

Index

- Aamer, Shaker, 554
ABC News, 386, 387, 388, 389
Abdo, Alexander, 587
Abdullah (king of Saudi Arabia), 107
Abdulmutallab, Umar Farouk
 Anwar al-Awlaki's contact with, 229–30, 232, 253
 background information on, 29–30, 81
 in civilian criminal justice system, 76, 77, 78–79, 85, 91, 93, 94, 348
 criticism of Obama's handling of, 76, 77, 78, 83
 family visit, 81–82, 91, 93
 FBI interrogation of, 19, 23, 88, 89–91, 92, 93, 230, 348
 FBI interviews with, 31–33, 34, 81, 84, 86, 706n24
 federal prosecution of, 82
 hospital treatment of, 30–32, 81, 82
 injuries of, 27, 28, 30–31
 intelligence reports on, 30, 80, 97
 Miranda warning given to, 30, 33, 34, 78, 85, 86, 92, 93, 94, 96, 305
 Miranda warning policy, 27–28, 30, 33–34
 as Nigerian, 11, 18, 19, 30, 81, 82
 post-Miranda questioning of, 78, 82, 85
 pre-Miranda questioning of, 27, 28, 31–33, 88, 348
 relationship with father, 30, 81
 suicide bombing attempt, 11–13, 17–19, 24, 25, 34–35, 68–74, 229
 transfer to University of Michigan hospital, 26
 underwear bomb of, 12–13, 17–18, 31, 32, 70, 75, 90, 223, 229, 252
- Abu Ghraib prison, Iraq, 39, 132, 539
Ackerman, Bruce, 648, 680–81, 696, 764n110
Ackerman, Elliot, 238
Ackerman, Spencer, 581
Addington, David, 44–45, 64, 183, 184, 185, 188, 192, 457
Adkins, Paul, 371–72
Affordable Care Act, 653, 660, 670
Afghanistan. *See also* Bagram Airfield, Afghanistan
 George W. Bush's invasion and occupation of, 60
 and Dover photos of caskets of soldiers, 426
 Guantánamo detainees repatriated to, 313
 as hot battlefield, 248, 286, 443
 Islamic State in, 689
 military detention camps in, 294
 and NATO, 642
 Obama's surge of ground troops in, 24, 66
 official end of war, 520, 530, 549, 689, 690
 photographs of detainee abuses, 431
 and release of detainees, 484, 520
 roadside bombs targeting American troops, 286
 and surveillance programs, 180–81
Afghanistan War, 640, 684
Aftergood, Steve, 410
agency deliberations privilege, 451
Agrast, Mark, 221, 222
AIDS, 119
AIPAC, 367, 391, 731n52

01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
S33
N34

2 Index

- 01 Alexander, Keith, 163, 166–67, 563, 584, 602
02 Algeria, 142, 289
03 Alhag, Abdul Hakim, 320–23, 726n36
04 Alimi, Rashad al-, 233
05 Alito, Samuel, Jr., 559
06 Al Jazeera, 253
07 al-Qaeda
08 Abdulmutallab’s ties to, 19, 29
09 and al-Shabaab, 274, 275, 276, 277, 278,
10 341
11 associated forces, 192, 274, 275, 684, 688
12 bin Laden as leader of, 259, 686, 688
13 and bin Laden raid, 261
14 bombings of embassies in Africa, 253,
15 254, 267, 325, 346
16 George W. Bush’s memorandum of
17 notification on, 236–37
18 cobelligerents, 192, 277
19 continuity of Obama’s approach to, 16
20 current and near-term threats posed
21 by, 195
22 and ending war on terrorism, 683–84
23 in Indian Subcontinent, 287
24 intelligence warnings on, 180, 220
25 interagency cooperation on, 188
26 Islamist terrorist not associated with,
27 505, 506
28 law-of-war detention of captives, 104,
29 119, 149
30 in Libya, 289
31 material support as offense, 106, 112,
32 135, 345, 496–98, 500, 533, 546,
33 727n42
34N message carriers, 335
 National Intelligence Estimate, 212
 Obama’s development of policy on,
 19–20, 21, 54, 61–62, 96, 120, 128
 and pre-2004 election plot, 543, 748n107
 and rule of law, 60, 61–62, 128, 149, 267
 sleeper cells in U.S., 180, 182, 195,
 199, 203
 supporters distinguished from members
 of, 149–50, 151
 and surveillance programs, 192, 193,
 194, 199, 201–02, 206, 207, 213
 and targeted killings, 243, 246, 248, 251,
 254–55, 720n40
 training camps of, 107, 139
 Warsame’s intelligence on, 347
 waves of attacks, 25, 28
- al-Qaeda in the Arabian Peninsula
 (AQAP)
 Abdulmutallab in training camp of, 90
 and Abdulrahman al-Awlaki, 280
 bomb maker for, 89, 252
 CIA thwarting airliner bomb threat,
 394–95, 396
 cruise-missile strikes on, 71, 77, 224–27,
 229–33, 719n18, 736n6
 and ending war on terrorism, 685
 intelligence reports on, 29, 30, 71, 97,
 224, 229, 272
 leaders of, 106, 288
 and Northwest Airlines Flight 523, 231
 and Obama’s drone strike on Anwar
 al-Awlaki, 179, 274, 279
 Obama’s drone strikes against, 289
 propaganda of, 90, 272, 274, 279, 438,
 506
 propaganda videos of, 90, 287
 training camps, 90, 94, 225
 U.S. security assistance to Yemen for
 fighting, 78
 and Warsame, 340
- al-Shabaab
 and associated force status, 274, 275,
 276, 277, 278, 341
 and Somalia, 274, 276, 585
 and targeted killings, 274, 276, 277
 Warsame as member of, 247, 340, 341
- Alston, Philip, 241
Amash, Justin, 584
Amash-Conyers amendment, 584
American Bar Association, 668, 671
American Civil Liberties Union (ACLU)
 and Anwar al-Awlaki memos, 232, 235,
 453, 471
 and Nasser al-Awlaki’s lawsuit, 415, 418
Center for Democracy, 555
 and civil trials for terrorism suspects,
 332
 and DeRosa, 212
 and detainee abuses, 426, 428, 467
 and FISA Amendments Act, 556–59,
 587
 and Guttentag, 661
 Obama’s continuity with Bush policies,
 17, 299
 rule-of-law critique of George W. Bush’s
 surveillance programs, 49, 50

Index 3

- and secret bulk phone records program, 617, 619
- and targeted killings of U.S. citizens, 439–40, 442, 462, 741n102
- and USA Patriot Act interpretation, 436, 437
- and warrantless-wiretapping program, 199, 555, 589, 592
- American Constitution Society, 67
- American Enterprise Institute, 88
- American Medical Association, 502, 525
- American-style democracy
 - and executive power, 42, 55–57
 - and role of Congress, 486
 - and surveillance programs, 579
- Amnesty International, 556, 558–59
- Anti-Ballistic Missile Treaty, 46
- Anti-Deficiency Act, 521
- Apple, 570
- Apuzzo, Matt, 405
- Arab League, 630, 636, 639
- Arab Spring, 374, 635, 650
- Arena, Andy
 - on Anwar al-Awlaki, 253, 254
 - as FBI agent, 22–23
 - and FBI interviews of Abdulmutallab, 31, 32, 33–34, 81, 84, 86
 - and FBI interviews with Abdulmutallab's family, 81–82
 - Miranda rights reading for Abdulmutallab, 33
 - and Northwest Flight 253 protocols, 22, 25–26, 27
- Arendt, Hannah, 244
- Arlington National Cemetery, 426
- Armitage, Richard, 367
- Article III courts, 267, 298, 314–18, 329, 330, 346, 348, 548
- Ary, Vaughn, 546–47
- Ashcroft, John, 184, 190, 195, 540–42, 566
- Asiri, Ibrahim al-, 89–90
- Assad, Bashar, 627–28, 630, 650–51, 652, 654, 685, 686
- Assange, Julian, 373–74, 391–92
- Asselborn, Jean, 321
- Associated Press, 97, 394, 395, 396–97, 399, 405, 406
- AT&T
 - corporate partnership with National Security Agency, 173, 176, 609
 - and surveillance programs, 171, 186, 209, 210, 564, 568, 600–601, 608, 609, 610
- Authorization for Use of Military Force (AUMF), 104, 118–20, 191, 251, 259, 295, 341, 487–88, 684, 688–90
- Awlaki, Abdulrahman al-, 279–80, 290, 439, 444, 457
- Awlaki, Anwar al-
 - Abdulmutallab's contact with, 229–30, 232, 253
 - Abdulmutallab's statements on, 89–91, 230, 706n24
 - Nasser al-Awlaki's lawsuit on, 289–90, 415–18, 437–38
 - CIA assessments of, 235, 236
 - and cruise-missile strike on al-Qaeda in the Arabian Peninsula, 227, 229, 230, 231, 719n18
 - and Hasan, 228–29
 - Justice Department's memos on, 233–39, 249–52, 441, 443, 445, 447, 452–53, 465–66
 - lack of indictment for, 252–54
 - Obama's drone strike on, 97, 274, 279, 280, 281, 282, 284, 289–90, 341, 438, 444
 - Obama's secrecy on killing of, 438–39, 444, 445, 454, 461–62, 463, 466, 469–71
 - as radical Muslim cleric, 227–29, 286, 506
 - as target, 232, 233–39, 244, 249–52, 272, 273–74, 286, 415, 441, 442, 444, 454, 720n35
 - as U.S. citizen, 227, 229, 231, 232, 238, 239
 - U.S. surveillance of, 228, 231, 232, 271, 273–74
 - and Warsame, 341
 - Yemeni government's prosecution in absentia, 252–53
- Awlaki, Nasser al-, 227, 229, 238, 279, 289–90, 415–18, 437–38
- Axelrod, David, 95, 195
- Ayotte, Kelly, 549–52
- Bachmann, Michele, 281
- badlands, and warfare, 246
- Baghdadi, Abu Bakr al-, 685–86

4 Index

- 01 Bagram Airfield, Afghanistan
02 Afghanistan's sovereign power over,
03 109, 340, 343, 530–31
04 detainee-review-board process, 108,
05 120–21, 333
06 habeas corpus lawsuits of detainees, 20,
07 108–10, 302, 531
08 and Obama's detention policy, 302, 303,
09 340, 343
10 Parwan prison, 108, 333, 530–34
11 preventive detention for untriable
12 detainees, 530–31
13 prison conditions at, 107, 108, 133
14 repatriation of prisoners, 531–33
15 temporary screening facility at, 107–08,
16 295
17 Bahlul, Ali al-, 497–501, 547
18 Bahrain, 553
19 Baker, James A., 187–90, 195, 197, 200,
20 613–14, 717n107
21 Baker, Peter, 683
22 Balkans, 632, 651
23 *Baltimore Sun*, 350, 354, 355–56, 371
24 Baluchi, Ammar al-, 336–37, 338, 524–25
25 Ban Ki-moon, 722–23n77
26 Banna, Ibrahim al-, 280
27 Bansal, Preeta, 669
28 Barr, William, 679, 764n110
29 Barrett, Jennifer, 598
30 Barron, David
31 and al-Shabaab, 276
32 “Best Practices for OLC Legal Advice
33 and Written Opinions”, 447
34N and George W. Bush torture memos,
427, 428
confirmation as judge, 466, 467
and detainee issues, 107, 109, 117–20, 150
and Jeh Johnson, 332, 333
and military commissions, 131–32,
133, 333
and Northwest Flight 523, 69–70
and Obama's signing statements,
678–79, 764n110
and Obama's transition legal-policy
team, 102
and rights of terrorism suspects, 308
and signing statements, 669
and targeted killing of U.S. citizens,
234–39, 243–44, 249–52, 286, 438,
439, 453, 466, 469–70
and war powers, 523
white paper on military commissions,
297–99, 328, 329, 330, 496
Bash, Jeremy, 409
Bates, John D.
on assassination of U.S. citizen, 238
and Nasser al-Awlaki lawsuit, 415–18,
437–38
and FISA Court judge selection, 597
on habeas lawsuits of Guantánamo
detainees, 117–18, 302
on hearings for non-Afghans at Bagram,
109
and surveillance programs, 206,
564–65, 572–73, 751n41
and U.S. attorney firings, 425
Bauer, Robert
and bin Laden raid, 259–60, 270, 271
and CIA accountability board, 515
curtailing rights of terrorism suspects,
305
and detainee abuse documents, 434
and Libya, 641, 644–47
and military commissions, 310, 329
and Northwest Flight 523, 70
review of interrogation strategies, 96
Bayh, Evan, 515
Bedoya, Alvaro, 755n115
Belize, 633
Bellinger, John, 64, 151
Belmokhtar, Mokhtar, 289
Benghazi consulate attack of 2012, 396,
397, 459, 650, 756n121
Benkler, Yochai, 393
Bennett, Richard, 382, 383–84
Bensayah, Belkacem, 149–52, 323
Benson, Dee, 206
Berenson, Bradford, 43
Bergdahl, Bowe, 519–21, 523, 526, 552, 671
Biden, Joe
bill on state secrets privilege, 423
and civil trials for terrorism suspects, 87
and detention issues, 123, 134
and executive power, 56, 631, 758n6
and FISA Amendments Act, 214
and Hinnen, 167
and Iraq War, 631
and military commissions, 317
and Obama's executive orders, 103
and Protect America Act, 212

Index 5

<ul style="list-style-type: none"> and role of law in policymaking, 67 Sullivan as national security policy adviser to, 65 and surveillance programs, 597 and transfer of Guantánamo detainees, 523 and USA Patriot Act, 223 	<ul style="list-style-type: none"> and Libya, 641–43, 646–47 and Netanyahu, 682 and spending bill, 636–37 	<ul style="list-style-type: none"> 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 S33 N34
<ul style="list-style-type: none"> Bihani, Ghaleb Nassar al-, 301 bin al-Shibh, Ramzi, 490, 545 bin Attash, Walid, 490 bin Laden, Osama <ul style="list-style-type: none"> Abbottabad compound, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268–69, 393, 723n79 as al-Qaeda leader, 259, 686, 688 CIA proposal for attacking in 1998, 236 Hamdan as driver of, 158, 496, 727n42 indictment for al-Qaeda’s bombings of embassies in Africa, 253, 254, 267 intelligence leading to, 335–39 interment of body, 269–71 interrogation of son-in-law, 346 kill or capture option of raid, 266–69 legality of raid, 263–66, 271 oath of loyalty to, 149 and Obama’s courses of action, 260–62, 348, 394, 641 Operation Neptune Spear, 262–66, 722n72 surveillance avoided by, 263 as target, 257–60, 408 Binney, William, 178–80, 187, 354, 712n26 Black, Hugo, 135 BlackBerry, 568 Blackmun, Harry, 72 Blackmun, Josh, 663–64 Blair, Dennis, 85, 363–64, 429, 433 Bleakley, Nicky, 69 Bleakley, Peter, 69 Bloomberg, Michael, 87 Blumenthal, Richard, 397, 596–97, 755n115 Boal, Mark, 408–09 Boardman, Deborah, 371 Boasberg, John, 595 Boehner, John <ul style="list-style-type: none"> and Abdulmutallab, 94 and deficit reduction, 657 and immigration, 661 and Islamic State war authorization, 689 	<ul style="list-style-type: none"> Bogdan, John, 502, 503–04 Bolten, Josh, 424 Bond, Kit, 93, 94, 115, 146, 312–14, 323 Booz Allen Hamilton, 583 Bosnia, 241, 651 <i>Boston Globe</i>, 55–57, 450, 631, 633, 638, 653, 668 Boston Marathon attacks, 505–07, 548–49 Bradbury, Steven, 197, 200, 202, 204, 475, 543, 752n50 Brand, Rachell, 754n92 <i>Branzburg v. Hayes</i> (1972), 403–04 Brazil, 516 Brennan, John <ul style="list-style-type: none"> and Abdulmutallab, 23, 28–29, 94 and al-Shabaab, 276–79 apology to Feinstein and Chambliss, 515 and bin Laden raid, 262, 268 and George W. Bush torture memos, 428 and civil trials for terrorism suspects, 87, 95, 330, 348–49 confirmation as CIA director, 247, 285, 288, 453, 454, 455, 456, 469, 584 and detainee abuse documents, 433 and evidence obtained under torture, 509 and Going Dark, 569 meeting with Abdullah, 107 and military commissions, 124–25, 544 and Northwest Flight 523, 70, 73, 75 as Obama’s counterterrorism adviser, 95, 105, 511 and Obama’s detention policy, 294 office of, 697 and Olsen, 160 and periodic review boards for Guantánamo detainees, 510 and rights of terrorism suspects, 305 and Saleh, 224 and Senate Select Committee on Intelligence’s access to files, 513–14 and Senate Select Committee on Intelligence’s oversight hearing, 580 speech at Harvard Law School-Brookings Institution, 246–49, 278, 293, 484 	<ul style="list-style-type: none"> 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 S33 N34

6 Index

- 01 Brennan, John (*cont.*)
02 speech at Wilson Center, 444
03 speech marking tenth anniversary of
04 9/11, 349
05 and Stellarwind, 195
06 and surveillance programs, 575
07 and targeted killings, 246–47, 283–85,
08 288
09 and transfer of Guantánamo detainees,
10 527
11 and Warsame, 340–41, 342
12 Breuer, Lanny, 350, 357–58, 383
13 Breyer, Stephen, 659
14 Brinkema Leonie, 380, 387, 404, 413–14,
15 732n58
16 Britain
17 and al-Qaeda in the Arabian Peninsula
18 airliner bomb plot, 395
19 Anwar al-Awlaki in, 227
20 GCHQ, 401, 621
21 and Iran, 682
22 and Libya, 759n23
23 and Official Secrets Act, 364, 365, 366,
24 729n21
25 and Syria, 651, 652
26 Broadwell, Paula, 410–12
27 Brooks, Rosa, 690–91
28 Brown, Janice Rogers, 301, 324
29 Brown, Scott
30 and Guantánamo visit, 304, 304n
31 on Northwest Airlines Flight 523,
32 76–77
33 special election victory, 76–77, 82–83,
34N 84, 88, 94, 95, 297
Bruff, Harold, 680
Bruni, Alesso, 143
Buckley, David, 514–15
Bureau of Alcohol, Tobacco, Firearms and
Explosives (ATF), 448–49, 452
Bureau of Investigative Journalism, 230,
719n18
Bureau of Prisons, 525
Burger, Warren, 594
Burger Court, 27
Burke, Edmund, 547
Burr, Richard, 549, 617
Burton, Bill, 58
Burton, Dan, 646
Bush, George H. W., 43, 174, 426, 475, 595,
601, 679–80, 714n58, 764n110
Bush, George W.
and Bagram Airfield prison, 107–08,
109
and CIA torture program, 128, 142, 143,
144–47, 382, 475, 491, 541
civil liberties critique of, 47, 48, 51, 53,
55, 57, 58
civil trials for terrorism suspects, 84, 87,
93, 95, 111
closure goals for Guantánamo, 102–03
continuity of Obama’s national security
policy, 14, 15–16, 17, 19, 35, 47, 54,
102, 151, 244, 420–21, 424, 534,
694–96
counterterrorism structures of, 16, 21
decision-making process of, 693, 698
on deliberate killing of U.S. citizen, 97
and detention of Bensayah, 149, 152
on detention of Uighurs, 126, 302
detention policies of, 107–08, 109, 297,
299, 303, 313
and drone strikes, 241, 254–55, 272,
281
and Drug Enforcement Administration,
633
effect of 9/11 terrorist attacks on
policies, 35
Executive Order 12333 modification,
218, 565, 624, 741n102
and executive power, 16, 39–41, 43, 44,
46, 48, 51, 54, 63, 111, 112, 118, 119,
151, 164, 180, 184–85, 187, 191, 192,
234, 239–40, 299, 302–03, 316, 482,
521, 677–78
and executive privilege, 424–26, 432
and extraordinary rendition, 141
and Freedom of Information Act
exemptions, 419
and Geneva Convention Against
Torture, 534, 535, 536
global war on terror, 11, 14, 60, 101, 135,
149, 239–40, 241, 247, 248
and hospital-room crisis, 190–94
incumbent managers of intelligence and
military programs, 15–16
and indefinite detention definition,
120
and interrogation memos, 426–28,
744n53
invasion of Iraq, 61, 72, 631, 687

