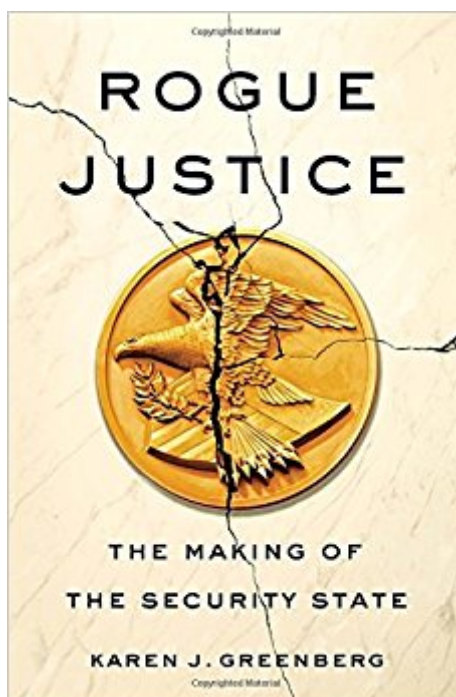


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# Rogue Justice: The Making Of The Security State



## Synopsis

The definitive account of how America's War on Terror sparked a decade-long assault on the rule of law, weakening our courts and our Constitution in the name of national security. The day after September 11, President Bush tasked the attorney general with preventing another terrorist attack on the United States. From that day forward, the Bush administration turned to the Department of Justice to give its imprimatur to activities that had previously been unthinkable—from the NSA's spying on US citizens to indefinite detention to torture. Many of these activities were secretly authorized, others done in the light of day. When President Obama took office, many observers expected a reversal of these encroachments upon civil liberties and justice, but the new administration found the rogue policies to be deeply entrenched and, at times, worth preserving. Obama ramped up targeted killings, held fast to aggressive surveillance policies, and fell short on bringing reform to detention and interrogation. How did America veer so far from its founding principles of justice? *Rogue Justice* connects the dots for the first time—from the Patriot Act to today's military commissions, from terrorism prosecutions to intelligence priorities, from the ACLU's activism to Edward Snowden's revelations. And it poses a stark question: Will the American justice system ever recover from the compromises it made for the war on terror? Riveting and deeply reported, *Rogue Justice* could only have been written by Karen Greenberg, one of this country's top experts on Guantanamo, torture, and terrorism, with a deep knowledge of both the Bush and Obama administrations. Now she brings to life the full story of law and policy after 9/11, introducing us to the key players and events, showing that time and again, when liberty and security have clashed, justice has been the victim.

## Book Information

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## Customer Reviews

Most of us lived through 9/11 and its aftermath, and will be familiar with the topics addressed in this book. Greenberg excels in describing the initial degradation in constitutional protection and the different forces that have resulted in continued incursions on our rights. Everyone has heard about Abu Ghraib and Edward Snowden, but unless you keep an eye on the courts, you may not have been aware of the continued tussles between the judiciary and the executive branch over jurisdiction and presidential power. This is not an anti-Bush screed, though there is a moment of hope when Obama comes into office and appoints Eric Holder as Attorney General. Alas, confounded by battling with the judiciary, which mostly will not concede that it's ok to torture anyone, including US citizens, the Obama administration resorts to drone kills. In one particularly horrific case, the father of a non-terrorist target of this program tries to take legal action to prevent his son's murder. He is told that he has no standing to sue, and that "there are circumstances in which the Executive's unilateral decision to kill a US citizen overseas is...judicially unreviewable." A few months later the son, along with some unfortunate friends, is drone-killed. At least 1000 others have met a similar fate, many of them as collateral damage. Note that the guilty parties need not have committed a crime, but must only be deemed capable of committing a crime. The thought police are among us. If you despise the ACLU and believe we have been engaged in a nonstop battle against the forces of evil since 2001, you will not enjoy this book. Don't even bother. If, on the other hand, you want to cheer when a Supreme (in this case, Justice Anthony Kennedy) says: "The Nation's basic charter cannot be contracted away like this....to hold that the political branches may switch the Constitution on or off at will would lead to a regime in which they, not this Court, say what the law is" you will find this book a riveting read. The writing is a little dry, more academic than journalistic, but once I got into it, it was hard to put down. I have picked up Jane Mayer's *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* and also *Guantánamo Diary* for more background. I recommend reading *Rogue Justice* on a kindle or other e-reader so you can more easily follow up on references to people and places -- *Rogue Justice* covers a lot of ground, and you could use up a batch of sticky notes on this book.

