Published by members and contributors to the Koret-Taube Task Force on National Security and Law

The Koret-Taube Task Force on National Security and Law examines the rule of law, the laws of war, and American constitutional law with a view to making proposals that strike an optimal balance between individual freedom and the vigorous defense of the nation against terrorists both abroad and at home. The task force’s focus is the rule of law and its role in Western civilization, as well as the roles of international law and organizations, the laws of war, and US criminal law. Those goals will be accomplished by systematically studying the constellation of issues—social, economic, and political—on which striking a balance depends. The core membership of this task force includes Kenneth Anderson, Peter Berkowitz (chair), Philip Bobbitt, Jack Goldsmith, Stephen D. Krasner, Jessica Stern, Matthew Waxman, Ruth Wedgwood, Benjamin Wittes, and Amy Zegart.

Israel and the Struggle over the International Laws of War
Peter Berkowitz
Peter Berkowitz examines the abuses of international law embodied in the Goldstone Report and the Gaza flotilla controversy, showing how the efforts to criminalize Israel’s right to self-defense also threaten America’s vital national security interests and those of all liberal democracies defending themselves against transnational terrorists.
Hoover Institution Press, 2012

Power and Constraint: The Accountable Presidency after 9/11
Jack Goldsmith
Goldsmith explores Barack Obama’s decision to continue many of his predecessor’s counterterrorism policies. The powers that our post-9/11 commanders in chief assumed are the culmination of a two-century expansion of presidential authority. But these new powers have been met with thousands of legal and political constraints that have transformed our unprecedentedly powerful presidency into one that is also unprecedentedly accountable.
W.W. Norton & Company, 2012

Living with the UN: American Responsibilities and International Order
Kenneth Anderson
Hoover Institution Press, 2012
Eyes on Spies: Congress and the United States Intelligence Community
Amy B. Zegart

Amy Zegart examines the weaknesses of US intelligence oversight and why those deficiencies have persisted, despite the unprecedented importance of intelligence in today’s environment. She argues that many of the biggest oversight problems lie with Congress—the institution, not the parties or personalities—showing how Congress has collectively and persistently tied its own hands in overseeing intelligence.

Hoover Institution Press, 2011

Detention and Denial: The Case for Candor after Guantanamo
Benjamin Wittes

Benjamin Wittes issues a persuasive call for greater coherence, clarity, and public candor from the US government regarding its detention policy and practices, and greater citizen awareness of the same. In Detention and Denial, he illustrates how present-day US detention policy is a tangle of obfuscation, not a serious set of moral and legal decisions.

Brookings Institution Press, 2010

Future Challenges in National Security and Law
Multiple Authors, Online Volume

The Future Challenges essay series, a collaborative effort of Hoover’s Koret-Taube Task Force on National Security and Law, is an online volume that explores a variety of emerging national security and law challenges, including the crafting of rules for the detention of unlawful enemy combatants, the proper orientation for the United States toward the International Criminal Court, the deradicalization of terrorists, application of the principle of proportionality to asymmetric warfare, developments in the war-powers doctrine, cyberwarfare, the search for and regulation of weapons of mass destruction, and the reform of congressional oversight of intelligence.

Hoover Institution Press, 2011

Skating on Stilts: Why We Aren’t Stopping Tomorrow’s Terrorism
Stewart A. Baker

Stewart A. Baker, a former Homeland Security official, examines the technologies we love—jet travel, computer networks, and biotech—and finds that they are likely to empower new forms of terrorism unless we change our current course a few degrees and overcome resistance to change from business, foreign governments, and privacy advocates.

Hoover Institution Press, 2010
Legislating the War on Terror: An Agenda for Reform
Edited by Benjamin Wittes
This volume presents an agenda for reforming the statutory laws governing the war on terror that balances the need for security, the rule of law, and constitutional rights of freedom. The contributors include some of the most important figures in this raging national debate who tackle the dilemmas facing Congress as it legislates the new ground rules for the war on terror.
Brookings Institution Press, 2009

Law and the Long War: The Future of Justice in the Age of Terror
Benjamin Wittes
Benjamin Wittes evaluates the war on terror from a refreshingly nonpartisan perspective that assesses the chasm between the gravity of American security needs and the inadequacy of its laws. Both a defense and a critique of the Bush administration, the book argues in favor of many of the measures taken by the executive branch while condemning its failure to secure congressional cooperation and the necessary legal architecture to back policies that were bound to be unpopular.
Penguin Press, 2009

Terror and Consent: The Wars for the Twenty-First Century
Philip Bobbitt
Philip Bobbitt examines the relationship between constitutional order and the emergence of modern “market state terrorism.” Arguing that the United States is indeed in a war against terror itself, not merely terrorists, Bobbitt says that the key to preserving states of consent lies in increased state power, increased multilateralism, and, especially, strengthening both constitutional and international legal restrictions on unfettered state action.
Knopf, 2008

The Terror Presidency: Law and Judgment inside the Bush Administration
Jack Goldsmith
Jack Goldsmith details his tenure at the Office of Legal Counsel and reaction to legal opinions promulgated by the Bush administration in the war on terror in The Terror Presidency. In this book, Goldsmith recounts his political clashes with powerful administrative figures when he questioned his predecessors about the way the war on terror was being conducted.
W.W. Norton & Company, 2009