Index 7

- Iraq agreement on disposition of prisoners, 482, 484
- judicial appointees of, 301
- leadership style of, 63, 66
- leak investigations of, 351–58, 363, 366–67, 368, 381, 385, 391, 414
- and legal standards of wars between two countries, 744n44
- legal team of, 43, 44–47, 48, 54, 62, 63, 64, 65, 72, 118, 121, 151, 153, 157, 164, 194, 197–98, 203, 212, 219, 234, 235, 238, 250
- and Leiter, 24
- memoirs of, 103
- memorandum of notification on al-Qaeda, 236–37
- and military commissions, 56, 64, 69, 101, 106, 110, 125, 303, 318, 489
- national security policies of, 13, 35, 43, 54, 63–64, 72, 101, 163, 539
- national security team of, 24, 36, 38, 45 and 9/11 trial, 488
- Obama’s criticism of national security policies, 13, 38, 50–55, 56, 76, 101
- Obama’s release of interrogation memo, 389, 427–28, 430–31, 448
- opening of Guantánamo prison, 119, 551
- and overclassification, 459
- and Padilla case, 152–57, 620
- political appointees resigning, 105
- repatriation of Saudi detainees, 105
- review process for Guantánamo detainees, 509
- and Romney’s primary campaign of 2012, 475–77
- rule-of-law critique of, 47–48, 49, 50, 51–52, 54, 55, 56, 59, 67, 72
- secrecy of, 418, 460
- security state of, 14, 17, 165–66, 422, 457, 635, 695
- and Senate recess tactics, 658
- signing statements used by, 16, 39–41, 535, 667–69, 671, 672, 678, 679, 680
- and state secrets privilege, 353, 415, 416, 418, 420, 421–22, 423, 424, 736n5
- status-of-forces agreement with Iraq, 682
- surveillance programs of, 20, 48–50, 51, 53, 54, 57, 81, 162, 164, 168, 170, 180–84, 185, 187, 190–97, 199–202, 203, 205, 416, 538, 556, 557, 560–61, 565, 566, 584, 696, 712n23
- targeted killings used by, 255, 281
- and Tenet, 29
- and torture, 242
- torture legislation signing statement, 39–40, 249, 535
- torture memos, 234, 427, 430
- and transfer of Guantánamo detainees, 324
- and U.S. attorney firings, 424–25, 451
- and U.S. citizens as enemy combatants, 486
- USA Patriot Law signing statement, 40
- and war powers, 129, 192, 193, 234, 522, 552, 645, 648–49, 653, 666
- White House visitor logs, 460
- and Yahoo lawsuit, 215
- Yemeni detainee policy of, 104, 161
- Bush, Jeb, 696
- Bybee, Jay, 145, 157, 243, 540
- Cabranes, Jose, 465, 595
- Callahan, Mary Ellen, 574–76
- Cameron, David, 651
- Campbell, John F., 528
- Canada, 286, 310, 319, 747n90
- Canellos, Peter, 40
- Cantor, Eric, 397, 613
- Capra, James, 601
- Caproni, Valerie, 163, 196, 305, 308, 567–70
- Card, Andrew, 190
- Cardin, Benjamin, 683
- Carlin, John, 499, 588–92
- Carter, Ashton, 530, 552–54
- Carter, Jimmy, 42, 171, 172, 236, 640, 680, 760n35
- Carter, Phil, 110, 160, 303
- cartridge-bomb plot, 252, 253
- Cartwright, James “Hoss”, 260–61, 409
- Casey, George, 132
- Castro, Fidel, 109
- Castro, Raul, 673
- Cedarbaum, Jonathan, 328, 438
- Center for American Progress, 462
- Center for Constitutional Rights, 415
- Center for National Security Studies, 59

8 Index

- 01 Central Intelligence Agency (CIA)
02 and Abbottabad Compound 1, 258
03 and Abdulmutallab, 28, 29–30, 31, 88
04 Abdulmutallab’s father reporting to, 30,
05 703n18
06 accountability board, 515, 744n53
07 and al-Qaeda in the Arabian Peninsula
08 airliner bomb plot, 394–95
09 and assassination ban, 238
10 and Anwar al-Awlaki, 49, 235, 236, 249,
11 253, 469, 470
12 and bin Laden raid, 262, 265–66, 270,
13 336, 337, 408–09, 722n72
14 black-site prisons of, 13, 14, 15, 29, 88,
15 102, 115, 293, 313, 325, 337, 339, 385,
16 389, 421, 429, 489, 491, 533, 537, 542,
17 544, 694
18 Brennan as director of, 29, 285
19 and George W. Bush’s memorandum
20 of notification on al-Qaeda, 236–37
21 and George W. Bush torture memos,
22 427, 429
23 cover-intelligence transfers, 141
24 and covert actions, 265, 285
25 detainee abuse documents, 432–35,
26 744n53
27 detainee interrogations, 115, 123
28 drone base in Saudi Arabia, 279
29 drones of, 285, 463–64
30 and executive power, 42
31 extraordinary rendition used by, 14, 141,
32 142
33S and FISA Amendment Acts, 625
34N and FISA Court, 189, 577
former detainees’ suit against
contractor of, 420
Holder’s criminal investigations of
interrogations, 20, 144–45, 146, 147,
339, 386, 432–35, 491
inspector general report on
interrogation techniques, 539–40, 541
and interagency national security
lawyers group, 64
interrogation practices of, 140, 144, 313,
335–39
investigation of Senate staff, 514–15
isolation standards for detainees, 137
Khost suicide bomber attack, 70
and leaked top secret documents, 375,
376, 377, 378
and military commissions, 125, 501–02
Muslim cleric seized in Milan, 241, 386
and Obama’s state secrets privilege, 423
and Odaini, 313
Operation Merlin, 352–53, 380
and Panetta Review, 116, 147, 492,
512–13
and Raw Take rules, 218
rebuttal to Senate Select Committee on
Intelligence’s torture report, 512, 539,
544
and recidivism rate of terrorism
detainees, 312
Senate investigation of detention and
interrogation of terrorism suspects,
115–16, 145–46, 147, 491–92
Senate Select Committee on
Intelligence’s report on CIA torture,
336, 337, 338, 389, 435, 491–92,
512–13, 536, 538, 544
and surveillance programs, 167, 188,
285, 585, 600–601
and Taliban, 260
taped conversation of detainees, 159
and targeted killings, 192, 236, 249, 251,
252, 254, 255, 256, 257, 259, 283, 284,
285, 286, 288–89, 444
and teleconference on Abdulmutallab,
28, 33
and torture legislation, 39
torture practices lawsuits, 14
torture program of, 20, 41, 101, 115, 128,
142, 143, 144–47, 152, 166, 234, 243,
311, 325, 335, 336, 337–38, 382, 385,
387–88, 420, 430, 491–92, 501, 510,
538, 542–43, 544, 704n1
warnings of possible al-Qaeda attack,
195–96n
and *Zero Dark Thirty*, 408
Chaffetz, Jason, 649
Chambliss, Saxby, 514–15, 582, 599
Chavez, Hugo, 673
Chayes, Abram, 66–67
Cheney, Dick
and Addington, 457
American Enterprise Institute speech,
127–28
as architect of CIA interrogation
program, 431
bureaucratic style of, 63, 698

Index 9

criticism of Obama's decision-making process, 66	Church Committee investigation, 41, 44, 115, 171, 183, 236, 563	01
criticism of Obama's handling of Northwest Airlines Flight 523, 76, 77	<i>Citizenfour</i> (film), 583	02
criticism of Obama's national security policies, 121–22, 128	Citizens for Responsibility and Ethics, 460, 461	03
criticism of Obama's release of George W. Bush torture memos, 431	civilian casualties	04
effect of 9/11 terrorist attacks on policies, 35	and bin Laden raid, 261, 262	05
energy-policy task force's papers, 46	and cruise-missile strikes on al-Qaeda in the Arabian Peninsula, 225–26, 232	06
and executive power, 39, 41–44, 46, 47, 54, 183	and drone strikes, 272, 285, 288, 444, 464	07
incumbent managers of intelligence and military program, 15–16	in Pakistan, 256	08
and interagency breakdowns, 64	and targeted killings, 284, 691	09
Libby's indictment, 367	U.S. use of collateral damage as term for, 12, 226, 444	10
national security policies of, 13, 16–17, 40, 67, 72, 149	civil liberties	11
national security team of, 24, 36, 38, 64	and George W. Bush's surveillance programs, 182	12
Obama's jokes concerning, 665	and civil trials for Guantánamo detainees, 20, 21, 68	13
on Obama's national security policies, 16, 66	critique of George W. Bush, 47, 48, 51, 53, 55, 57, 58	14
opposition to FISA, 183	and detention issues, 134, 151	15
and Stellarwind, 192	and FISA Court, 206	16
and surveillance programs, 181–82	and judicial appointees, 596	17
and Tenet, 29, 181–82	and military commissions, 125, 547	18
on torture, 39, 40, 128, 539, 542	and Obama's interrogation practices, 307	19
warning of terrorist attack, 163	Obama's opinions on, 50–51, 59	20
Chertoff, Michael, 475	Obama's policies on, 16, 17, 54, 73, 88, 482, 571	21
Chile, 516	and Obama's targeted killing operations, 249	22
China, 126, 401, 583, 636, 651, 678, 682, 759n23	and surveillance programs, 576, 583, 607	23
Cho, Richard, 18	and targeted killings, 457	24
Christie, Chris, 696	and U.S. citizens as enemy combatants, 486, 507	25
Christmas bombing attempt of 2009	and USA Freedom Act, 615	26
Abdulmutallab's suicide bombing attempt, 11–13, 17–19, 24, 68–74, 223, 229, 242, 253, 293–94, 297, 478, 532, 562, 576, 579, 590, 690	and war on terrorism, 60	27
consequences of successful bombing, 79	Civil War, 498	28
FBI search of plane, 26, 31	Clapper, James	29
first responders, 22–25	confirmation hearing for director of national intelligence, 312–14	30
and Obama National Security and Legal-Policy Team, 68–74	contact with reporters directive, 464	31
and Obama's detention policy, 304	and leak directive, 464	32
and Obama's national security policy, 96–97, 698	prepublication review policy, 464–65	S33
political fallout from, 75–77, 293–94, 321	and Senate Select Committee on Intelligence's oversight hearing, 580, 582	N34

10 Index

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- Clapper, James (*cont.*)
and state secrets privilege, 417
and surveillance programs, 575–76,
580–83, 611, 625
and transfer of terrorism detainees,
321–22, 323
and USA Freedom Act, 615
and USA Patriot Act, 436
- Clarke, Richard, 754n88
- Classified Information Procedures Act
(1980), 382, 383, 423
- Clean Air Act, 660
- Clement, Peter, 115, 116
- Clinton, Bill
and Brennan, 29
Craig as defense lawyer, 14
Craig’s break with, 15
and DeRosa, 60
and executive power, 632, 760n35
and extraordinary rendition, 141
and Johnsen, 235
and Jeh Johnson, 52
judicial appointees, 324, 436, 442, 447,
594, 595, 596
Koh’s suing administration over
Haitian refugee treatment, 72, 119
Kollar-Kotelly as appointee of, 188
and Kosovo, 629, 640–41, 644, 653
and leak investigations, 366
legal team of, 236
and national security law, 69
and Office of Legal Counsel staff, 234
Operation Merlin, 352
and Preston, 70
and signing statements, 668, 671
and surveillance programs, 353
and terrorism financing, 553
and war powers, 632, 640–41
- Clinton, Hillary
and Anwar al-Awlaki, 417
bill on state secrets privilege, 423
and George W. Bush’s invasion of Iraq, 61
and Congressional restrictions on
transfer of detainees, 327–29, 494–95
Craig’s break with, 15
and executive power, 56, 631, 758n6
and FISA Amendments Act, 58, 214
and Honduras, 675
and immigration, 663
and Koh, 73, 134
and Libya, 639
and military commissions, 53, 315, 316,
328
and Obama’s goal of closing
Guantánamo, 314–15, 317, 328, 494,
501, 504
and periodic review boards for
terrorism detainees, 509, 510
and Protect America Act, 212
and targeted killings, 256, 283
- Clodfelter, John, 114
- Coakley, Martha, 76
- Code Pink, 243–44, 387
- Colbert, Stephen, 664
- Cold War
and executive power, 41–42, 416
and imperial presidency era, 42, 416,
425, 633, 655
and standing army, 632
and targeted killings, 236
- Cole, David, 654
- Cole, James
and civil trials for terrorism suspects, 329
confirmation of, 345
and Drug Enforcement Administration,
601
and leaked top secret documents,
396–97
and Operation Fast and Furious, 449,
451
and surveillance programs, 586, 589–92
and Warsame, 342
- Cole, Matthew, 386
- collateral damage
Abdulmutallab’s misuse of term, 12
definition of, 226, 231
- collective security
and due process, 239
and individual rights, 37, 239, 610
- Collins, Susan, 85, 93
- Collyer, Rosemary M., 290, 754n90
- Colombia, 516
- Comey, James, 190–91, 195, 541, 570–71
- commando raids, and March 13 Standard,
120
- Communications Assistance for Law
Enforcement Act (CALEA), 568
- communications technology
and surveillance programs, 173–77, 186
and volume of data, 177

Index 11

Congress	and targeted killings, 437–38, 440–43, 454–55	01
authorization of war, 630, 631, 632, 635, 636, 638, 639, 652–54, 687–89, 693	on terrorism detainees, 96, 129, 134, 478, 482	02
authorization of war on terrorism, 61, 118, 192, 259, 506–07	terrorist group membership as offense, 106–07	03
blocking State Department officials from United Nations meetings, 298	and torture legislation, 39, 535	04
budget battles, 636–37, 639, 653	and U.S. attorney firings subpoena, 424–26	05
and civil liberties, 73	and U.S. citizens as enemy combatants, 486	06
and civil trials for terrorism detainees, 296–97	and USA Patriot Act, 182–83, 188, 197, 221–22, 223	07
and closing of Guantánamo, 309, 348, 529, 697	war-funding bill, 129	08
and covert action authorization, 265	and wiretapping, 171, 710n12, 711n13	09
and Democratic Party losing filibuster-proof majority in Senate, 82–83	Connell, James, 524–25	10
and executive power, 40, 41–42, 43, 46–47, 50, 51, 52, 55, 118, 150, 164, 181, 234, 298–99, 303, 327–28, 460, 478, 481–82, 523	Connelly, Mike, 81, 82	11
and executive privilege, 424–25, 448–52	conservatives	12
and FISA Amendments Act, 54, 212, 213, 560	and Abdulmutallab, 92	13
and FISA restrictions, 174, 175, 180, 185, 193, 201, 210–11, 589	and continuity in Obama’s policies, 16–17, 151	14
and foreign-murder statute, 250	and Koh’s confirmation for State Department position, 708n27	15
and leaked top secret documents, 364	on Northwest Airlines Flight 523, 76	16
legal restrictions on Obama’s power to transfer detainees, 126, 129, 134, 317, 322, 324, 327–29, 330, 492, 493, 494–95, 511, 516, 518, 519, 520–21, 522, 549, 671	on Obama as soft on terrorism, 60–61, 92	17
and mandatory military detention, 478–82	and Obama’s interrogation practices, 307	18
and military commissions, 69, 101, 161, 298, 489, 498, 500	and surveillance programs, 583	19
and Miranda warning, 306, 308	consumer electronics, advances in, 170	20
and Obama’s foreign policy, 681–83	contact-chaining, 164, 217–18	21
and Obama’s unilateralism in domestic policy, 655–66	Convention Against Torture, 152, 534, 747n99	22
and Operation Fast and Furious, 448–50	Conyers, John, 584, 612–13	23
and recess tactics, 658, 761n66	Cook, Elisebeth Collins, 754n92	24
and reform of surveillance programs, 606, 608, 612–20, 625	Cooper, Helene, 518	25
regulation of electronic surveillance, 171–72, 183	Corker, Bob, 649, 683	26
and Stellarwind, 354	Cotton, Tom, 551–52, 682–83	27
	Court of Appeals for the District of Columbia, and habeas rights of Guantánamo detainees, 300–301	28
	courts. <i>See</i> FISA Court; judiciary; U.S. Supreme Court	29
	Cozad, Kyle, 526	30
	Craig, Greg	31
	and after-action reviews, 122–23	32
	and Bauer, 305, 434	S33
	and George W. Bush torture memos, 428, 429, 430	N34
	and closure of Guantánamo, 494	
	and detention issues, 123, 127, 166	

12 Index

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- Craig, Greg (*cont.*)
Emanuel's relationship with, 21
and military commissions, 124, 125, 136
and Obama's Freedom of Information Act exemption policy, 419
on Obama's national security policies, 15–16, 17, 70
and Obama's presidential campaign, 56
on Obama's state secrets privilege, 420–22
and Obama's transition legal-policy team, 102
and signing statements, 669
and surveillance program issues, 163, 166–67
and Uighur problem, 15
and U.S. attorney firings, 425, 737n21
as White House counsel for Obama, 14–15, 70
- Crawford, James, 226, 257–58, 262, 266, 269–70, 341
- criminal law
and deadly force, 239, 240
and wiretapping, 171, 188, 189, 710n12, 713n44
- Cruz, Ted, 455–57, 458, 466, 663
- Cummings, Art, 23, 24, 27, 32, 68, 86
- Customs and Border Protection, 18–19, 26
- Cyber Command, 634
cyberespionage, 634
cyberweapons, 633–35
- Daily Beast*, 398
- Daley, William, 450, 480–81, 657
- Daquduq, Ali Musa, 482–85, 530, 532
- Daskal, Jennifer, 493–94
- Davidson, Michael, 146, 438, 755–56n119
- Davis, Morris, 318–19
- Davis, Raymond, 256, 259
- De, Rajesh, 590, 592, 614, 622
- Defense Intelligence Agency, 312, 313, 314
- Defense of Marriage Act, 499, 655–56
- Deferred Action for Childhood Arrivals, 660, 663
- Deferred Action for Parents of Americans, 662, 663
- Deitz, Robert, 179, 180–81, 184, 185
- Delery, Stuart, 417, 442, 511
- Dellinger, Walter, 632, 764–65n110
- Demers, John, 589
- DeMint, Jim, 673–74
- Democratic Party
and Abdulmutallab, 86, 92–93
alternative version of military commissions bill, 53
on George W. Bush's state secrets privilege, 422
and George W. Bush's U.S. attorney firings, 424–25
and civil trials for Guantánamo detainees, 20–21, 87, 297, 332
criticism of George W. Bush's national security policy, 16–17, 38–39, 48
criticism of Holder, 398
loss of filibuster-proof majority in Senate, 82–83
Obama's Democratic National Convention keynote speech, 39
and Obama's executive privilege, 425
and Obama's interrogation practices, 307
and Obama's leak investigations, 397
and Obama's state secrets privilege, 423
primary campaign, 54, 55–56, 58
and surveillance programs, 168
on torture, 388
- Dempsey, Jim, 754n92
- Dempsey, Martin, 517–18, 554, 686
- Department of Defense
and Abdulmutallab, 28
and bin Laden raid, 268
and George W. Bush's national security policy, 64
directives on Executive Order 12333, 185
and Executive Order 12333, 175
and military commissions, 125, 315
and Obama's transparency, 459
and Syria, 628
and targeted killings, 440
and whistleblowers, 353–54
working group on unauthorized disclosures, 394
- Department of Homeland Security
and Abdulmutallab, 28, 32
and Abdulmutallab case, 23
creation of, 694
databases for analysis of terrorism suspects, 96–97, 573, 574–75, 577
and immigration, 661–62