As 9/11 recedes into history (has it already been almost 15 years?), the terrifying events of that are beginning to recede into history. Many freshmen in high school were not yet born on that tragic day

(now I feel really old). And yet we live in a country that in many ways is starkly different than it was on September 10, 2001 - and that includes a weakened Constitution that has been battered by national security advocates capitalizing on our darkest fears and rawest wounds. Karen Greenberg ("The Least Worst Place," "The Torture Papers") has written extensively about the post-9/11 security state and now, with "Rogue Justice," she writes incisively and, on occasion, angrily about the systemic attack on our American values of freedom and privacy. These are two of the key principles that make America so special, and yet we as a people willingly sacrificed these goals in the name of security and the War on Terror. Politicians desperate to be seen taking actions to protect the country (and in many cases sincerely hoping that actual protection would result) worked with skillful, ambitious lawyers to undermine our Constitutional protections. Step by step, memo by memo, law by law, America authorized torture, suspended habeas corpus, and enabled systemic warrantless surveillance of Americans and our communications. And in many cases, bald-faced lies were told to make these changes. Greenberg, armed with facts and quoting extensively from original sources, explains in these pages how lawyers such as John Yoo used an Orwellian mastery of words to conclude that 'enhanced interrogation techniques' such as water-boarding did not constitute 'torture.' Other lawyers, misled by their co-workers, stood before judges and told bald-faced falsehoods about the nature of how the American surveillance system worked. And our worst fears were exploited to keep Guantanamo Bay and 'dark sites' open for business while excoriating the ability of our judicial system to handle terrorism cases. And the blame does not fall entirely on the Bush Administration, although in Greenberg's telling the Obama Administration's sins are in many respects less brazen than his predecessor's. (With the notable exception of putting American names on the drone 'kill list,' of course.) 'Rogue Justice' is an essential read for anyone who wants to understand what the American government did in the name of security following 9/11. As Greenberg details, the undermining of the Constitution was serious and extensive, not just the paranoid fantasies of the ACLU attorneys. Thanks to the heroic efforts of Americans to buck the tide and take a stand for the Constitution, the pendulum appears to be shifting back toward a respect for human rights, privacy, and freedom of expression. But we still have a long way to go. "Rogue Justice" is too short to be considered a definitive treatment of post-9/11 America, but it's an essential read nevertheless. Highly recommended.

This is not a fun read. Karen J. Greenberg explores in great detail how the United States has squandered one of its most precious possessions: its justice system. The phrase that kept running through my mind as I read it was an expression of John Adams, that ours was a nation "of laws,

not men." Effectively, what the White House achieved during the Bush Administration, was to make America a nation of men, not laws. By deliberately removing much of the responsibility for upholding the law from the Justice Department, which is part of the Executive Branch, to the military and Congress (with latter providing much of the oversight instead of the Justice Department), America has in a very real sense abandoned the rule of law. With Congress passing a law that the 9/11 terrorists cannot be brought on to US soil for trial, Congress mandated that they and other terrorists be tried without any access to the American justice system. This is all part of America's new "anything goes" policy with regard to anything to the fight against terrorism. The worst part is the damage that this does in the eyes of the rest of the world. We once possessed one of the finest justice systems in the world. Now we possess a group of men, virtually all of the Republicans (who have fought all attempts by the Obama administration to close Guantanamo), who seem willing to merely make things up as they go along. They are willing to undo two centuries of precedence in order to engage in their "wild west" fight against terrorism, even wiretapping completely innocent Americans.

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