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Protecting Liberty in an Age of Terror,

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BOOK REVIEWS

HOW AMERICAN DEMOCRACY CAN THRIVE IN THE WAR ON TERROR

Heymann, Philip B., and Juliette N. Kayyem, eds. *Protecting Liberty in an Age of Terror*. Cambridge, Mass.: MIT Press, 2005. 194pp. \$30

In the midst of a cacophony of charges and countercharges concerning recently revealed warrantless U.S. government wiretaps of American citizens, this compact book strikes a refreshing note—calm, balanced consideration of the tension between security and liberty in the post-9/11 world. The editors, a Harvard Law School professor and an acting executive director for research at Harvard’s Kennedy School of Government, convened a group of experts in a variety of professional terrorism-related fields to explore “how American democracy can thrive best” in the war on terror. Over eighteen months, the experts (from both ends of the political spectrum and many with previous U.S. or British government service) developed specific criteria to guide future decisions concerning the law and practice applicable to combating terrorism at home and abroad.

Happily, the book’s detailed recommendations for the executive branch and Congress reject extremes in favor of a thoughtful balance between the president’s need for extraordinary powers and Congress’s duty to provide

oversight. The recommendations cover ten major areas that include coercive interrogations, indefinite detention, targeted killing, intercepting communications of U.S. persons, information collection, and identification of individuals. Any bias in the approach is, as the authors acknowledge, toward accountability, transparency, and accurate reassessment. On the other hand, the recommendations refrain from suggesting guidelines or restrictions on the commander in chief’s broad war powers in zones of active combat outside the United States.

This work is particularly useful for readers who are or will be addressing terrorism-related issues within the executive or legislative branches. The recommendations provide a possible path to broad consensus on these contentious topics. Readers ideologically committed to an extreme viewpoint (in favor of either maximum security or maximum liberty) will find much to criticize, while those who seek a balanced approach, though they will also take issue, may find that adopting the moderate viewpoint of the recommendations will

enhance more rapid agreement among the various stakeholders in the government.

The work's one drawback is a lack of detail, in that it reflects a "distillation of views and opinions" based on "honest and difficult discussions" in a series of closed-door meetings. Accordingly, the reader must speculate on the rationale underlying the specifics. Those seeking to implement these recommendations would benefit by a clearer understanding of the viewpoints analyzed and why they were resolved in a particular way. For example: What indicators of reliability were presumed to prohibit the introduction of information obtained through "highly coercive interrogation" techniques in a trial of the informing detainee but to allow the information in the trial of other detainees? What value is served by providing an individual captured in a zone of active combat a hearing before a competent tribunal when there is no doubt as to his/her status as a prisoner of war? What competing legal rationales were considered when concluding that an al-Qa'ida leader located in Yemen was not engaged in "active" combat against the United States?

This criticism is minor, in any event, since executive and congressional leaders must answer these questions for themselves and on behalf of the American public, if the recommendations are implemented. The book's value lies in modulating the shrillness of the discourse and in proposing a reasoned, rational way forward for the ultimate benefit of the nation.

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Purkitt, Helen E., and Stephen F. Burgess. *South Africa's Weapons of Mass Destruction*. Bloomington: Indiana Univ. Press, 2005. 322pp. \$24.95

North Korea's prime motive for developing and possessing nuclear weapons is probably regime security. Leader Kim Jong-Il's rationale would be that absent weapons of mass destruction (WMD), the international community would find some way to dismantle a repressive, autocratic regime that is completely out of phase with twenty-first-century norms. Authors Helen Purkitt and Stephen Burgess argue in their analysis of South Africa's weapons of mass destruction programs that in the latter part of the twentieth century the white ruling elite made similar calculations, premised on idiosyncratic political ideology and national emotions as much as on rational neorealist power assessments. South Africa's nuclear, biological, and chemical capabilities (unilaterally abandoned by the mid-1990s, after majority rule was established and Cold War threats had receded) arose from its white leaders' alarm over rising regional threats unleashed by decolonization, détente, and corresponding American timidity vis-à-vis the Soviet Union in Africa, and growing international opposition to apartheid.

The book is analytically sound if somewhat inelegantly written. The authors—Purkitt, a professor of political science at the U.S. Naval Academy, and Burgess, an assistant director of the U.S. Air Force Counterproliferation Center as well as an associate professor at the U.S. Air War College—systematically illuminate South Africa's furtive route to clandestine WMD know-how and arsenals. Steps included exploitation of South Africa's own natural resources