DePue, John, 498–99	01
DeRosa, Mary	02
and al-Shabaab, 276–77	03
bin Laden raid, 257–60, 261–63, 265–67, 270	04
and detainee issues, 107	05
and detention policy, 294, 303–04	06
Haines as successor of, 156, 331	07
Krass hired by, 716n82, 727n47	08
and Libya, 644, 646	09
and military commissions, 310	10
and Northwest Flight 523, 69	11
on surveillance programs, 49–50, 59–60, 162–63, 212	12
on use of force in cyberspace, 634	13
and Yemeni detainees, 105	14
<i>Der Spiegel</i> , 402	15
Derwish, Kamal, 281	16
Detainee Treatment Act (2005), 704n1	17
Detelbach, Steven, 590	18
detention-policy task force. <i>See also</i>	19
terrorism detainees	20
final report of, 294	21
individualized reviews, 103, 313	22
and judicial review, 109	23
and military commissions, 123–26, 130–33, 136, 333	24
and Olsen, 105, 123, 138, 139, 147–48, 160–61, 163, 167, 311, 313, 320, 324, 492, 497, 509–10	25
Dickas, John, 581, 598, 600, 618, 620	26
Dilanian, Ken, 749n15	27
DiMarco, Susan, 71	28
Dion, John, 351, 357, 368	29
Diyab, Jihad Ahmed, 516–17, 528, 746n79	30
Dodd, Chris, 56, 58	31
domestic law, 37	32
Dominican Republic, 633	S33
Donilon, Tom	N34
and alternatives to Guantánamo, 137–38, 139	
and bin Laden raid, 259, 260, 261, 262, 267	
and detainee abuse documents, 433	
and detention policy, 294, 296	
and legal policy matters, 63–64, 65, 67, 693	
and Libya, 645	
and mandatory military detention, 480	
and Military Commissions Act, 131	
and periodic review boards for terrorism detainees, 509	
and targeted killings, 257, 258	
and Yemeni detainee problem, 147	
Douglas, William O., 135	
Douthat, Ross, 766–67n140	
Drake, Thomas	
FBI’s questioning of, 355–56, 368, 371, 730n38	
indictment against, 350–51, 353, 358, 370–71, 381–82, 408, 729n22	
plea deal of, 383–84	
and Thinthread, 371, 408, 712n26, 730n38	
and Trailblazer whistleblower complaint, 353–54, 355	
as whistleblower, 381–82	
Dream Act, 656, 660	
drone strikes. <i>See also</i> targeted killings	
aid workers killed by, 288	
on Anwar al-Awlaki, 97, 438	
George W. Bush’s use of, 241, 254–55, 272, 281	
CIA drone strikes in Pakistan, 14, 254, 280–81	
CIA drone strikes in Yemen, 281	
on Godane, 278	
and intelligence reports, 280, 288	
and international law, 73	
and legal issues, 273	
and March 13 Standard, 120	
and national security law, 37, 456	
Obama’s continuity with George W. Bush’s national security policy, 47	
Obama’s use of, 35, 242, 244, 272–73, 279–80, 284, 285, 287–88, 293, 394, 395, 444, 456, 464, 470, 640, 648, 691, 696–97	
in Yemen, 272–74, 438	
Drug Enforcement Administration, 600–603, 633, 635, 714n58	
Dunn, Anita, 70	
Durbin, Richard, 222, 578–79	
Durham, John, 144, 146–47, 339, 491, 513, 744n53	
DynCorp International, 18	
Eatinger, Robert, 259, 514	
economy, banking crisis, 24	
Edwards, John, 56	

14 Index

- 01 Egan, Brian, 536, 602, 687
02 Eggleston, Neil, 471, 549, 661, 663, 687
03 Egypt, 635, 638, 676–77
04 Eighth Amendment, 747n99
05 Eisenberg, John, 197, 200, 517
06 Electronic Frontier Foundation, 201, 208,
07 209
08 Electronic Privacy Information Center,
09 737n19
10 Ellis (judge), 731n52
11 Ellsberg, Daniel, 365–66, 375
12 Emanuel, Rahm
13 and George W. Bush torture memos,
14 429
15 Craig’s relationship with, 21, 127
16 and detainee abuse documents, 433
17 and Graham, 297
18 and military commissions, 136–37
19 and Khalid Sheikh Mohammed’s trial,
20 159
21 and signing statements, 670
22 and Uighurs, 127
23 enemy combatants
24 George W. Bush’s designation of, 20,
25 112, 118
26 as status of terrorism suspects, 20,
27 76–77, 83, 154, 282, 507
28 U.S. citizens as, 282, 485–88, 506, 507
29 enemy killed in action, 226, 231
30 Enron, 36
31 Environmental Protection Agency, 451, 660
32 Espionage Act
33 and Assange, 391
34 and Drake, 356, 370, 382, 729n22
history of, 364–68, 729–30n22
and Kim, 397, 412
and Kiriakou, 386, 412
and leak investigations, 363, 377, 379,
410, 731n52
and Manning, 373, 393
and Sachtleben, 406
and Snowden, 402
and Sterling, 380
Estrada, Miguel, 154, 155
European Court of Human Rights, 537
European Union, 682
Evans, Stuart, 607
Eviatar, Daphne, 691
Executive Order 12333
on assassination, 236, 237, 238, 741n102
and bulk collection, 621, 622–23, 626,
756–57n131, 757n135, 757n136
George W. Bush’s modification to, 218,
565, 624, 741n102
rules for intelligence activities, 172, 174,
175, 179, 181, 185, 217–18, 565, 566,
605, 620–25, 711n14, 716n85
executive orders
of Obama, 102–03, 123, 160–61, 330–31,
460, 468, 535, 605, 659–66, 694
presidential departure from, 185
executive power
and George W. Bush, 16, 39–41, 43, 44,
46, 48, 51, 54, 63, 111, 112, 118, 119,
151, 164, 180, 184–85, 187, 191, 192,
234, 239–40, 299, 302–03, 316, 482,
521, 677–78
and George W. Bush’s legal team, 44–47,
63, 164
Cheney on, 39, 41–44, 46, 183
and Congress, 40, 41–42, 43, 46–47, 50,
51, 52, 55, 118, 150, 164, 181, 298–99,
327–28, 460, 478, 481–82, 523
constitutional theories of, 41, 42, 45
and executive branch lawyering, 677–81
and Koh, 73, 239–40
and national security law, 37, 38–39
and Obama, 51, 118–19, 149–50, 151,
250, 282, 297, 298–99, 302–03, 316,
445, 458, 461, 463, 478, 481–82, 521,
522, 523, 655–59, 663, 664–65,
677–81, 761–62n68
and signing statements, 16, 39–41, 55,
57, 327, 481, 535, 668–69
and state secrets privilege, 415–16, 418,
419, 422, 735n2
survey for candidates in election of
2008, 55–57, 450, 631, 633, 638, 653,
668
and war powers, 45, 120, 129
executive privilege. *See also* state secrets
privilege
and George W. Bush’s use of, 424–26, 432
definition of, 425
and executive power, 55, 57
and Holder’s criminal investigation of
torture, 432–35
and Operation Fast and Furious,
448–52
and RDINet, 116, 432

and U.S. attorney firings subpoena, 424–26, 451	and national security law, 36–37	01
EXORD (execute orders), 284	and no-fly list, 737n19	02
Facebook, 569	and Obama’s leak investigations, 361, 368, 369, 371, 375, 376, 377–79, 406, 411–12, 730n38	03
failed states, and warfare, 246, 248	and pre-Miranda questioning of Abdulmutallab, 27, 28, 31–33	04
Farekh, Mohanad Mahmoud al-, 286–87	Prism, 169, 214–15, 557, 558, 582, 621, 713n48, 749n6, 750–51n29, 757n138	05
Farouq, Ahmed, 287–88	and Raw Take rules, 218	06
Federal Aviation Administration, precautions following Abdulmutallab’s suicide bombing attempt, 25	and reports of Northwest Flight 523, 68	07
Federal Bureau of Investigation (FBI)	search of Northwest Flight 253, 26, 31	08
and Abdulmutallab’s family in Nigeria, 81–82, 91	and Stellarwind, 714–15n63	09
and Abdulmutallab’s Miranda warning, 30, 33, 34, 78, 85, 86, 92, 93, 94, 96, 305	and surveillance programs, 167, 171, 188, 205, 213, 435, 566–68, 574, 575, 585, 600–601, 613, 616, 756n122	10
and al-Qaeda in the Arabian Peninsula	terrorist watch lists, 78, 705n9	11
airliner bomb plot, 394–95, 405	and Triangle Terror Group, 281	12
Automated Case Support System, 577–78	and Tamerlan Tsarnaev, 506	13
and Anwar al-Awlaki, 227, 228	and USA Patriot Act, 50–51, 51n, 359, 561	14
Blarney program, 172	wiretapping used by, 171, 566–68	15
and bulk phone records program, 221	Federal Communications Commission, 186, 568	16
and George W. Bush’s leak investigations, 352, 355–56	<i>Federal Register</i> , 667	17
counterterrorism division of, 22–23	Fehrnstrom, Eric, 83	18
and criminal complaints, 254	Feingold, Russ, 59, 222, 579	19
deadly force policy, 744n53	Feinstein, Dianne	20
e-mail records program, 214	on Abdulmutallab, 93	21
Engineering Research Facility, 214	Brennan’s apology to, 515	22
and FISA Amendments Act, 557, 625, 757n138	and detainee abuse documents, 432, 434–35	23
and FISA Court, 172, 189–90, 214, 557–58, 577	and FISA Amendments Act, 559–60, 587, 593	24
Going Dark, 567–71, 609	on leaked top secret documents, 395	25
and Hamidullin’s Miranda warning, 532–33	and Panetta Review files, 513, 514	26
and High-Value Detainee Interrogation Group, 140	Ruemmler’s letter to, 544	27
interrogation of Abdulmutallab, 19, 23, 88, 89–91, 92, 93, 230, 348	and Senate investigation of detainee interrogations, 115–16	28
interrogation practices of, 19, 23, 88, 91, 307, 345	speech on CIA investigation, 514	29
and leak referrals, 386, 732n69	and surveillance programs, 582, 586, 593, 599–600, 603	30
and mandatory military detention, 479, 481	and targeted killings, 454	31
and military commissions, 545	U.S. citizens as enemy combatants, 486	32
Most Wanted list, 287	and USA Freedom Act, 616	S33
	and USA Patriot Act, 436	N34
	fiber-optic cable, 37, 173, 176, 177, 712n23	
	Fifth Amendment, 27, 132, 238, 249, 326, 747n99	

16 Index

- 01 financial crisis of 2008, 83
02 First Amendment
03 and FISA Amendments Act, 556
04 reporters' rights in leak investigations,
05 353, 362, 391, 392, 393, 396–99,
06 402–04, 406
07 reporter's testimonial privilege, 402–05,
08 407, 413–14
09 and targeted killings, 230
10 First Gulf War, 640
11 FISA (Foreign Intelligence Surveillance
12 Act). *See also* FISA Court
13 authority for electronic surveillance
14 letters, 711n21
15 and bulk collection, 219, 621
16 and business records, 50–51, 192–93,
17 197, 198, 205, 219, 221, 223, 580
18 Cheney's opposition to, 183
19 court orders required for wiretapping,
20 13, 48, 53, 54, 164, 172, 176, 181, 182,
21 185, 210, 711n13, 712n23
22 and executive power, 46, 50–51, 56, 175,
23 180
24 interpretation of, 436, 578, 750n21
25 Kris on, 219
26 and minimization, 189
27 pen register/trap and trace program,
28 194, 195, 197, 219, 562
29 reforms to, 174, 605
30 and relevancy, 194, 195, 197, 219, 222,
31 360, 596, 604
32 and Stellarwind, 185, 192–93, 194
33 and USA Patriot Act, 182
34N FISA Amendments Act
and backdoor searches, 625–26
and Congress, 54, 212, 213
expiration of, 626
extension of, 559–60
and Fourth Amendment, 556, 571
individualized FISA Court orders
required by, 212–13
judicial review of, 592, 593
Obama's support for, 58, 214, 555
and Prism, 566, 757n136
and Raw Take, 190, 713n48
reform of, 599, 613, 625, 626
and surveillance programs, 162, 169,
190, 201, 210, 212, 216–17, 220, 221,
555–56, 557, 558, 559, 566, 571–72,
585, 587, 588, 621, 622, 623, 751n39
and upstream Internet surveillance,
208, 558
Yahoo's compliance with, 216
FISA Court
backdoor search issue, 557
civil liberties critique, 206
declassification of precedents, 169
evolution of, 187–90, 199, 203
and foreign intelligence purpose, 557
hidden debate among judges, 203–07
judges selected for, 594–97
jurisdiction of, 176, 178
and Justice Department, 200, 201–02,
208, 715–16n78, 716n79
leaked court order, 168, 399
legal interpretation of, 219–20
and National Security Agency's
expansion of power, 214
National Security Agency's violation of
rules, 165–66, 167, 180, 183–84, 185,
187, 196, 564–65, 566, 750n21
policymaking role of, 199
probable-cause standards, 211
Raw Take, 189–90, 218, 577
reform of, 599, 603, 613, 619
and reinterpretation of facility, 201–02,
204
release of redacted files, 201
Review Court, 188, 204–05, 216, 713n44
roving wiretap authority, 205–07
rule-of-law critique, 206
rules limiting access to data, 165, 167,
173, 181
and Snowden's leaked documents, 359
Sprint's challenge to, 361, 561–62
and standard of suspicion, 754n98
and Stellarwind, 197–202, 205, 596, 610
and surveillance programs, 53–54, 59,
165, 172, 174, 183, 188, 361, 556, 561,
563, 571–72, 573, 577, 581, 582, 593,
602, 604, 713n55
and Thinthread, 178–80, 181, 712n26
and upstream Internet surveillance, 211,
572, 749n6
warrants issued by, 173, 186–87, 192,
203, 204, 205, 212–13, 220–21, 356,
574, 577, 581, 582, 584, 587–88, 594,
605, 612, 694, 711n14, 757n135
Fisher, Alice, 351
Fisher, Lou, 451

Fitton, Tom, 461	
Fitzgerald, Patrick, 366–67, 385	
Fitzpatrick, John P., 467–68	
Flanigan, Timothy, 679	
Flint, Lara, 598, 600, 615, 618, 620	
Fonzone, Chris, 277, 277n	
Ford, Gerald R., 41, 43, 171, 172, 236	
Foreign-Deployed Advisory Support Team (FAST), 633, 635	
Foreign Intelligence Surveillance Act. <i>See</i> FISA (Foreign Intelligence Surveillance Act)	
Foreign Intelligence Surveillance Act (FISA) Amendments Act. <i>See</i> FISA Amendments Act	
Forrest, Katherine, 487–88	
Forsyth, Barton, 598, 600, 613, 618, 620	
Fort Hood shooting of 2009, 228–29, 232, 393, 574	
Fourteenth Amendment, 747n99	
Fourth Amendment	
and Executive Order 12333 surveillance practices, 624	
and FISA, 204	
and FISA Amendments Act, 556, 571	
and surveillance laws, 37	
and surveillance programs, 50, 166, 171, 175, 188, 710n12	
and targeted killings, 238, 239	
and upstream Internet surveillance, 209, 211, 572, 573, 716n90	
Fox, Ben, 503	
Fox News, 375, 376, 378, 397, 407	
France, 138, 682, 759n23	
Frank, Barney, 667–68	
Franken, Al, 755n115	
Franklin, Lawrence, 367	
Freedom of Information Act (FOIA)	
exemptions from, 419, 431, 447	
and <i>Glomar Explorer</i> , 440	
Obama’s executive order on, 419	
Freedom of Information Act lawsuits	
and Anwar al-Awlaki memo, 232, 235, 443, 445, 452–53, 465–66, 469–70, 471	
and detainee abuses, 426, 427, 428, 431	
and FBI deadly force policy, 744n53	
and FISA Court, 211	
and Obama’s White House visitor logs, 460–61	
and Office of Legal Counsel memos, 446, 447, 470, 739n57	01
and prison conditions at Guantánamo, 525	02
and privacy rights, 169	03
and surveillance programs, 191, 196, 201, 208, 461, 577, 589	04
and targeted killings of U.S. citizens, 251, 439, 441, 453–54, 741n102	05
and terror watch-list database, 737n19	06
and USA Patriot Act interpretation, 436–37	07
Fried, Dan, 138, 308–09, 321, 494–95, 504, 508, 511	08
	09
	10
Gadahn, Adam, 287–88	11
Gadhafi, Muammar, 289, 635–37, 639, 640, 641, 644, 650, 759n20, 759n23	12
Gandhi, Mahatma, 692	13
Gang of Eight, 265	14
Gates, Robert	15
and al-Shabaab, 276	16
and bin Laden raid, 260–61, 265, 266	17
on bulk leaks, 374	18
Dover photos of caskets of soldiers, 426	19
and intelligence gathering rules, 217	20
and Libya, 639–40	21
and military commission trials, 315–17, 328, 330	22
and Padilla case, 155	23
on photographs of detainee abuses, 431	24
policy review on military commissions, 102, 113–14, 314	25
and state secrets privilege, 417	26
and Syria, 654	27
and transfer of Guantánamo detainees, 495, 511	28
Gellman, Barton, 168, 402, 582	29
Geneva Conventions	30
and executive powers, 46	31
Geneva Convention Against Torture, 534–35, 536, 537	32
interment of enemy dead, 269	S33
and law-of-war detention, 104, 150	N34
Obama’s campaign speeches on, 52, 56–57	
protection of wartime prisoners, 13, 54, 101, 110, 525, 704n1, 727n49	
Protocol I, 718n8	
Third Geneva Convention, 341	

