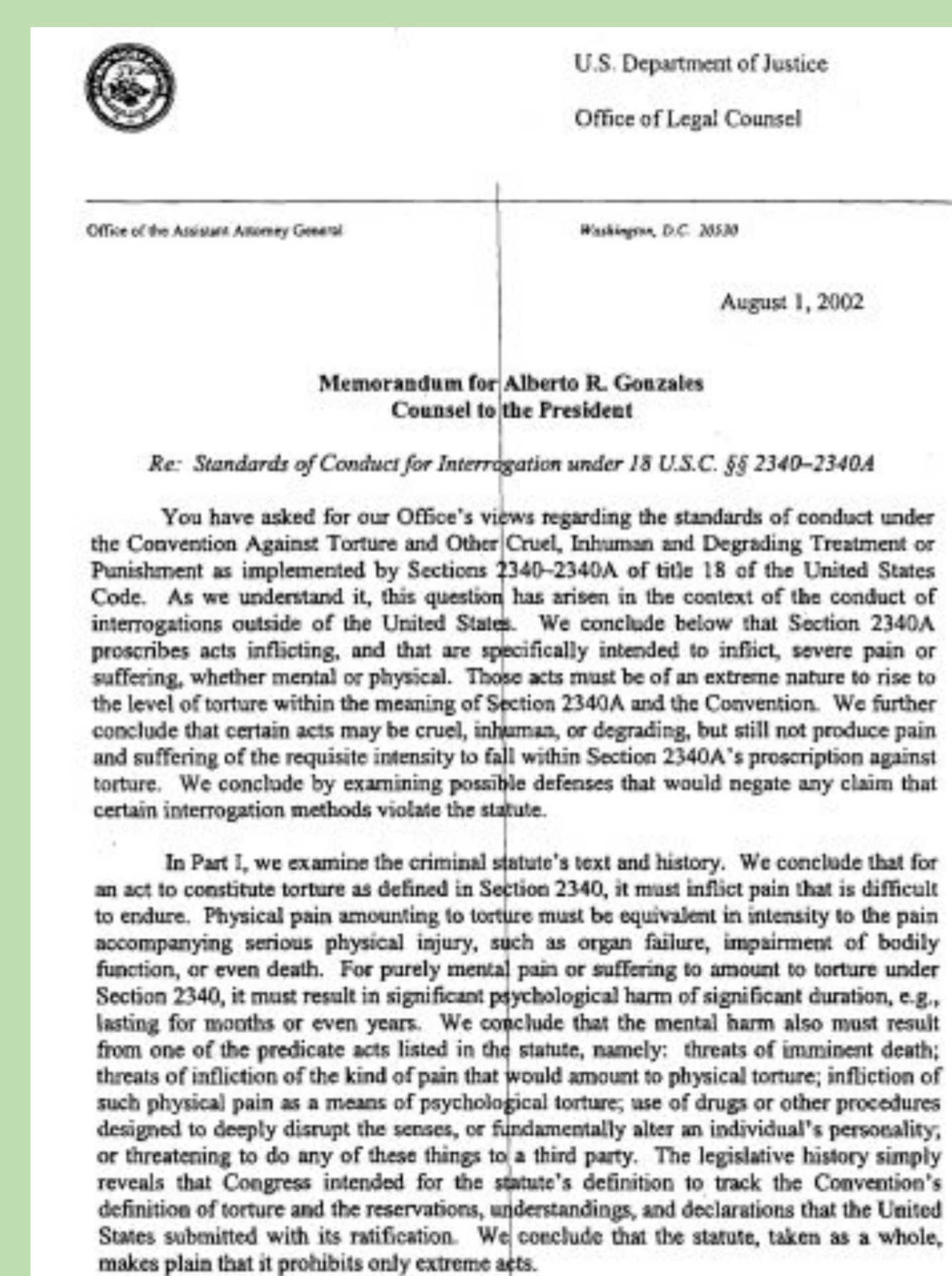


Image ANP / Laif

"I spoke personally to the Director of Intelligence. He told me I would be going home in a year. It took 8."

Through all of this research, the best place to educate yourselves about the happenings in Guantanamo Bay remains directly through survivors. Mohamedou Ould Slahi and Mansoor Adayfi are 2 former detainees who have made their stories public. These are direct quotes from them regarding the political atmosphere, but their entire stories are worth reading.

### "Private" Information



### Results

- As outlined in the "Public vs. Private" section, Cheney and Yoo make direct contradictions of each other.
- Yoo explains how detainees were treated with "severe, cruel, and inhumane treatment," but that it does not reach the necessary severity to be declared torture.
- Cheney, however, denies all cruel punishment and torture.
- The Bush administration displays a pattern of this behavior, denying torture claims in public and to the media, but there have been hundreds of documents discovered to prove otherwise.
- I have included direct quotes from survivors for context. These men were tortured for over a decade and are willing to speak about their experiences publicly, yet the government will deny it every time. They are not the only ones.

### Why Is This Important?

- The difference in information discussed in private settings vs. given to the media should be concerning to all Americans.
- These memorandums, written to and by the Bush administration, were initially classified until they were leaked. If they were never leaked, the question rises of would this information ever have been released?
- The government should be held to a standard of legitimacy and honesty when dealing with such sensitive topics as torture.
- The government should be held legally accountable as well, as torture is clearly outlined as illegal in multiple U.S. statutes.

### "Public" Information

"The key statutory phrase in the definition of torture is the statement that acts amount to torture if they cause "severe physical or mental pain or suffering." In examining the meaning of a statute, its text must be the starting point. See *INS v. Phinpathya*, 464 U.S. 183, 189 (1984) ("This Court has noted on numerous occasions that in all cases involving statutory construction, our starting point must be the language employed by Congress, . . . and we assume that the legislative purpose is expressed by the ordinary meaning of the words used.") (internal quotations and citations omitted). Section 2340 makes plain that the infliction of pain or suffering per se, whether it is physical or mental, is insufficient to amount to torture. Instead, the text provides that pain or suffering must be "severe." The statute does not, however, define the term "severe." "In the absence of such a definition, we construe a statutory term in accordance with its ordinary or natural meaning." *FDIC v. Meyer*, 510 U.S. 471, 476 (1994). "

"On the question of so-called "torture," we don't do torture, we never have. It's not something that this administration subscribes to. Again, we proceeded very cautiously we checked, we had the Justice Department issue the requisite opinions in order to know where the bright lines were that you could not cross. The professionals involved in that program were very, very cautious, very careful, wouldn't do anything without making certain it was authorized and that it was legal. And any suggestion to the contrary is just wrong."

-John Yoo & Department of Justice

-Dick Cheney