18 Index

- 01 Gerald R. Ford Presidential Library, 41
02 Germany, 605, 682
03 Gerstein, Josh, 83, 410
04 Ghailani, Ahmed, 20, 325–27, 330, 727n42
05 Ghaith, Abu, 346
06 Ghani, Ashraf, 528
07 Ghul, Hassan, 335–39
08 Gibson, Janine, 582
09 Gingrich, Newt, 127, 281
10 Giuliani, Rudy, 56
11 Giuliano, Mark, 228
12 *Glomar Explorer*, 440
13 Godane, Ahmed Abdi, 275, 276, 278
14 Goldberg, Jonah, 430
15 Goldman, Adam, 405–06
16 Goldsmith, Jack
17 and Addington’s proposals, 44–45
18 on Congress’s war authorization, 688
19 and Islamic State military campaign,
20 689
21 and legality of torture, 539–42, 543,
22 747n99
23 and legalizing bulk data collection,
24 194–95, 219
25 and Libya, 647
26 and Office of Legal Counsel, 426, 438
27 and Stellarwind, 190, 191–93, 194, 213,
28 540, 713n55
29 Golove, David, 632
30 Gonzales, Alberto
31 and executive power, 43, 44
32 Kris’s e-mail to aide of, 49
33 and leak task force, 351
34N and Stellarwind, 190, 197, 200–202, 203,
205
Goodlatte, Bob, 168, 612–13, 616
Google, 214, 557, 565, 568, 569, 621
Gorman, Siobhan, 350, 354
Gorton, Nathaniel, 206
Gorton, Slade, 595
Goss, Peter, 428
Gottesman, Evan, 146
Gottlieb, Michael, 122
Government Accountability Office,
521–22, 745n68
Government Accountability Project, 381
Graham, Lindsey
and Daquduq, 483
and drone strikes, 456, 457
and ending war on terrorism, 684
and high-value terrorist suspects,
339–40, 345
and indefinite detention, 134, 135–36
and Jeh Johnson, 332
and military commissions, 329
and Obama’s detention policy, 297–99,
309
and transfer of Guantánamo detainees,
549
and Dzhokhar Tsarnaev, 506, 507
and U.S. citizens as enemy combatants,
486
Grannis, David, 146
Grassley, Charles, 397, 446, 448–49,
616–17, 661
Greenwald, Glenn, 16, 168, 249, 399–402,
582, 583
Gregory, Noah, 548
Gregory, Rebekah, 548
Gregory, Roger, 405
Grenada, 632, 640
Gross, Rich, 143, 537, 628
Guantánamo Bay Naval Base, Cuba
Afghanistan prisoners detained in, 13
alternatives to, 123, 137–39, 517–18, 529,
552, 554
and Bensayah case, 149–52
and bin Laden, 267
Scott Brown’s visit, 304, 304n
George W. Bush’s detention of Bosnian
terrorism suspects in, 241
George W. Bush’s goals for closure of,
102–03, 551
George W. Bush’s opening of, 119, 551
civil trials for detainees of, 20, 21, 68,
159, 296–97, 325–27, 331
Clinton’s detention of Haitian refugees
at, 72, 119
and code yellow alarm, 492–93
conditional transfers of Yemeni
detainees, 148, 161
Congressional restrictions on transfer
of detainees, 126, 129, 134, 317, 322,
324, 327–29, 330, 492, 493, 502,
504–05, 516, 518, 519, 520–21, 522,
549, 671
costs of, 529
detainees not linked to specific terrorist
plot, 106
detainee task force, 432

force-feeding detainees, 502, 515–17, 525, 528, 746n79	516–21, 522, 523, 526–30, 531, 550, 552, 553, 554, 694	01
and Geneva Convention Against Torture, 537	Uighurs detained in, 15, 126–27, 129, 130, 134, 136, 302, 303	02
habeas corpus rights of detainees, 20, 108, 109, 110, 117, 120, 138, 148, 152, 299–303, 320–24, 485, 709n49, 726n36	U.S. sovereign power over, 109 <i>Guardian</i> , 168, 216, 369, 399–400, 401, 581–82	03
<i>Hamdan</i> decision on protection of detainees, 704n1	Gul, Janat, 541–43	04
hunger strike of detainees, 502–05, 511, 515–16, 517, 525	Gulf Cooperation Council, 552–53	05
indefinite detention of detainees, 47, 62, 103, 117–21, 123, 124, 125, 129, 134–36, 139, 159, 330, 348, 534, 536	Gulf War, 43	06
military commission trials, 14, 20, 21, 113–14, 163, 251–52, 309–11, 488–90	Guttentag, Lucas, 661–62	07
moratorium on repatriation of Yemeni detainees, 80, 96, 104–07, 293, 300, 311–14, 321, 322, 324, 531–32, 690, 746n80	Hadi, Abdo Rabu Mansour, 289, 598	08
and national security law, 37	Hadel, Chuck	09
Obama forbidding new prisoners to, 258, 293, 295, 340, 343, 347, 348, 483, 493, 494, 696	resignation of, 529–30 and transfer of Guantánamo detainees, 511, 516–21, 522, 523, 527–28, 530, 550, 552, 554	10
Obama’s closing detention center, 13, 14, 15, 52, 73, 80, 92, 96, 102, 104, 105, 107, 121, 123, 126–30, 132, 134, 136–37, 160, 161, 267, 297, 300, 303, 304, 308–11, 314–15, 317, 322, 328, 331, 343, 348, 492, 493, 494–95, 501, 503, 504, 505, 508–12, 515, 517, 523, 527, 529, 531, 534, 549–54, 561, 694, 696, 697	Haines, Avril, 156, 283–85, 331, 515, 628, 646, 727n47	11
Obama’s executive order for parole-like hearings of detainees, 330–31	Haiti, 633, 764n110	12
Obama’s interagency task force on detainees, 103, 105, 109, 123	Haitian refugees, 72, 119	13
Obama’s policies toward detainees of, 21–22, 73, 78, 80, 96, 102–03, 107–10, 112–13, 117–21, 123, 133–34, 148–52, 163, 166, 304	Hamdan, Salim, 158, 496–97, 498, 547, 727n42	14
prison conditions, 494, 502–04, 515–16, 517, 523–26	Hamdi, Yasser, 111, 112	15
recidivism rate of detainees, 312, 327, 550–51, 748n122	<i>Hamdi</i> case, 238–39	16
torture of detainees, 106	Hamidullin, Irek, 532–33	17
transfer of detainees from, 148, 160, 161, 300, 309, 312–14, 315, 316, 317, 319–20, 323, 492, 508, 510, 511–12,	Haqqani Network, 532	18
	Harithi, Abu Ali al-, 281	19
	Hasan, Nidal, 228–29	20
	Hathaway, Melissa, 634	21
	Hayden, Caitlin, 581	22
	Hayden, Michael V.	23
	background briefings for reporters, 382, 383	24
	and George W. Bush torture memos, 428	25
	and domestic data collection, 180, 181–82, 184	26
	on national security law, 45–46	27
	Obama voting against confirmation of, 51	28
	and Thinthread, 179, 187	29
	and Trailblazer, 353	30
	and USA Freedom Act, 615, 619, 625	31
	Haynes, Jim, 155	32
	Haynes, William, 318–19	S33
	health-insurance system, Obama’s legislation overhauling, 24, 83	N34
	Heller, Joseph, 622	
	Heller, Kevin Jon, 249	

20 Index

- 01 Heritage, 93
02 Heritage Foundation, 457, 478–79
03 Herring, Jason, 756n121
04 Hersh, Seymour, 722n72
05 Hezbollah, 191, 199, 482
06 Hicks, Kathleen, 525
07 High-Value Detainee Interrogation Group
08 (HIG), 85, 140, 267
09 Hiller, Aaron, 584, 613, 618
10 Hinnen, Todd, 167–68, 220, 222, 342,
11 344–45, 589
12 Hitzelberger, James, 729–30n22
13 Hodgkinson, Sandra, 108, 110
14 Hoekstra, Pete, 94
15 Hogan, Cynthia, 317–18
16 Holder, Eric
17 and Bahlul, 499–500
18 and bin Laden raid, 260
19 and George W. Bush torture memos,
20 428
21 cited for criminal contempt of
22 Congress, 451
23 civil trials for Guantánamo detainees,
24 20–21, 78, 157–58, 297, 326, 385,
25 488, 547
26 civil trials for terrorism suspects, 343
27 classified letter to Democratic senators
28 on bulk phone call records, 80–81,
29 223
30 commitment to rule of law, 67–68, 315
31 and Congressional restriction on
32 transfer of detainees, 327–28
33 criminal investigations on torture and
34N detainee abuses, 20, 144–45, 146, 147,
339, 386, 432–35, 491, 492
and Daqduq, 483
and detainee issues, 112, 117, 147, 166,
167
and Drug Enforcement Administration,
601–03
and habeas corpus cases of
Guantánamo detainees, 301
interagency task for on Guantánamo
detainees, 105
and interrogation practices, 306–07
Justice Department memo on Anwar
al-Awlaki, 239
and leak investigations, 362–64, 367,
370, 381–83, 396–99, 405–07, 408,
409, 411, 413
letter on Abdulmutallab, 79
and Libya, 646
and mandatory military detention, 480
and military commissions, 136, 159,
331–32, 547
and minimum sentencing laws, 659
on Khalid Sheikh Mohammed’s trial,
68, 85, 87, 157, 159–60, 161, 267, 297,
314, 315–17, 327, 331–32
and Northwest Flight 523, 68–69, 75
and Office of Legal Counsel memos, 455
and Operation Fast and Furious,
448–51
resignation of, 452
and Senate investigation of CIA torture,
514
speech at Northwestern University, 443,
471
and state secrets privilege, 417, 418, 420,
422, 424, 737n19
and surveillance program issues, 163,
166, 558, 575–76, 577, 586, 590, 602,
602n, 608
and targeted killings, 438, 441, 442,
455–56, 458, 462–63, 470
and transfer of Guantánamo detainees,
527–28
and upstream Internet surveillance
memos, 558
and USA Freedom Act, 615
and USA Patriot Act, 222, 223, 436, 437,
579, 586
and WikiLeaks, 391
and withholding of Miranda warning
for Abdulmutallab, 32
Holder, Sharon Malone, 68
Holdren, John, 678
Honduras, 633, 672–76
Hoover, J. Edgar, 710n12
House Armed Services Committee, 309,
521
House Foreign Affairs Committee, 646
House Intelligence Committee
and bin Laden, 723n79
and leak investigations, 402
and state secrets privilege, 736n16
and surveillance programs, 222, 579,
584, 612–13
and targeted killings, 287, 445, 454
and USA Patriot Act, 436

House Judiciary Committee, 453, 584, 613	
House Oversight Committee, 448–49	
Houthi rebels, 289	
Howard, Malcolm, 197–98, 202, 203, 204–05, 208, 210, 716n78, 716n79	
Howell, William G., 655	
Hoy, Serena, 762n77	
Huckabee, Mike, 56	
human rights advocates	
and Nasser al-Awlaki’s lawsuit, 416	
and detention issues, 21, 108, 134–35, 331	
and Haitian refugees, 72	
and interrogation and rendition task force, 141	
and Koh, 243, 244–45, 644, 695, 760n35	
and military commission, 124, 125	
and rule of law, 38, 73, 691	
and state secrets privilege, 421	
human rights law, 240, 246, 629, 727n49	
Human Rights Watch, 347	
Huntsman, John, 281	
Hurricane Sandy, 555	
Hussein, Saddam, 43	
immigration, 656, 660–63, 665, 762n77	
imperial presidency, 42, 416, 425, 633, 655	
individual rights	
and civil trials for terrorism suspects, 495	
and collective security, 37, 239, 610	
and criminal justice system, 253	
and criticism of George W. Bush’s national security policy, 48	
and Northwest Airlines Flight 523, 223	
Inhofe, James, 521	
<i>Inspire</i> magazine, 90, 274, 279, 438, 506	
Intelligence Identities Protection Act, 386	
<i>Intercept</i> , 402, 722n72, 737n19	
Internal Revenue Service (IRS), and Tea Party, 396, 397	
international law	
and associated forces, 275	
and George W. Bush’s invasion of Iraq, 72	
and George W. Bush’s use of enemy combatant, 118	
and chemical weapons, 628, 630	
collateral damage defined in, 226, 718n8	
collective self-defense, 686, 765n124	
and cyberwar, 634–35	01
and drone strikes, 73	02
and Geneva Convention Against Torture, 535	03
history of, 37	04
and humanitarian intervention, 629	05
and international armed conflicts, 690, 743n44	06
and law-of-war detention, 103–04, 107, 112, 117, 118–19, 120, 124, 133–34, 135, 149–50, 301	07
and Obama’s intervention in Libya, 636	08
and Obama’s intervention in Syria, 651–52, 653	09
Obama’s support of legal obligations in treatment of detainees, 727n49	10
and reciprocity principle, 499	11
target defined in, 225–26	12
and targeted killings, 232, 233, 239–40, 241, 242, 243, 247–48, 263–64, 720n40	13
and war crimes, 496, 497, 498, 500, 727n42	14
International Monetary Fund, 667, 669, 670, 679	15
Internet	16
backbone routers, 164	17
and bulk leaked documents, 375, 393	18
bulk records programs, 612, 613	19
electronic communications	20
transactional records, 756n122	21
harvesting data from switches, 194, 207, 565	22
and privacy rights, 37, 193, 713–14n55	23
and Raw Take, 713n48	24
Snowden’s conception of, 400, 401	25
and technology companies, 214–16	26
and transit authority, 176	27
upstream surveillance, 207–11, 216, 217, 558, 716n90, 749n6	28
and volume of data, 177, 186	29
wiretapping Internet companies, 566–67, 754n99	30
interrogation practices. <i>See also</i> torture	31
army field manual techniques, 56–57, 140, 142–44, 340, 476, 478, 538	32
attenuation-of-taint doctrine, 344	S33
and George W. Bush’s policies, 163, 242, 335, 477	N34

22 Index

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- interrogation practices (*cont.*)
 - and George W. Bush's state secrets privilege, 416
 - of CIA, 140, 144, 313, 335–39, 386, 387, 427, 428, 431, 538–39
 - enhanced interrogation's legality, 234, 242, 540, 541, 542, 543
 - enhanced-interrogation techniques, 111, 128, 153, 154, 242, 335–36, 338, 428, 429, 430, 476, 478, 512, 538, 539, 540, 542–43, 747n99
 - of Federal Bureau of Investigation, 19, 23, 88, 91, 307
 - internal review of, 96
 - and Miranda warning, 306–07, 340, 347, 475
 - and national security policies, 54, 56–57, 76
 - and Obama's detention policy, 307, 344, 346, 347, 348, 697
 - Obama's executive order restricting techniques, 102
 - Obama's interagency task force on, 103, 123, 140–44
 - Obama's release of George W. Bush-era interrogation memo, 389, 427–28, 430–31, 448
 - Romney's interrogation memo, 476–78
 - iPhone operating system, 570
 - Iran
 - and Islamic State, 523
 - and leaked classified intelligence, 367, 369, 395, 409
 - nuclear program, 553, 633, 634, 682–83
 - Operation Merlin, 352
 - Operation Olympic Games, 395, 633–34, 635
 - operative of government, 199
 - as state sponsor of terrorism, 298
 - and Syria, 630
 - Iran-contra scandal, 43, 44, 760n35
 - Iran hostages rescue, 261
 - Iraq
 - Abu Ghraib prison, 39, 132, 539
 - al-Qaeda affiliate in, 343
 - George W. Bush's agreement on disposition of wartime prisoners, 482, 484
 - George W. Bush's invasion of, 61, 72, 631, 687
 - George W. Bush's status-of-forces agreement with, 682
 - and Daquduq, 482–85
 - and Dover photos of caskets of soldiers, 426
 - and Gulf War, 43
 - intelligence service of, 191
 - Karbala raid, 483
 - military detention camps in, 294, 482
 - Obama's air strikes targeting Islamic State, 534, 686, 688–89, 765n124
 - Obama winding down war in, 24, 482, 484
 - photographs of detainee abuses, 431
 - weapons of mass destruction in, 24, 366, 631
 - Iraq War, 374, 482, 484, 523, 530, 631, 640, 684, 687–88
 - Ireland, and repatriation of detainees, 138
 - Isikoff, Mike, 356, 453–54, 470
 - Islam, interment of dead, 269–70
 - Islamic State
 - and Libya, 289
 - and Obama's air strikes in Iraq, 534, 686, 687, 688–89
 - Obama's Authorization for Use of Military Force proposal, 697
 - rise of, 610, 690, 698
 - taking Sunni territory in Iraq, 523, 682, 685
 - and USA Freedom Act, 615, 619, 756n119
 - videos of beheadings of American journalists, 523
 - Islamist groups, and associated force concept, 192, 274, 275
 - Israel
 - and Egypt, 676
 - joint covert operation with U.S., 395, 409
 - and passports, 671–72
 - and Syria, 630, 761n53
 - U.S. support of, 12
 - Israeli-Palestinian conflict, 368, 369
 - Issa, Darrell, 448, 449, 451, 452
 - Italy, and repatriation of detainees, 138
 - Jackson, Amy Berman, 451–52
 - Jackson, Robert, 193–94
 - Jacobsohn, Robin, 510

Jaffer, Jameel, 418, 462, 471, 555–56, 741n102	
Japanese Americans, internment during World War II, 135	
Jeffress, Amy, 117, 120, 427	
Jodice, Ralph, 640	
Joel, Alex, 576	
Johnsen, Dawn, 235, 438, 719n27	
Johnson, Jeh	
and Abdulmutallab, 78	
and al-Shabaab, 276–79	
annual dinner of, 332–34	
and associated force concept, 275	
and Anwar al-Awlaki, 233–34, 249, 280	
and bin Laden raid, 262, 263–66, 270	
and civil trials for terrorism suspects, 330	
Code Pink’s protest, 244	
and cruise-missile strikes, 225, 226	
and detention policy, 341–42	
and detention-policy task force, 130	
on ending of war on terrorism, 683–84	
and executive power, 149–50	
as Homeland Security secretary, 527, 571	
and Khadr, 318	
and Koh, 72–73, 149, 276–78, 323, 330, 341–42, 497	
and law of armed conflict, 246	
and Libya, 634–44, 646	
and mandatory military detention, 479–80	
and Manning, 373	
and material support as offense, 496–97	
and military commissions, 113, 114, 333, 334	
and 9/11 trial, 489	
and Northwest Flight 523, 71	
and Obama’s presidential campaign, 52–53, 56	
and Padilla case, 154, 155	
as Pentagon general counsel, 71, 498, 514, 525	
speech at Heritage Foundation, 478–79	
speech at Yale Law School, 442–43	
on state secrets privilege, 417, 423	
and Syria, 628	
and targeted killings, 257–58, 441, 442–43, 462–63	
and unable or unwilling exception to sovereignty issue, 263–64	01
and U.S. citizens as enemy combatants, 487–89	02
Joint Chiefs of Staff	03
and after-action reviews, 122	04
and al-Shabaab, 276	05
and interagency national security lawyers group, 64	06
and interrogation practices, 143	07
and Syria, 628	08
Joint Special Operations Command	09
and Anwar al-Awlaki, 231	10
and Bagram’s temporary screening facility, 107–08, 295	11
and bin Laden raid, 262, 266	12
and FAST units, 633	13
and Jeh Johnson, 71, 276	14
and McRaven, 262, 266, 339	15
and targeted killings, 71, 231, 238, 272, 276, 280, 285	16
Jones, Dan, 146, 512–13	17
Jones, James, 296, 303, 309, 314, 595	18
Jones, Nate, 294–95, 305, 444, 569	19
Joyce, Sean, 578	20
Judicial Watch, 460–61	21
judiciary	22
and executive power, 41, 42, 43, 46, 50, 51, 119, 416, 735n2	23
and executive privilege, 451–52	24
and surveillance laws, 54	25
Justice Department. <i>See also</i> Office of Legal Counsel	26
Abdulmutallab in custody of, 78, 79	27
Abdulmutallab’s testimony for, 89–91	28
and Alhag, 320, 321, 322, 726n36	29
Anwar al-Awlaki memos, 233–39, 249–52, 465–66, 467, 469–70, 741n102	30
and Nasser al-Awlaki’s lawsuit, 290, 415–18, 736n6	31
and Bahlul, 498, 500	32
and Brennan, 95	S33
and George W. Bush’s executive privilege, 424	N34
and George W. Bush’s interrogation memos, 426–27	
George W. Bush’s leak investigations, 351–58, 363, 366–67, 381	

24 Index

- 01 Justice Department (*cont.*)
02 and George W. Bush's national security
03 policy, 64
04 and George W. Bush's recess
05 appointments, 446
06 and George W. Bush's state secrets
07 privilege, 422
08 and George W. Bush's torture policy,
09 121–22, 144, 539, 543
10 and George W. Bush torture memos,
11 428, 429
12 and CIA detention and interrogation,
13 115, 116
14 CIA torture techniques used under
15 George W. Bush, 20, 121, 147
16 counterespionage section of, 351, 357,
17 375, 378
18 death penalty procedures, 423
19 detainee abuse case, 431
20 and detention cases, 300
21 and detention issues, 138–39
22 draft criminal complaint against Anwar
23 al-Awlaki, 252–53
24 Drake case, 350–51, 383, 384
25 Drug Enforcement Administration,
26 600–603, 714n58
27 and evidence from warrantless
28 surveillance, 586–87
29 and executive branch memos, 740n85
30 and Executive Order 12333, 624–25
31 first memo on Anwar al-Awlaki, 233–39,
32 249
33S and FISA Amendments Act, 558, 559,
34N 560
and FISA Court, 200, 201–04, 206, 208,
557, 562, 564, 571–72, 588, 589, 593,
597, 599, 715–16n78, 716n79
on habeas corpus lawsuits of Bagram
detainees, 109
on habeas corpus lawsuits of
Guantánamo detainees, 301
and Haitian refugees, 119
and Hamidullin, 533
intelligence gathering rules, 217
intelligence oversight office, 179
and Latif, 324
and Libya, 646
and military commissions, 125, 498
and Khalid Sheikh Mohammed's trial,
314, 317, 385
and moratorium on repatriation of
Yemeni detainees, 311, 312
and National Counterterrorism Center,
190
and National Security Agency's
surveillance programs, 182, 183,
184–85, 187–88, 193, 200–202
and National Security Agency's
violation of FISA Court rules, 165,
167
National Security Division, 32, 48–49,
123, 167, 200, 205, 253, 357, 368, 385,
479, 564, 572, 587, 588–92, 607, 694
1990 memo on FISA, 174
and Nixon's use of Espionage Act,
365–66
and Obama's executive privilege,
448–52
Obama's indefinite detention policy,
117–20
Obama's leak investigations, 351,
358–63, 368–70, 380–83, 398, 406,
407, 408, 409, 412, 414, 729n17
Obama's policymaking team, 78
and Obama's state secrets privilege, 14,
415–18, 420–24, 736n16
and Odaini, 313, 321
Office of Information Policy, 454
and Office of Legal Counsel memos, 447
Office of Legislative Affairs, 221
Office of Professional Responsibility,
145, 157
and Operation Fast and Furious,
448–51
and Padilla case, 154, 155, 156, 157
and periodic review boards for
terrorism detainees, 510
and Reagan's use of Espionage Act, 366
second memo on Anwar al-Awlaki,
249–52
and Senate investigation of CIA, 514
and Stellarwind, 192, 194, 196,
715–16n78
and Syria, 628
and targeted killings, 439–40, 442–43,
445, 453–545, 462, 741n102
telephone records subpoenaed by, 97
and Thinthread, 354
threat assessments, 715n63
torture law interpretation, 39, 121

Index 25

and transfer of Guantánamo detainee, 521–22
and transfer restrictions, 328, 511
and U.S. attorney firings, 425
and U.S. citizens as enemy combatants, 487–88
and USA Patriot Act, 579, 580
and Warsame, 342, 343, 345
white paper on targeted killings, 247, 453–54, 469, 470, 471
and WikiLeaks, 391, 392

Kagan, Elena, 154, 155, 324
Kaplan, Lewis, 325–27
Karzai, Hamid, 530, 531
Katyal, Neal, 109–10, 302, 324, 420
Kavanaugh, Brett, 497
Kayani, Ashfaq Parvez, 256
Kayyem, Juliette, 70
Kazen, George, 206
Keane, Tom, 122
Kelley, David, 356–57
Kelly, John, 503, 504, 525–26
Kelly, Ray, 87
Kennedy, Henry, 311–14, 320–24, 726n36
Kennedy, John F., 66–67
Kennedy, Ted, 53, 76, 82, 297
Kerry, Cameron, 569
Kerry, John
 and Egypt, 676
 on leaked top secret documents, 395
 on Libya, 637, 641
 and transfer of Guantánamo detainee, 511, 518, 527–28
 and Wolosky, 553
Kessler, Gladys, 152, 515–17, 528, 746n79
Khadr, Omar, 251–52, 309–10, 317–19, 747n90
Khan, Samir, 90, 279, 289, 438, 444
Khattala, Ahmed Abu, 346
Khorasan Group, 686
Khost, Afghanistan, suicide bomber attack
 on CIA base, 70
Kim, Stephen J., 376–78, 397, 412, 731n49
King, Martin Luther, Jr., 171, 692
Kiriakou, John, 384, 386–89, 410, 412, 430
Klaidman, Daniel, 88, 276, 441
Klein, Ezra, 665
Klingler, Richard, 155
Kneedler, Ed, 155, 156, 324
Koeltl, John, 556–57
Koh, Harold
 and al-Shabaab, 275–79
 and bin Laden raid, 259
 on George W. Bush’s torture policy, 242
 and civil trials for terrorism suspects, 87, 298–99, 310, 329–30
 criticism from human rights advocates, 244–45
 on delay of hearings for terrorism suspects, 306
 and Dellinger, 764n110
 and detention policy, 341–42
 on ending war on terrorism, 684
 on evidence obtained by torture, 321, 510
 and executive power, 73, 239–40, 298–99, 522, 648, 760n35
 Geneva Convention Against Torture memo, 535
 and Haines, 283, 727n47
 and Honduras, 673–76
 and indefinite detention, 119–20, 134–36, 149, 150, 298
 and Jeh Johnson, 72–73, 149, 276–78, 323, 330, 341–42, 497
 and Khadr, 319
 and Libya, 643, 644–49
 and military commissions, 136, 310–11, 497, 498, 499
 nomination and confirmation for State Department position, 119–20, 708n27
 and Northwest Flight 523, 71–72, 73
 on pendulum of U.S. policy, 695, 698
 on security state, 695
 speech at American Society of International Law, 239–40, 243, 244, 245, 246
 speech at Fort Meade, 634–35
 on state secrets privilege, 416, 417
 and Syria, 628
 on targeted killings, 240, 242, 243, 244, 245, 246, 441
 and Tye, 620
 and Yale Law School, 239, 242, 285, 760n35
Koh, Mary-Christy, 72
Kohlenberger, Jim, 569

26 Index

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- Kollar-Kotelly, Colleen
as FISA Court judge, 188–89, 202, 206,
210, 562, 564, 596, 714n58
and Justice Department, 202, 204
and Kim case, 731n49
and Raw Take, 190
and Stellarwind, 189, 194–95, 716n78
and stretched relevance theory, 194,
195, 197, 596
- Korean War, 42, 185, 193, 632
- Kosovo, 629, 630, 640, 644, 651, 653
- Krass, Caroline
and Anwar al-Awlaki memo, 466
and bin Laden raid, 259
and detainee issues, 107
on diplomats, 678
and Haines, 727n49
on Libya, 637–38, 641, 643–44, 646,
758–59n20, 764n110
as nominee for general counsel of CIA,
264–65, 513, 514, 522
and Office of Legal Counsel, 637,
716n82, 727n47
and surveillance programs, 162, 195,
197, 200
- Kris, David
and Abdulmutallab, 78–79
and James Baker, 717n107
criticism of George W. Bush’s national
security policy, 48–49, 219
and Daskal, 494
and detention-policy task force, 130
on FISA provisions, 219
on Fort Hood shooting, 229
Hinnen as acting replacement for, 342
and interrogation and rendition task
force, 140
and leak investigations, 367, 368
and Lever, 32
and material support as offense, 496–97
and Northwest Flight 523, 68–69
and rights of terrorism suspects, 305
and Stellarwind, 218–21
and surveillance programs, 589
and USA Patriot Act, 219, 221–22
- Kris, Jody, 68
- Kucinich, Dennis, 638, 646–47, 649
- Kurtzberg, Joel, 371, 413–14
- Kuwait, 43, 553
- Kuwaiti, Abu Ahmed al-, 335–39
- LaBolt, Ben, 75
- Laboy, Suzette, 503
- Lamberth, Royce, 188–89, 219, 407, 690
- Lamo, Adrian, 372–73
- Latif, Adnan, 314, 323–24, 492–93, 502, 524
- Lawless (FBI agent), 730n38
- law-of-war detention
and Guantánamo detainees, 133–34, 135
and habeas corpus cases of
Guantánamo detainees, 301, 320
indefinite detention, 112, 298, 330, 341,
342, 485, 691, 766n137
intermediate term, 295
and military commissions, 124
of 9/11 defendants if acquitted, 157–58
Obama’s approach to, 151, 295, 304
and Olsen’s detainee-review report, 161
and periodic review boards, 330–31,
509, 691
and supporters versus members of
al-Qaeda, 149–50
terrorism suspects subject to, 103–04,
107, 117, 118–19, 120, 506, 507
and U.S. citizens as enemy combatants,
485–88
- Lawton, Mary, 174
- Leahy, Patrick
and DeRosa, 59, 212
and FISA Amendments Act, 214
and Obama’s state secrets privilege, 423
and surveillance programs, 586, 598–
600, 614–16, 617, 619
and targeted killings, 440–41, 455
and USA Freedom Act, 615–16, 617, 619
and USA Patriot Act, 578–79, 599
- leaked top secret documents
and al-Qaeda in the Arabian Peninsula
airliner bomb plot, 394–95, 396,
405–06
- bulk disclosures, 363, 373–75, 377, 391,
393, 399
- George W. Bush’s memorandum of
notification on al-Qaeda, 237
- George W. Bush torture memos, 234,
438
- dossier on Alhag, 320
- dossier on Odaini, 313, 320
- FISA Court order, 168, 399
- Justice Department’s criminal
crackdown on, 350–51

Justice Department white paper on targeted killings, 247	
<i>New York Times</i> publishing online, 392	
Obama's policy on, 464–65	
and Obama's re-election campaign, 394–96	
and Obama's surveillance programs, 162, 168	
Pakistan diplomatic files, 260	
penalties for leakers, 616	
Pentagon Papers, 366, 375	
Snowden's leaks about surveillance programs, 169, 174, 176, 186, 189, 195, 198, 201, 207, 209, 220, 359, 360, 361, 362, 377, 400–402, 435, 461, 560, 567, 570, 571, 573, 575, 583, 586–87, 593–94, 597, 599, 600–605, 609, 611, 616, 620, 621, 624, 625, 626	
and Stellarwind, 191, 195	
Yemen diplomatic cable, 224, 232, 736n6	
leak investigations	
George W. Bush's leak investigations, 351–58, 363, 366–67, 368, 381, 385, 391, 414	
cases not resulting in charges, 406–10	
Drake case, 370–71, 381–83	
First Amendment rights of reporters, 362, 392, 393, 396–99, 402–04, 406, 413–14	
Kim case, 376–78, 397, 412	
Kiriakou case, 384, 386–89, 412	
leaking equated with treason, 362, 363, 393	
leak referrals, 363, 377–78, 386, 732n69	
Leibowitz case, 368–70, 375	
Manning case, 371–73, 374, 377, 391–93	
Obama's leak investigations, 350–51, 358–64, 368–73, 377, 387, 389, 390, 396, 397, 406–12, 464, 465, 697, 729n17	
Petraeus case, 410–12	
reporters as criminal coconspirators, 362	
role of technology in, 377–79, 406	
Sachtleben case, 405–06	
Sterling case, 380–81, 413–14	
treatment of officials suspected of leaking, 358–59, 364–67, 370, 376–77, 408–12, 465	
Lederman, Marty	01
and George W. Bush torture memos, 427, 428	02
and detainee issues, 107, 109, 117–20, 149–50	03
and military commissions, 544	04
and Obama's transition legal-policy team, 102	05
and signing statements, 669	06
and targeted killing of U.S. citizens, 234–39, 249–52, 439, 470	07
Ledgett, Rick, 602	08
Lee, Mike, 457, 486, 617, 755n115	09
Leibowitz, Shamai, 368–70, 375	10
Leiter, Michael	
and Abdulmutallab, 23–24, 25, 28, 85	11
on Anwar al-Awlaki, 232	12
and bin Laden raid, 260	13
on Obama's counterterrorism policy, 95–96	14
and surveillance programs, 573–74	15
on Yemen, 224	16
Lemon, Mike, 756n121	17
Leon, Richard, 596, 754n90	18
Leonard, J. William, 468	19
Leonhart, Michelle, 601	20
Leopold, Jason, 453–54, 470	21
Letter, Douglas, 420	22
Lever, Sharon, 32–33, 86	23
Levin, Carl, 53, 133, 309, 478–79, 507, 544	24
Levin, Daniel, 184, 542–43	25
Levine, Mike, 407	26
Levine, Peter, 133, 480	27
Lewinsky, Monica, 14	28
Lewis, Paul, 511–12, 516	29
Libby, I. Lewis "Scooter", 367	30
liberals	
on Brennan, 29	31
on George W. Bush's historical accountability for torture, 122	32
calls for investigation of George W. Bush policies, 20	S33
and changes of Obama's policy compared to George W. Bush's policy, 17	N34
and detainee issues, 21	
and Libya, 647–48	
and military commissions, 547	
and Obama's detention policy, 347	
on Obama's drone strikes, 244	
and Obama's leak investigations, 382	

- 01 liberals (*cont.*)
 02 on Obama's rhetoric and actions, 128
 03 and Obama's signing statements, 671
 04 and retroactive immunity for
 05 telecommunications companies, 58
 06 and surveillance programs, 561
 07 on torture, 388
 08 and war on terrorism, 60, 62
 09 Liberty Crossing, 25, 28, 32
 10 Libi, Abu Anas al-, 346, 550, 551
 11 Libi, Abu Faraj al-, 335, 336–38
 12 Libya
 13 lack of Congressional support for,
 14 641–43, 646–49
 15 and NATO, 289, 636, 639, 640, 642, 644,
 16 649, 650, 651, 759n20, 759n23
 17 not-hostilities theory for, 645–49
 18 and Obama's air strikes, 248, 259, 289,
 19 460, 630, 635–40, 643, 644–46, 649,
 20 666, 764n110
 21 and United Nations no-fly zone, 636
 22 Lichtblau, Eric, 196, 352, 355, 356–57,
 23 408
 24 Lietzau, Bill, 303–05, 304n, 509–10, 511,
 25 525, 531
 26 Limbaugh, Rush, 388
 27 Liotta, Alan, 148, 511, 531
 28 Liptak, Adam, 590
 29 Litt, Bob
 30 and Alhag, 321–22
 31 and leak investigations, 369–70
 32 and Northwest Flight 523, 69
 33 and state secrets privilege, 417
 34N and surveillance programs, 168, 562,
 575, 576, 581–82, 590, 613, 615
 and targeted killings, 441
 Litt, Deborah, 69
 Lofgren, Zoe, 626
 Longenecker, Julia, 30–31
Long War Journal, 230
 Loomis, Ed, 178, 181
 Lo Porto, Giovanni, 288
 Lowell, Abbe, 376–77, 412
 Lucas, David, 484–85
 Lugar, Richard, 637
 Lute, Jane, 574–76
 Lynch, Caroline, 613, 618, 756n121
 Lynch, Gerard, 617
 Lynch, Loretta, 590
 Lynn, William, 137
 MacAskill, Ewen, 400–401
 MacBride, Neil, 590–91
 McCain, John
 on Abdulmutallab's Miranda warning,
 86
 and alternatives to Guantánamo, 137
 on drone strikes, 457–58
 and executive power, 56
 and Libya, 641, 759n30
 and mandatory military detention,
 478–79
 on Obama's re-election campaign, 396
 and Petraeus leak investigation, 411
 on torture, 39, 40, 103, 136, 535
 and transfer of Guantánamo detainees,
 549–50, 553, 554
 and Dzhokhar Tsarnaev, 506
 and War Powers Resolution, 759n30
 McChrystal, Stanley, 333
 McClatchy, [first name?], 394
 McConnell, Mike, 211
 McConnell, Mitch, 86, 88, 93–94, 343,
 616–18, 643, 759n30
 McCord, Michael, 745n68
 McCraw, David, 169, 447
 MacDonald, Bruce, 132, 333, 500
 McDonough, Denis
 and George W. Bush torture memos,
 429
 as chief of staff, 15
 and civil trials for terrorism suspects,
 330
 and James Cole, 345
 and congressional authorization, 653
 and Daqduq, 483
 and detainee abuse documents, 433
 and Hadi, 598
 and Libya, 642–43
 and Obama's campaign speeches, 52–53
 and Syria, 650, 653
 and targeted killings, 441
 and USA Patriot Act, 586
 McGurn, William, 242
 Machen, Ronald, 396
 McJunkin, Jim, 22–23, 27, 28, 31, 32, 33, 86,
 92
 McKeon, Brian, 550–52
 McKeon, Buck, 521
 McLaughlin, Mary, 577, 594, 595, 753n69
 McLeod, Mary, 535–37, 676

McMahon, Colleen, 442–43, 452–53, 463	
McQuade, Barbara, 590–91	
McRaven, William, 262, 265–66, 268, 339–40, 345	
Maliki, Nouri al-, 483, 485	
Malinowski, Tom, 347, 537	
Manning, Bradley (Chelsea), 371–73, 374, 377, 391–93, 736n6	
March 13 Standard, 120–21, 134, 138–39, 149, 283, 295, 312, 485, 487	
Margolis, David, 145, 157, 744n53	
Marri, Ali Saleh Kahlah al-, 111, 112, 113	
Martin, Kate, 59	
Martins, Mark	
and Bahlul, 498–501	
as chief prosecutor of Office of Military Commissions, 334, 533	
and Daqduq, 485	
declassification of CIA interrogation technique details, 544–45	
and detention-policy task force, 123, 125, 130, 294, 333, 494, 532	
and Hamidullin, 532–33	
and military commissions, 125, 131, 132–33, 333–34, 483, 489, 499, 533, 544–46, 549	
and NATO Rule of Law Field Support Mission, 334	
and 9/11 military commission trial, 489	
Mason, Lamare, 18	
Massie, Thomas, 626	
Massimino, Elisa, 244–45, 331	
Mayer, Jane, 14, 381–82	
MCI, 186, 609	
media-shield law, 363, 364, 399	
Medine, David, 754n92	
Meese, Edwin, 112, 175	
Meltzer, Daniel, 102, 297, 428, 669–70, 766n137	
Merkel, Angela, 605	
Microsoft, 215, 557, 566	
Miers, Harriet, 424	
Mikva, Abner, 122	
military commissions. <i>See also</i> Office of Military Commissions	
and George W. Bush’s national security policy, 56, 64, 69, 101, 106, 110, 125, 303, 318, 489	
civil trials compared to, 326–27, 349, 495–96, 547–48, 727n42	
conspiracy as triable offense for, 498, 500	01
costs of, 546	02
and declassification of CIA interrogation methods, 544–45	03
evidence accepted by, 326, 498	04
and executive power, 46–47, 56	05
failure of, 549	06
and gag rule on CIA torture, 544	07
Graham’s support for, 298	07
and hearsay evidence, 158, 159	08
and Jeh Johnson, 113, 114, 333	08
jurisdiction of, 319	09
material support as offense, 496–98, 546	10
and Abd al-Nashiri’s trial, 157, 158–59	10
Obama’s continuity with George W. Bush’s national security policy, 47, 62, 77, 113–14, 123, 125, 127, 129	11
and Obama’s detention-policy task force, 123–26, 130, 136	12
Obama’s reforms of, 125, 130–33, 159, 161, 163, 251–52, 309–11, 318, 489, 547	13
pretrial hearings, 546, 547	14
principals committee meeting on, 124, 124n	15
prosecutors for, 333–34	16
red-light incident, 501–02	17
rules and procedures for, 546	18
for terrorism suspects, 46, 135–36	19
and trials for Guantánamo detainees, 14, 20, 21, 314, 315, 316–17, 495–96, 546–47	20
and war crimes, 496, 497	21
and Warsame, 342	22
Military Commissions Act (2006), 52, 53, 54, 125, 318, 496, 546	23
Military Commissions Act (2009), 131, 133, 343, 497, 498	24
Millennium Challenge Corporation, 673, 674–75, 676	25
Miller, Judith, 367	26
Miller, Matthew, 362, 407, 418	27
Mills, Cheryl, 675	28
<i>Miranda v. Arizona</i> (1966), 27	29
Miranda warning	30
for Abdulmutallab, 30, 33, 34, 78, 85, 86, 92, 93, 94, 96, 305	31
for Hamidullin, 532–33	32
and interrogation practices, 306–07, 340, 347, 475	S33
	N34

30 Index

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- Miranda warning (*cont.*)
 pre-Miranda questioning of
 Abdulmutallab, 27, 28, 31–33, 88, 348
 presentment hearings exception to,
 306–07
 public-safety exception to, 27, 28, 31–33,
 305–06, 307
 for terrorism suspects, 84–86, 131, 140,
 305–08, 340, 347, 475
 for Dzhokhar Tsarnaev, 505
 for Warsame, 345, 347
Mitchell, Andrea, 582–83
Modirzadeh, Naz K., 247–48
Mohammad, Jude Kenan, 281
Mohammed, Khalid Sheikh (KSM)
 civil trial for, 20, 21, 68, 76, 77, 85, 87, 92,
 125, 136, 137, 157–60, 161, 267, 293,
 297, 299, 310, 314–17, 327, 329, 331,
 548
 conspiracy charge against, 500
 in Guantánamo prison, 524
 interrogation of, 335, 336, 337–38, 430,
 537
 and al-Marri, 113
 military commission for, 298, 331–32,
 333, 385, 488–89
 Nevin’s defense of, 501
 pretrial hearings in death-penalty case
 against, 102
Monaco, Lisa
 and Bahlul, 498
 and George W. Bush torture memos,
 427
 and closing of Guantánamo, 511, 554
 Disclosures Action Tracker, 623
 and mandatory military detention, 479,
 480, 481
 and military commissions, 499
 and Obama’s state secrets privilege, 421
 office of, 697
 and role of law in policymaking, 65–66
 and surveillance programs, 572, 577,
 584, 589, 602, 604, 606–08, 694
 and targeted killings, 283
 and transfer of Guantánamo detainees,
 518
Morison, Samuel Loring, 366, 731n49
Morrell, Michael, 754n88
Morrison, Trevor, 124, 669, 681
Morsi, Mohamed, 676
Moss, Ian, 511
Moss, Randolph, 641
Moynihan, Daniel Patrick, 366
Mueller, Robert
 and Abdulmutallab case, 23, 93
 Arena as counterterrorism aide to, 22
 and bin Laden raid, 260
 and Going Dark, 569, 570
 and mandatory military detention,
 480–81
 and Lisa Monaco, 421
 as Obama’s FBI director, 163
 and Senate Select Committee on
 Intelligence’s oversight hearing, 580
 and Stellarwind, 191, 195
 and surveillance programs, 184, 195
Mujica, José, 516, 523, 746n82
Mukasey, Michael, 144, 217, 332, 333,
 335–37, 339, 388, 615
Mullen, Mike, 122, 256, 266, 268, 271, 374
Muller, Scott, 747n103
Mumbai terrorist attacks of 2008, 229
Murphy, John F., 318, 319, 333
Musharraf, Pervez, 255
Muslim Americans
 bombing plots of, 220, 229
 FBI surveillance of, 229
Nabhan, Saleh Ali Saleh, 275
Nabors, Rob, 669–70
Nacchio, Joe, 712n23
Nadler, Jerrold, 423, 584, 612–13, 639
Napolitano, Janet, 75, 77, 85, 316, 441
Nashiri, Abd al-, 21, 77, 157, 158–59, 310,
 330, 545
National Archives, Obama’s 2009 speech
 at, 61–62, 126, 127, 128, 134, 139, 315,
 316, 517
National Counterterrorism Center
 databases for analysis of terrorism
 suspects, 96–97, 573–78
 dossiers for periodic review of terrorism
 detainees, 510
 and FISA Court, 190
 founding of, 573
 Leiter as director of, 23–24, 25, 96, 573–74
 Olsen as director of, 510, 573
 and surveillance programs, 167, 195,
 573–75
 and targeted killings, 282

teleconference on Abdulmutallab, 28, 29, 33	562–64, 578, 580–86, 593, 596, 598, 599, 600–603, 604, 605–08, 617–18, 624, 694, 749n16, 754n98	01
Tenet as director of, 29		02
National Defense Authorization Act (2011), 327–28, 478–82, 485–88, 549	signal intelligence operations, 179, 218	03
National Defense University, 284, 463, 508, 510, 531, 684	Special Source Operations, 184	04
National Insider Threat Policy, 393–94	Stormbrew, 186	05
National Intelligence Estimate, 212	Thinthread, 178–80, 181, 182, 187, 353, 354, 371, 408, 712n26, 730n38	06
<i>National Review</i> , 430	Trailblazer, 187, 353–54	07
National Security Agency. <i>See also</i>	and transit authority, 174–77, 181, 186, 213, 214, 217, 609–10, 626, 712n23, 755n108	08
Stellarwind; surveillance programs	and Tsarnaev brothers, 506	09
and Abdulmutallab, 28, 30, 88, 229–30	and upstream Internet surveillance, 558, 572, 573	10
and alert-list, 165, 167	violation of FISA Court rules, 165–66, 167, 180, 183–84, 185, 187–88, 196, 461, 750n21	11
and Anwar al-Awlaki, 229–30, 736n6	warrantless surveillance program of, 14, 41, 48, 50, 51, 57, 164, 187–88, 196, 197, 199–202, 220, 351, 352–53, 354, 355, 408, 555–60, 574, 585, 586–93, 712n23, 736n5	12
black budget, 169–70, 184	whistleblowers, 180, 353–54, 355, 356–57, 712n26	13
Blarney program, 172	and wiretapping Internet companies, 567	14
bulk e-mail records program, 167, 168, 169, 177, 182, 186, 191, 192, 193, 194–95, 197, 198–99, 207–11, 220, 223, 561, 564–66, 578, 596, 713–14n55, 716n85	wiretapping used by, 13, 41, 164, 173	15
and cyberweapons, 633–34	XKEYSCORE system, 761n85	16
data-collection activities of, 164, 177–80	National Security Council	17
and data processing speed, 177–78	and after-action review, 122–23	18
declassification of directives, 169	Anwar al-Awlaki on CIA's kill-or-capture list, 249, 272	19
domestic metadata collected by, 164–65, 178–82, 184, 186, 187, 192, 561, 564, 565, 566, 572, 573, 600, 607, 621, 696, 750n21, 750–51n29, 751n39, 751n41	and civil trials for Guantánamo detainees, 87	20
and Drake, 350, 353–54, 355, 383	decision-making process of, 63–64, 65, 67, 693–94	21
and Executive Order 12333, 172, 174, 625, 711n14, 757n136	DeRosa as Obama's top lawyer for, 49, 69, 162, 212	22
and executive power, 42, 180, 182–83, 187	and detainee issues, 107	23
expansion of power, 213, 214, 557–58, 563–64, 717n96	and interagency national security lawyers group, 64, 65	24
Fairview, 173	and Libya, 259, 641	25
IG report, 186	and military commissions, 309–10, 533	26
leak by former contractor, 81	and Obama's closing of Guantánamo, 529	27
litigation against, 50	and Obama's detention policy, 295	28
Multi-Communication Transactions, 751n41	and Obama's state secrets privilege, 423	29
Prism, 169, 214–17, 557, 566, 621, 713n48, 749n6	and surveillance programs, 581	30
and Raw Take rules, 218, 577	and Syria, 628, 650, 652	31
secret bulk phone records program, 21, 51n, 80–81, 162, 164–67, 168, 169, 172, 186, 187, 192, 193, 196–99, 201–02, 203, 205–06, 207, 209, 220, 221, 222, 223, 336, 359, 399–400, 435, 561,	and transfer of Guantánamo detainees, 554	32

32 Index

- 01 national security law
02 and George W. Bush's legal team, 44–47
03 development of, 36–37, 54, 69, 254
04 and executive power, 37, 38–39
05 issues of, 37–39, 456
06 and Romney, 281–82, 475–77, 483–84,
07 580
08 and West Point Group, 264
09 national security policies
10 of George W. Bush, 13, 35, 43, 54, 63–64,
11 72, 101, 163, 539
12 changes of Obama's policy compared to
13 George W. Bush's policy, 17, 19, 81,
14 101, 163
15 continuity of Obama's policy with
16 George W. Bush's policy, 14, 15–16,
17 17, 19, 35, 47, 54, 102, 151, 244, 420–
18 21, 424
19 failure in Northwest Airlines Flight 523,
20 75, 77–81
21 hardening of Obama's policy, 95–97
22 and interagency legal debates, 38
23 and interrogation practices, 54, 56–57,
24 76
25 and 9/11 terrorist attacks, 13, 21, 35, 36,
26 122, 181
27 Obama's national security legal policy,
28 11, 38, 39, 64, 69, 73, 81, 129, 170, 227,
29 230, 248, 293, 344, 442, 482, 483–84,
30 508, 539, 560, 639, 666–67, 697–98,
31 766–67n140
32 and Obama's presidential campaign,
33 52–53, 67
34 and Obama's re-election campaign,
35 394
36 as political issue, 83, 84, 95
37 Republican criticism of Obama's policy,
38 85–86, 95, 293
39 and wiretapping, 171, 710n12
40 NATO
41 and Kosovo, 629, 640
42 leaks on, 374
43 and Libya, 289, 636, 639, 640, 642, 644,
44 649, 650, 651, 759n20, 759n23
45 and Syria, 630, 651, 652
46 NATO Rule of Law Field Support Mission,
47 334
48 NBC News, 442, 453–54, 582
49 Netanyahu, Benjamin, 682
50 Nevin, David, 488, 501
51 New Deal, administrative state
52 consolidation, 42
53 Newhouse, Neil, 83
54 Newman, Charles, 259
55 Newman, John, 465
56 *NewsHour*, 159
57 *Newsweek*, 356, 395, 408
58 *New Yorker*, 381–82, 389
59 New York subway bombing plot, 220, 229,
60 286
61 *New York Times*
62 and Anwar al-Awlaki memo, 232, 235,
63 452–53
64 and bulk records collection, 612
65 on George W. Bush's surveillance
66 programs, 351, 352, 354, 355, 414
67 and CIA torture, 115
68 Freedom of Information Act lawsuits,
69 211, 235, 436, 442
70 Holder's op-ed in, 159
71 and Justice Department, 391, 392
72 on National Security Agency, 209
73 on Obama's detention policy, 347
74 on Obama's drone strikes, 395
75 and Obama's state secrets privilege, 420
76 and Petraeus leak investigation, 411
77 and Snowden's leaked documents, 189,
78 402
79 and state secrets privilege, 417
80 and surveillance programs, 211, 587
81 and targeted killings, 256, 439, 442, 462
82 and USA Patriot Act interpretation, 436,
83 437
84 on warrantless wiretapping program,
85 196, 197, 199, 555, 590
86 and WikiLeaks, 373
87 *New York v. Quarles* (1984), 27, 28
88 Nicaragua, 43
89 Nigeria
90 Abdulmutallab as Nigerian, 11, 18, 19,
91 30, 81, 82, 91
92 Abdulmutallab's father reporting to
93 embassy in, 30
94 Arena sending CIA agents to, 81
95 9/11 Commission, 122, 236, 488–90, 604
96 9/11 terrorist attacks. *See also* 9/11
97 Commission; terrorism detainees;
98 terrorism suspects; war on terrorism
99 after-action review of, 122
100 and Anwar al-Awlaki, 228

cases against conspirators, 73, 85, 87, 102, 106, 125, 157, 158, 159, 160, 228, 297, 298, 316, 317, 325, 331, 332, 333, 336, 385, 488–90, 497–98, 500–502, 524, 545, 546, 547, 548, 549, 585, 697	
delay in pretrial hearings against accused accomplices, 102, 125	
Ground Zero, 182	
as justification of warrantless wiretapping program, 188, 189–90, 585, 712n23	
and national security policies, 13, 21, 35, 36, 122, 181	
tenth anniversary of, 349	
Nixon, Richard, 42, 198, 365–66, 367, 397, 425, 466–67, 640	
No Child Left Behind Act (2002), 657	
no-fly list expansion of, 78, 705n9 and Obama’s state secrets privilege, 737n19	
noninternational armed conflict (NIAC), 743n44	
North Atlantic Treaty Alliance, 759n20	
North Korea, 375–76, 377	
Northwest Airlines Flight 523. <i>See</i> Christmas bombing attempt of 2009	
Nuclear Posture Review, 459	
Obama, Barack and bin Laden raid, 258, 260–62, 267, 271, 394, 641 campaign rhetoric of, 11, 13, 15, 17, 51–56, 58–59, 67, 76, 108–09, 351, 416, 420, 448, 551, 631, 633, 638, 668 campaign staff of, 29, 52–53 and Colbert, 664–65 and constitutional law, 50, 51–52, 53 and contact-chaining of data gathered under Executive Order 12333, 218 continuity with George W. Bush’s national security policy, 14, 15–16, 17, 19, 35, 47, 54, 102, 151, 244, 420–21, 424, 534, 694–96 counterterrorism structures of, 35 criticism of George W. Bush’s national security policies, 13, 38, 50–55, 56, 76, 101 criticism on Miranda warning for Abdulmutallab [note: check this], 30	
Democratic National Convention keynote speech, 39, 50	01
DeRosa’s briefing on surveillance programs, 212	02
domestic policies of, 24, 655–66	03
and drone strikes, 35, 242, 244, 272–73, 279–80, 284, 285, 287–88, 293, 394, 395, 444, 456, 464, 470, 640, 648, 691, 696–97	04
education policy, 657	05
and executive-branch lawyering, 677–81, 698	06
executive orders of, 102–03, 123, 160–61, 330–31, 460, 468, 535, 605, 659–66, 694	07
and executive power, 51, 118–19, 149–50, 151, 250, 282, 297, 298–99, 302–03, 316, 445, 458, 461, 463, 478, 481–82, 521, 522, 523, 655–59, 663, 664–65, 677–81, 761–62n68	08
and executive privilege, 425–26, 432–35, 448–52	09
and FISA Amendments Act, 58, 214	10
foreign affairs policy, 666–83, 766–67n140	11
Freedom of Information Act exemption policy, 419	12
Hawaiian vacation of December 2009, 11, 13, 73	13
immigration policy, 656, 660–63, 665, 762n77	14
judicial appointees, 595, 615	15
leadership style of, 66, 79, 94	16
leak investigations of, 350–51, 358–64, 368–73, 377, 387, 389, 390, 396, 397, 406–12, 464, 465, 697, 729n17	17
legislative agenda of, 83	18
and military commissions reforms, 125, 130–33, 159, 161, 163, 251–52, 309–11, 318, 489, 547	19
National Security Agencies’ daily briefings of, 217	20
Nobel Peace Prize acceptance speech, 62, 73–74, 161, 651, 692	21
Noel Peace Prize laureates on torture, 536	22
and Northwest Flight 523, 75	23
“Offensive Cyber Effects Operations” policy directive, 635	24
	25
	26
	27
	28
	29
	30
	31
	32
	S33
	N34

34 Index

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- Obama, Barack (*cont.*)
and Office of Legal Counsel
appointments, 235, 719n27
and Padilla case, 155–56
PPD-14, 481
and Protect America Act, 58, 212
recess appointments, 445, 658–59,
761–62n68
re-election campaign of, 328, 394,
395–96, 555, 647, 661
role of law in administration, 62–67, 191
security state of, 14, 17, 165–66, 422,
635, 694, 695
signing statement on National Defense
Authorization Act, 328, 481, 521
signing statements on foreign affairs
policy, 666–72, 678–80, 764n110
speech at National Archives in May
2009, 61–62, 126, 127, 128, 134, 139,
315, 316, 517
speech at National Defense University,
284, 463, 508, 510, 531, 684
speech on reform of surveillance
programs, 605–06, 607, 623–24, 694
State of the Union speech of 2014, 549
and state secrets privilege, 14, 209, 416,
418, 420–24, 737n19
surveillance programs of, 35, 60, 162,
167–68, 169, 170, 220, 557, 560–61,
573–78, 597–600, 603–09, 626, 691,
696, 714n58
targeted killing operations, 240, 241,
242, 245, 246–48, 256–57, 283–89
and transit authority, 175
transparency policy, 418–20, 426–32,
441, 443, 444, 447, 448, 454, 458–62,
463, 464, 467, 471, 489
and war on terrorism, 14, 60–62
and war powers, 129, 301, 521, 522, 523,
552, 630, 633, 645, 648–49, 653, 654,
655, 666
We Can't Wait slogan, 658–59
White House visitor logs, 459, 460–61
Obama National Security and
Legal-Policy Team
and Abdulmutallab's interrogation, 93
Abdulmutallab suicide bombing
attempt's effect on, 35
and al-Shabaab, 274–79
and assassination ban, 238, 268
and bin Laden raid, 259, 262, 264,
267–71
and bin Laden's body, 269–71
and civil trials for terrorism detainees,
296–97, 329
and closing of Guantánamo, 508
continuity with George W. Bush's
national security policy, 47, 151,
152–53
covert action authorization, 264–66
and detention policy, 294, 295–96, 302,
314
disagreements of, 21
and executive orders, 102–03, 123
and executive power, 120
and executive privilege, 450
holdovers from George W. Bush's team,
24, 163, 166
and interagency national security
lawyers group, 64–65, 66, 259,
278–79, 286, 306, 479, 480, 536–37,
628–31, 634–35, 641, 643–45, 648,
687, 693
law enforcement approach, 81–82, 84,
85, 88, 91, 95, 306
and law enforcement tools for terrorism,
61, 95, 149
and national security law, 36, 129–30
Northwest Airlines Flight 523, 67–74,
77–81
and Padilla case, 156, 157
policy development, 15–16, 17, 19–20,
21, 24, 35
and rights of terrorism suspects, 305,
306, 307–08
and role of law in policymaking, 62–67,
72–73, 308
and rule of law, 54, 62, 63–64, 73, 191,
293, 297, 315, 509, 690–95, 696,
727n49
selected members of, 3–7
and state secrets privilege, 736n16
and Stellarwind, 192, 218–21
and surveillance programs, 60, 162–63,
166, 220
and Syria, 629–31
and targeted killings, 247, 257, 282, 286
and war on terrorism, 61, 149
and Warsame, 345–46
Obey, David, 667–68, 669

O’Connell, Mary Ellen, 245, 469	01
O’Connor, Sandra Day, 122, 720n35	02
Odaini, Mohammed, 311–14, 320, 321, 323	03
Office of Legal Counsel	04
and Alhag, 726n36	05
appeal to FISA Court of Review, 204–05	06
on Anwar al-Awlaki, 232, 438, 441, 455	07
Barron’s white paper on military commissions, 297–99, 328, 329, 330, 496	08
and George W. Bush’s interrogation memos, 426–27	09
and George W. Bush’s recess appointments, 446	10
and George W. Bush torture memos, 427, 428, 543	11
creation of, 45	12
and executive power, 153	13
and executive privilege, 450–51, 459–60	14
and interagency national security lawyers group, 64	15
and law-of-war detention, 150	16
memo on assassination ban in Executive Order 12333, 237	17
and military commissions, 132, 328, 329, 496	18
and Obama’s immigration policy, 662	19
and Obama’s recess appointments, 445–46, 460	20
and Obama’s signing statements, 670	21
“Principles to Guide the Office of Legal Counsel”, 234	22
and Seitz, 438, 446	23
and Stellarwind, 190, 195, 197, 200	24
and surveillance programs, 756n122	25
and targeted killing of U.S. citizens, 234–39, 438, 439, 440, 441–42, 454	26
on torture law, 234, 540, 541, 747n99	27
and transfer of Guantánamo detainee, 522	28
and War Powers Resolution, 641	29
Office of Military Commissions, Martins as chief prosecutor of, 334	30
Office of the Director of National Intelligence	31
and interagency national security lawyers group, 64	32
and Litt, 369, 441	S33
and military commissions, 125	N34
and Obama’s state secrets privilege, 423	
and post-9/11 reform era, 25, 694	
and surveillance program issues, 163, 168, 562, 575, 581, 582	
Office of the Vice President, and Obama’s state secrets privilege, 423	
Official Secrets Act (Britain), 364, 365, 366, 729n21	
Ogden, David, 147, 427–28	
Oklahoma City bombing of 1995, 15	
Olavarria, Esther, 762n77	
Olsen, Matt	
and detention-policy task force, 105, 123, 138, 139, 147–48, 160–61, 163, 167, 311, 313, 320, 324, 492, 497, 509–10	
and FISA Court, 200, 205, 589	
and rights of terrorism suspects, 308	
and surveillance program issues, 163, 165, 167, 200, 563, 573, 575–76, 578, 580, 589, 606	
and Yahoo lawsuit, 215	
and Yemeni detainee policy, 105–07, 117, 147–48, 492	
Olson, Eric, 266	
Olson, Ted, 708n27	
Oman, 553	
Omar, Mullah, 260	
Operation Fast and Furious, 448–52, 459	
Operation Neptune Spear, 260–66	
Operation Olympic Games, 395, 633–34, 635	
<i>Opinio Juris</i> , 249	
O’Reilly, Bill, 92	
Oren, Michael, 761n53	
Owen, Matt, 755n115, 756n121	
Padilla, Jose, 84, 111, 112, 153–57, 620	
Pakistan	
al-Qaeda in, 212, 220, 273	
and bin Laden raid legality, 263–66	
and bin Laden raid plans, 260, 261–62	
and bin Laden raid protest, 266	
George W. Bush’s drone strikes in, 241, 254–55	
CIA drone strikes in, 14, 254, 280–81, 285, 444	
civilian casualties in, 256	
and Haqqani Network, 532	

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- Pakistan (*cont.*)
 - ISI as intelligence service, 260
 - Obama's air strikes in, 241, 248, 255–57, 259, 263, 283, 294
 - Parwan prison detainees from, 531
 - permission for U.S. drone strikes, 233
 - Palestine, and U.S. support of Israel, 12
 - Palin, Sarah, 94
 - Panama, 632, 640
 - Panetta, Leon
 - and Abdulmutallab, 93
 - on Anwar al-Awlaki, 231–32, 417
 - and bin Laden raid, 260, 261, 265–66, 270–71, 408–10, 723n79
 - and George W. Bush torture memos, 428, 429
 - and Congressional restrictions on transfers of detainees, 494–95
 - and detainee abuse documents, 432–33, 435
 - and military commissions, 316, 317
 - on Obama's leadership style, 66
 - Panetta Review, 116, 147, 492, 512–13
 - and plea bargains for terrorism detainees, 329
 - and Senate investigation of CIA detention and interrogation of terrorism suspects, 115–16, 147
 - and state secrets privilege, 417
 - and Syria, 654
 - and targeted killings, 283
 - and transfer of Guantánamo detainees, 511, 530
 - Park, Chan, 598, 600, 615, 618, 620
 - Patriot Act. *See* USA Patriot Act
 - Paul, Rand, 454–57, 458, 462, 466, 618, 638, 663
 - Paul, Ron, 56, 281–82
 - Pauley, William H., III, 436–37, 596, 617
 - Pearl Harbor attack, 455
 - Peissig, Theodore, 26
 - Pelley, Scott, 382
 - Pelosi, Nancy, 643
 - Pentagon
 - and Abdulmutallab teleconference, 33
 - and alternatives to Guantánamo, 137, 138, 305, 552
 - and annual defense bills, 479
 - and bin Laden raid, 270, 408
 - cruise-missile strikes at al-Qaeda, 224–25
 - and drones from CIA, 285
 - and Executive Order 12333, 624–25
 - and force-feeding of detainees, 528
 - inspector general report, 338
 - intelligence gathering rules, 217
 - and interagency national security lawyers group, 64
 - and Libya, 647
 - and mandatory military detention, 479, 480
 - and military commissions, 132, 251–52, 310, 545
 - and Khalid Sheikh Mohammed's trial, 314
 - and Obama's closing Guantánamo, 511
 - and Obama's detainee policy, 110, 118, 347
 - and Obama's state secrets privilege, 423
 - Office of Detainee Affairs, 148
 - and Padilla case, 155
 - and photographs of detainee abuses, 431
 - and possible indictment of Anwar al-Awlaki, 253
 - and targeted killings, 257–58
 - and transfer of Guantánamo detainees, 495, 508, 521–22
 - and *Zero Dark Thirty*, 408
 - Pentagon Papers, 366, 375, 466–67
 - Perrelli, Tom, 420
 - Perry, Rick, 281
 - Petraeus, David, 77–78, 132, 133, 225, 232–33, 333, 410–13, 414
 - Philbin, Patrick, 195
 - Pildes, Rick, 647
 - plastic explosives, Abdulmutallab's use of, 12–13
 - Podesta, John, 462
 - Pohl, James, 488–90, 501–02, 547
 - Poitras, Laura, 168, 189, 209, 400–402, 583
 - Poland, 537
 - Politico*, 410
 - Pollack, Barry, 414
 - Pooler, Rosemary, 465
 - Portugal, and repatriation of detainees, 138
 - Posner, Michael, 535, 537
 - Potenza, Vito, 163, 179, 200

Index 37

Powell, Benjamin, 163–65, 166
Powell, Lewis F., Jr., 403–04
Power, Samantha, 527, 581
Powers, Kevin, 179
Pozen, David, 643
Preston, Mary, 70
Preston, Stephen
 and Anwar al-Awlaki, 233–34, 249, 417
 and Bergdahl release, 519
 and bin Laden raid, 257–59, 261–63, 266–67, 268, 270, 334
 and detainee abuse documents, 434
 and evidence labeled as obtained by torture, 510
 and force-feeding of Guantánamo detainees, 746n79
 and Government Accountability Office, 745n68
 and Guantánamo detainee abuses, 516
 and Holder’s criminal investigation of torture, 146–47
 and Northwest Flight 523, 70
 Pentagon transfer, 514, 525
 and state secrets privilege, 417
 and targeted killings, 242–43, 441
 and war on terrorism, 688, 690
Privacy and Civil Liberties Oversight Board, 604, 617, 754n92
Privacy Protection Act (1980), 398, 399
privacy rights
 and criticism of George W. Bush’s national security policy, 48
 and development of surveillance technology, 171, 182, 568–69, 571, 576, 710n12
 and Executive Order 12333 surveillance, 624
 and FISA Amendments Act, 212, 623
 and FISA Court, 189, 192–93, 207, 209, 597
 and Freedom of Information Act lawsuits, 169
 and Northwest Airlines Flight 523, 223
 and Raw Take rules, 218
 and third-party doctrine, 713–14n55
Project on Government Secrecy, 410
ProPublica, 209
Protect America Act (2007), 57, 58, 201, 212–13, 214, 215, 216, 220
Pruitt, Gary, 396
Psaki, Jennifer, 677
Pultizer Prize for Public Service, 402
Pustay, Melanie, 454
Putin, Vladimir, 401, 654
Qatar, 519, 553
qualified immunity, 153, 156
Quayle, Dan, 43
Qwest International, 712n23
Radack, Jesselyn, 381
Rakoff, Jed, 447, 739n57
Ramos-Horta, José, 536
RDINet (rendition, detention, and interrogation), 116, 146–47, 432, 434, 492, 512, 513
Reagan, Ronald
 and changes to FISA, 174
 congressional contempt citation for Environmental Protection Agency leader, 451
 and Espionage Act, 366, 367
 Executive Order 12333, 172, 181, 236
 and executive power, 43
 and FISA Court, 188
 and Geneva Conventions, 727n49
 Howard as appointee of, 198
 judicial appointees, 596
 Koh in Office of Legal Counsel, 72
 legal team of, 175
 and Roberts, 595
 and signing statements, 668
 and targeted killings, 236, 237
 Vinson as appointee of, 204
recession of 2008, 83
Red Cross
 and Bagram Airfield’s Parwan prison, 108, 295
 and periodic review boards for terrorism detainees, 509, 743–44n44
 and Warsame, 341, 344, 347
Rehnquist, William, 198, 594, 596
Reid, Harry, 615, 643
Reid, Richard, 84, 87–88
Reilly, Ryan, 503
Remes, David, 524

01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
S33
N34

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- Republican Party
 - on Abdulmutallab's transfer to military custody, 33, 79, 83, 85, 88, 91–92, 93, 94–95
 - and Affordable Care Act, 660
 - anti-Big Government sentiments of, 17
 - and civil trials for Guantánamo detainees, 20, 332, 547
 - and civil trials for terrorism suspects, 346
 - and closing of Guantánamo, 130, 297
 - criticism of Holder, 398, 449
 - criticism of Obama's law enforcement approach, 306
 - criticism of Obama's leaking classified information, 394–96
 - criticism of Obama's national security policy, 85–86, 126, 254
 - and Defense of Marriage Act, 499
 - and Democratic Party's criticism of national security policy, 16–17, 38–39
 - and Democratic Party's loss of filibuster-proof majority in Senate, 82–83
 - and detention policies, 478
 - and executive power, 281
 - and Holder's criminal investigation of torture, 145
 - and Libya, 641, 642–43
 - on Northwest Airlines Flight 523, 75–77
 - and Obama's interrogation practices, 307
 - primary campaign, 56
 - and Senate report on CIA torture, 491
 - and targeted killings, 287
 - and Uighurs, 127, 136
 - Reynolds, Patrick, 572
 - Rhodes, Ben
 - and Bagram, 296
 - and Daquduq, 484
 - on Northwest Airlines Flight 523, 79
 - and Obama's national security legal policy approach, 697–98
 - and Obama's presidential campaign, 56
 - and Syria, 653, 686
 - and targeted killings, 283
 - and transfer of Guantánamo detainees, 530, 531
 - Rice, Condoleezza, 64, 541
 - Rice, Susan
 - and Benghazi attack, 459
 - and Bergdahl, 520
 - on closing of Guantánamo, 329, 554
 - and evidence obtained under torture, 509
 - as national security adviser, 581
 - and surveillance programs, 598, 602–03, 608
 - and transfer of Guantánamo detainees, 518, 527
 - Richardson, Bill, 56
 - Richardson, Margaret, 590
 - Risen, James
 - and reporter's testimonial privilege, 402–05, 413–14
 - and Sterling, 353, 371, 380–81, 402, 403, 732n58
 - and warrantless wiretapping, 196, 352, 355, 356, 357, 370–71, 408
 - Rivkin, David, 155, 416–17, 475, 484
 - Rizzo, John, 236–37, 385, 386, 422, 423, 424, 428–29
 - Roark, Diane, 353, 354
 - Roberts, John G., Jr., 204, 594–97
 - Robow, Mukhtar, 275, 276–78
 - Rogers, Mike, 287, 401–02, 579, 584, 612–13, 723n79
 - Rohrabacher, Dana, 127
 - Romero, Anthony, 49, 332
 - Romney, Mitt, 56, 281, 282, 475–78, 483–84, 555, 580, 752n50
 - Roosevelt, Franklin, 275, 710n12
 - Rosen, James, 375–78, 397–98
 - Rosenberg, Carol, 503
 - Rosenstein, Rod, 396
 - Rove, Karl, 76
 - Ruemmler, Kathryn
 - and George W. Bush torture memos, 427
 - and civil trials for terrorism suspects, 329–30
 - declassification of information, 409
 - and detainee abuse documents, 434, 435
 - Disclosures Action Tracker, 623
 - and executive privilege, 450–51, 471
 - and mandatory military detention, 480–81
 - and military commissions, 544
 - and recess appointments, 445–46, 658, 761–62n68
 - and surveillance programs, 598, 602, 604, 606–07, 694

and Syria, 652	
and targeted killings, 441	
Rumsfeld, Donald, 155	
Ruppersberger, Dutch, 612	
Russell, Thomas B., 595	
Russia, 628, 629, 630, 636, 651, 654, 682, 759n23	
Russo, Anthony, 366, 375	
Sachtleben, Donald, 405–06	
Saleh, Ali Abdullah, 77–78, 224, 232–33, 235, 272	
Sanchez, Julian, 713n55	
Sanger, David, 255, 395, 396, 409	
Santorum, Rick, 281, 594	
Saudi Arabia	
and al-Qaeda in the Arabian Peninsula	
airliner bomb plot, 395	
as bin Laden’s home country, 270	
CIA drone base in, 279	
Guantánamo detainees repatriated to, 105–06, 148, 313, 551	
Obama’s meeting with senior representatives, 553	
Savage, Charlie	
and Anwar al-Awlaki memo, 452–53	
executive-power survey for candidates in election of 2008, 55–57, 450, 631, 633, 638, 653, 668	
and FISA Court, 594–96	
Freedom of Information Act lawsuits, 201, 208, 211, 235	
Guantánamo visits, 503–04, 523–26	
and military commissions, 318	
and National Counterterrorism Center, 575–76	
<i>New York Times</i> article on Obama’s continuity with Bush-era policies, 16	
signing statement articles of, 40	
and surveillance programs, 587, 608, 610	
and targeted killings, 439	
and USA Patriot Act, 580	
on wiretapping Internet companies, 569	
Savage, Luiza, 55	
Sawyer, Heather, 584, 613, 756n121	
Scahill, Jeremy, 230	
Scalia, Antonin, 111	
Schalt, John, 34	
Schiliro, Paul, 670	
Schlesinger, Arthur, Jr., 42	01
Schmalzer, Tracy, 398	02
Schmitt, Eric, 255	03
Scullin, Frederick, 198, 206	04
SEAL Team Six commandos, 262, 265–69, 339, 408	05
secrecy. <i>See also</i> executive privilege;	06
Freedom of Information Act lawsuits;	07
leaked top secret documents; leak	08
investigations; state secrets privilege	09
and bin Laden raid, 258, 259, 265, 266	10
George W. Bush’s denial of Freedom of	11
Information Act requests, 419	12
of George W. Bush’s White House	13
visitor logs, 460	14
and CIA torture program, 544	15
and detainee abuses, 426, 427, 428, 431, 468	16
and drone strike on Anwar al-Awlaki, 97	17
and executive power, 42, 46, 47, 463	18
and interrogation and rendition task force, 140	19
and national security law, 37, 41, 45	20
and Obama’s targeted killings, 437–43, 463–64, 469–71	21
and Obama’s transparency policy, 418–20, 426–32, 441, 443, 444, 447, 448, 454, 458–62, 463, 464, 467, 471, 489	22
and Obama’s USA Patriot Act interpretation, 435–37	23
and overclassification, 390, 459	24
and photographs of war-zone abuses, 467–69	25
and surveillance programs, 51n, 80, 162, 578–83	26
and transit authority, 176	27
and U.S. attorney firings subpoena, 424–26	28
and war on terrorism, 379	29
secret law, 437, 447, 462, 467, 579	30
security state	31
of George W. Bush, 14, 17, 165–66, 422, 457, 635, 695	32
of Obama, 14, 17, 165–66, 422, 635, 694, 695	S33
Snowden’s opinions on, 400	N34
Seitz, Virginia, 438, 441, 445–46, 450, 480, 628, 658, 678–79	

40 Index

- 01 Senate Armed Services Committee, 309,
345, 478, 497, 521, 550–52
- 02 Senate Foreign Relations Committee, 637,
648–49, 653
- 03 Senate Judiciary Committee, 49, 222, 388,
397, 453, 455, 578–79, 586
- 04 Senate Select Committee on Intelligence
and Christmas bombing attempt of
2009, 93
- 06 CIA torture investigation, 115–16, 117,
145–46, 147
- 07 CIA torture report, 195–96n, 336, 337,
338, 389, 435, 491–92, 512–13, 536,
538, 544
- 08 and Clapper’s confirmation hearing,
312–14
- 09 and detainee abuse documents, 432–35
and Krass, 265
- 10 and NSA’s bulk phone records program,
359, 580, 599
- 11 and Obama’s recess appointments, 446
oversight hearing on national security
threats, 580–82
- 12 and RDINet, 432, 512, 513
- 13 and state secrets privilege, 736n16
- 14 and surveillance programs, 185, 572
- 15 and targeted killings, 438, 440–41, 445,
454, 469–70, 741n101
- 16 and USA Patriot Act, 222, 436, 579
- 17 Sensenbrenner, James, 583–84, 598–600,
612–13, 617, 619
- 18 Sessions, Jeff, 550, 551
- 19 Shahoulian, David, 762n77
- 20 Shahzad, Faisal, 306
- 21 Shami, Abdullah al-. *See* Farekh, Mohanad
- 22 Mahmoud al-
- 23 Shane, Scott
- 24 on Abdulmutallab, 79
- 25 on Anwar al-Awlaki, 227, 235, 442,
452
- 26 and intelligence on bin Laden, 335
- 27 and Kiriakou, 386
- 28 and leak investigations, 369
- 29 and targeted killings, 440, 453–54, 470,
471n102, 738n42
- 30 Shanker, Thom, 640
- 31 Sherman, Brad, 646
- 32 *Shubert v. Obama* (2009), 736n5
- 33S Sifton, John, 385–86
- 34N signing statements
- George W. Bush’s use of, 16, 39–41, 535,
667–69, 671, 672, 678, 679, 680
- and executive power, 16, 39–41, 55, 57,
327, 481, 535, 668–69
- and Obama on National Defense
Authorization Act, 328, 481, 521
- and Obama’s foreign affairs policy,
666–72, 678–80, 764n110
- Silverstein, Richard, 369
- Simon, Sam, 755n115
- Sisi, Abdel Fattah, el-, 676–77
- Sixth Amendment, 158
- 60 Minutes*, 382
- Sloan, Cliff, 511–12, 516, 526, 527, 530, 553,
746n80, 746n82
- Smith, Adam, 671
- Smith v. Maryland*, 713–14n55
- Snowden, Edward J.
- and bin Laden raid, 722n72
- changes in intelligence gathering rules
for executive branch, 217
- leaks of top secret documents about
surveillance programs, 169, 174, 176,
186, 189, 195, 198, 201, 207, 209, 219,
220, 359, 360, 361, 362, 377, 400–402,
435, 461, 560, 567, 570, 573, 575, 583,
586–687, 593–94, 597, 599, 600–605,
609, 611, 616, 620, 621, 624, 625, 626
- and Prism, 216
- U.S. extradition demands, 401
- and XKEYSCORE system, 716n85
- and Yahoo’s legal battle, 215
- Snowe, Olympia, 435
- Somalia
- and al-Shabaab, 274, 276, 585
- and Joint Special Operations
Command, 71
- and Obama’s air strikes, 248, 445, 632
- and Obama’s detention policy, 295, 339
- Soufan, Ali, 158
- South Africa, 122
- sovereign immunity doctrine, 153
- Soviet Union, threat of nuclear war with,
42
- Spain, and repatriation of detainees, 138
- Spanish-American War, 109
- Spath, Vance, 547
- Spaulding, Suzanne, 59
- Specter, Arlan, 594, 753n69
- Sprint, 361, 561, 608

Index 41

- Srinivasan, Sri, 499
- Stamilio, Mark, 108
- Starzak, Alissa, 146
- State Department
- Abdulmutallab's father speaking to, 703n18
 - and Abdulmutallab's visa, 30
 - and Alhag, 322
 - and Anwar al-Awlaki, 417
 - and George W. Bush's national security policy, 64
 - and Geneva Convention Against Torture, 535–37
 - and Honduras, 674
 - and human rights, 535
 - and interagency national security lawyers group, 64
 - Internet Freedom, 620
 - Koh's nomination and confirmation for position in, 119–20, 708n27
 - and military commissions, 125
 - and Obama's detainee policy, 118
 - and Obama's state secrets privilege, 423
 - and Syria, 628
 - and targeted killings, 283
 - and transfer of Guantánamo detainees, 525, 526, 527, 530
- state secrets privilege. *See also* executive privilege
- and Nasser al-Awlaki's lawsuit, 415–18
 - and executive power, 415–16, 418, 419, 422, 735n2
 - Leahy-Nadler bill on, 423
 - and Obama's continuity with George W. Bush's national security policy, 14, 420–21, 424
 - ongoing litigation from George W. Bush, 421–22, 424
 - and Sterling, 353
 - and surveillance programs, 209
 - Verrilli's review of policy, 422–24
- Steigerwald, Marvin, 19, 26–27
- Steinitz, Yuval, 761n53
- Stellarwind
- and Binney, 187, 354
 - George W. Bush's briefings on, 212
 - Caproni's study of counterterrorism leads, 196, 714–15n63
 - components of, 164, 186, 192, 193, 194–202, 208, 214, 221, 566, 578, 612
 - and FISA Amendments Act, 212, 556, 561, 599
 - and FISA BR program, 198
 - and FISA Court, 188–89, 197–202, 205, 596, 610
 - and FISA PR/TT program, 195
 - Goldsmith's memo on, 193, 540
 - and hospital-room crisis, 190–94, 195, 196, 566
 - Justice Department inspector general report on, 191, 211, 715–16n78
 - Large Content FISA program, 200
 - legality of, 573
 - and Obama National Security and Legal-Policy Team, 192, 218–21
 - Terrorist Surveillance Program, 196, 200
 - and transit authority, 626
 - and violation of FISA, 750n21
 - Yoo's memo on, 184–85, 540
- Sterling, Jeffrey, 352–53, 356, 358, 370–71, 380–81, 402–04, 413–14
- Stevens, J. Christopher, 650
- Stevens, Ted, 357–58
- Stewart, Jen, 642–43
- Stimson, Charles, 475, 484
- Stone, Geoffrey, 754n88
- Stuxnet computer virus, 395, 634
- Sudan, 511
- Sullivan, Jake, 65–66
- Sunstein, Cass, 754n88
- surveillance laws
- George W. Bush's signing statement on USA Patriot Law, 40
 - and definition of surveillance, 750n21
 - development of, 37
 - and judiciary, 54
 - and Stellarwind, 192
 - and Sussmann, 360, 561–62
 - and Thinthread, 178–79, 181, 354
 - and wiretapping, 174, 212, 219, 559, 560
- surveillance programs
- of George W. Bush, 20, 48–50, 51, 53, 54, 57, 81, 162, 164, 168, 170, 180–84, 185, 187, 190–97, 199–202, 203, 205, 416, 538, 556, 557, 560–61, 565, 566, 584, 696, 712n23
 - and George W. Bush's state secrets privilege, 416

42 Index

- 01 surveillance programs (*cont.*)
02 e-mail records program, 167, 168, 169,
03 177, 182, 186, 191, 192, 193, 194–95,
04 197, 198–99, 207–11, 214, 220, 336,
05 713–14n55, 716n85
06 evidence derived from, 586–93
07 and executive power, 42, 46, 50–51,
08 55, 56
09 and Fourth Amendment, 50, 166, 171,
10 175, 188, 710n12
11 Hinnen’s review of, 167–68
12 history of U.S. policy on, 170
13 legalization of, 105, 167–68, 183, 184,
14 194–202, 555
15 and national security law, 37, 57, 561
16 of Obama, 35, 60, 162, 167–68, 169, 170,
17 220, 557, 560–61, 573–78, 597–600,
18 603–09, 626, 691, 696, 714n58
19 Obama’s campaign rhetoric on, 58, 59, 60
20 and Obama’s state secrets privilege,
21 736n5
22 reforms of, 401, 597–600, 603–09,
23 612–20, 623–24, 625, 694
24 secret bulk phone records program, 51n,
25 80–81, 162, 164–67, 168, 169, 172, 186,
26 187, 192, 193, 196–99, 220, 221, 222,
27 223, 336, 359, 399–400, 435, 561,
28 562–64, 580–86, 593, 596, 598, 599,
29 600–603, 604, 605–08, 617–18, 624,
30 694, 749n16, 754n98
31 and transit authority, 174–77, 181, 186,
32 213, 217, 609–10, 626, 712n23,
33 755n108
34N upstream Internet surveillance, 207–11,
216, 217, 558, 572, 573, 716n90, 749n6
and wall between national security and
criminal investigations, 188–89, 589,
710n12
warrantless surveillance programs, 14,
41, 47, 55, 56, 57, 164, 174, 187–88,
189, 192, 196, 197, 199–207, 220, 351,
352–53, 354, 355, 356, 357, 408,
555–60, 574, 585, 586–93, 612, 693,
712n23, 736n5
wiretapping Internet companies,
566–71, 754n99
surveillance technology
development of, 170–72
legal regulation of, 710n12, 711n13,
711n14
Sussmann, Michael, 360–62, 561–62,
729n17
Swire, Peter, 754n88
Syria
Bush’s use of extraordinary rendition, 141
chemical weapons in, 627–30, 650, 651,
654
and extending war on terrorism,
685–90
and Obama’s air strikes, 248, 653–54,
686, 722–23n77, 765n124
Obama’s decision to arm moderate
rebels in, 66, 650
White House Situation Room policy
meeting concerning, 65–66
Taft, William, 175
Taliban
in Afghanistan, 689
and Bagram prisoners, 532
and bulk leaks, 374
higher-level Guantánamo detainees
transferred to Qatar for Bergdahl,
519–20, 526, 552, 671
law-of-war detention of captives, 104,
119, 149
and Pakistan, 260, 281, 306
and targeted killings, 254–55, 256
and war on drugs, 633
Tallman, Richard, 595
Tamm, Thomas, 356–57, 408
Tanner, Chad, 146
Tarek, Abu, 31, 88–89, 706n24
targeted killings. *See also* drone strikes
approval process, 282–87, 288, 418, 691
assassination ban, 236–38, 249
and Anwar al-Awlaki memo, 232, 235, 441
and battlefield rules, 241, 245, 248–49,
276, 444
and civilian casualties, 225–26
cruise-missile strikes on al-Qaeda in the
Arabian Peninsula, 224–27, 229–32
and drone strikes, 241, 244
and executive power, 282
force protection, 255
and foreign-murder statute, 249, 250,
251, 453, 470
high-value target, 257–58, 289
and imminent threat, 240, 241, 245, 246,
247, 248

and Joint Special Operations Command, 71	
and kill lists, 283, 418	
legality of, 232, 233–36, 239–45, 246, 273, 277, 278, 282, 283, 286, 288–89, 437, 438–40, 444, 720n40, 720n45	
and memoranda of notification, 236–37	
and national security policy, 37	
near certainty standard, 285	
and Obama’s extrajudicial executions, 242	
and patterns of life, 255	
personality strikes, 254–55	
Presidential Policy Guidance, 284	
signature strikes, 254–57, 259, 280, 283, 284, 285, 287, 289, 444, 457	
and Stellarwind, 192	
target defined, 225–26	
terrorist attack disruption strikes (TADS), 257	
U.S. citizens as targets, 230, 231, 234–39, 249–52, 279–82, 284–87, 289–90, 415, 437–40, 463–64, 465	
white paper on, 247, 453–54, 469	
Tatel, David S., 324, 500	
Taylor, Anna Diggs, 199–200	
Taylor, Robert, 226, 498, 525	
Tea Party movement	
and deficit reduction, 657	
IRS’s scrutiny of, 396	
opposition to Obama, 83, 94, 655	
rising power of, 137	
and spending bill, 636–37	
and surveillance programs, 584	
and targeted killings, 457	
telecommunications companies	
lawsuits against, 197	
and National Security Agency, 185–86, 192–93, 198, 212, 214, 609–10	
retroactive legal immunity for surveillance programs, 57, 58, 212, 711n21	
and transit authority, 175–76, 214, 609–10, 712n23, 755n108	
Tenet, George	
and George W. Bush torture memos, 428	
and domestic data collection, 181–82, 184, 195	
and interrogation program, 540, 541, 542	
and Leiter, 29	01
resignation of, 747n103	02
terrorism detainees. <i>See also</i> Guantánamo	
Bay Naval Base, Cuba; interrogation practices	03
George W. Bush’s policies on, 107–08, 109, 297, 299, 303	04
CIA’s use of torture against, 387	05
Freedom of Information Act lawsuit on abuses, 426, 427, 431	06
high-value terrorists, 293, 294, 339–43, 476	07
humane treatment of, 156	08
intelligence gathered from, 293, 295, 507	09
legacy detainees, 103, 106, 107–10, 121, 135, 161, 297, 309, 331, 348, 482–85, 486, 497–98, 508, 698	10
March 13 Standard, 120–21, 134, 138–39, 149, 283, 295, 312, 485, 487, 726n36	11
and 9/11 defendants, 336	12
Obama’s detention policy, 21–22, 73, 78, 80, 96, 102–03, 107–10, 112–13, 117–21, 123, 133–34, 148–52, 163, 166, 293–303, 309, 339–43, 344–47, 478, 481, 482, 550, 671, 697	13
Obama’s detention-policy task force, 103, 105, 109, 123–26, 130–33, 136, 138–39, 147–48, 294	14
Obama’s hybrid model, 344–47, 348	15
Obama’s interagency task force on, 103, 105, 109, 123, 432	16
Obama’s law enforcement approach, 293–94, 306	17
Obama’s long-term detention of new captives, 296	18
Obama’s Straw Man Plan, 293–96, 340, 341	19
Olsen’s Guantánamo detainee-review report, 160–61	20
periodic review boards for, 508–10, 551, 691, 743–44n44, 766n137	21
protests of indefinite detention, 493, 503–04	22
resettlement deals for, 308	23
significant threat, 295	24
suit against CIA contractor, 420	25
U.S. citizens as, 153, 156	26
	27
	28
	29
	30
	31
	32
	S33
	N34

44 Index

- 01 terrorism suspects
- 02 and battlefield statements, 124, 131, 132,
- 03 133
- 04 George W. Bush's designation as enemy
- 05 combatants, 20, 112, 118
- 06 George W. Bush's imprisonment without
- 07 trial, 14, 20, 60, 72, 84, 101, 110–11, 112
- 08 George W. Bush's memorandum of
- 09 notification on al-Qaeda, 236–37
- 10 and George W. Bush's surveillance
- 11 programs, 182, 186, 188
- 12 George W. Bush's torture of, 242,
- 13 720n45
- 14 civil trials for, 20, 21, 68, 76, 83, 85,
- 15 87–88, 91, 95, 110, 111, 125, 126, 127,
- 16 130–31, 287, 293, 297, 343, 344, 345,
- 17 346, 348–49, 478, 495, 533
- 18 and contact-chaining, 164, 217–18
- 19 databases for analysis of, 96–97
- 20 enemy combatant status for, 20, 76–77,
- 21 83, 154, 282
- 22 and interagency national security
- 23 lawyers group, 65
- 24 and mandatory military detention,
- 25 478–82
- 26 military commissions for prosecuting,
- 27 46, 76, 85, 127, 130–31, 495
- 28 Miranda warnings for, 84–86, 131, 140,
- 29 305–08
- 30 and National Security Agency's
- 31 Stellarwind, 191
- 32 and National Security Agency's
- 33S Thinthread, 178
- 34N Obama's drone strikes against
- terrorists, 293
- Obama's indefinite detention without
- trial, 103, 110, 123, 124, 125, 129, 134,
- 134–36, 139, 159, 330, 348, 534, 536
- Obama's interagency task force on
- detention of, 103, 105, 109, 123–26
- Obama's interrogation practices, 307,
- 697
- Obama's use of extraordinary rendition,
- 14, 141, 142
- partisan battles on handling of, 30
- Special Forces capturing, 110
- and targeted killings, 240–41, 255, 282,
- 283
- terrorism as crime rather than act of
- war, 85
- U.S. citizens as, 307, 505–07
- terrorist attack disruption strikes (TADS),
- 257
- Terrorist Screening Center, and FBI
- terrorist watch lists, 78
- terror watch-list database, 737n19
- Thompson, Fred, 56
- Thompson, Karl, 522, 661–63
- Times Square bomb threat, 306, 307
- torture. *See also* interrogation practices
- and Abu Ghraib prison, 39
- George W. Bush's authorization of, 13,
- 20, 29, 39, 72, 79, 101, 103, 121–22,
- 143, 242, 539
- George W. Bush's legal reasoning
- concerning, 153, 157, 249, 534, 535
- George W. Bush's torture memos, 234,
- 427, 428, 429, 430, 448
- compensation of victims, 537
- and criticism of George W. Bush's
- national security policy,
- [*note: redo?*], 48
- effectiveness of, 539
- evidence obtained under, 21, 106, 114,
- 135, 152, 313, 319, 320–24, 325, 326,
- 331, 336, 508, 509–10, 727n42
- and executive power, 55
- and extraordinary rendition, 141, 142
- Geneva Convention Against Torture,
- 534, 535, 536, 537
- Holder's criminal investigation of, 20,
- 144–45, 146, 147
- leak of George W. Bush's torture
- memos, 234
- legality of, 242, 720n45
- and national security law, 37, 39, 56
- Obama's ban on, 14, 15, 16, 21, 79, 131,
- 135, 152, 161, 166, 335, 427, 428, 476,
- 534, 535, 536, 694, 695, 696
- Obama's campaign speeches on, 52, 53,
- 56–57
- and Office of Legal Counsel, 234
- Romney interrogation memo, 476–78
- Senate investigation of, 115–16, 117,
- 336, 337, 338, 389, 435, 491–92,
- 512
- torture legislation, 39–40
- waterboarding, 145, 152, 242, 311, 335,
- 336, 339, 386, 387–89, 430, 477–78,
- 539–40, 541, 542

Townsend, Frances, 179, 187	
Transportation Security Agency, and Abdulmutallab, 28	
Traxler, William, 405	
Triangle Terror Group, 281	
Truman, Harry, 42, 193–94, 632, 672	
Truth and Reconciliation Commission, South Africa, 122	
Tsarnaev, Dzhokhar, 505–07, 548	
Tsarnaev, Tamerlan, 505–06	
Tunisia, 374, 635, 638	
Turkel, Jonathan, 706n24	
Turkey, 628–29, 630	
Turner, Shawn, 581–83, 611	
Tutu, Desmond, 536	
Twitter, 391, 457, 507	
Tye, John Napier, 620–21, 623–24	
Tyrrell, Steven, 351–52, 355–58, 368, 370–71, 380, 408, 414	
Udall, Mark	
and Barron’s confirmation, 466, 467	
and Brennan, 515	
and midterm elections, 615	
and Panetta Review, 492, 512, 513	
and surveillance programs, 565, 566, 579, 598–99, 614, 619, 624	
and targeted killings, 469–70	
and USA Patriot Act, 359–60, 436, 437	
Uganda, and al-Shabaab, 276	
Uighurs, detention in Guantánamo, 15, 126–27, 129, 130, 134, 136, 302, 303, 517	
United Arab Emirates, 553	
United Nations Committee Against Torture, 143, 538	
United Nations Convention Against Torture, 536	
United Nations Security Council, 233, 628, 629, 630, 636, 645, 651, 652, 759n23	
U.S. military	
after-action reviews, 122	
aiding the enemy charge, 393	
Central Command, 286	
Cold War deployment of, 42	
photographs of war-zone abuses, 467–68	
and Stellarwind, 192	
surveillance programs of, 170	
and unlawful command influence, 318–19	01
U.S. Supreme Court	02
attenuation-of-taint doctrine, 344	03
and George W. Bush’s use of signing statement, 672, 763n97	04
and citizenship of terrorism suspects, 307	05
and deadly force, 239	06
on detention of citizens captured fighting for enemy on foreign battlefield, 111, 112–13	07
and executive orders, 185	08
and executive power, 46–47, 109, 185, 193–94, 299	09
and executive privilege, 425	10
and government officials compelled to testify, 146	11
habeas corpus rights of Guantánamo detainees, 20, 108, 109, 110, 300, 324	12
<i>Hamdan</i> decision, 704n1	13
<i>Hamdi</i> decision, 238–39	14
on indictments, 253	15
and Latif, 493	16
on military commissions, 53, 56, 64, 69, 101, 159	17
and Miranda warning, 27, 305–06	18
Obama’s nominees for, 24	19
and Obama’s recess appointments, 446, 659, 761–62n68	20
on phone records, 166, 171, 710n12	21
precedents on privacy rights, 37	22
protection of terrorism detainees, 54	23
and reporter’s privilege, 402–03	24
on same-sex couples, 656	25
and state secrets privilege, 416, 424	26
and surveillance programs, 50, 557, 558–59, 587, 588, 591, 592	27
and targeted killings, 439	28
third-party doctrine, 713–14n55	29
on transnational war against al-Qaeda, 743n44	30
and Uighurs, 302	31
on war powers, 104, 647	32
wartime detention case, 61, 304	S33
<i>U.S. v. Reynolds</i> (1953), 735n2	N34
Uruguay, 516, 517, 518, 523, 527, 530, 746n82	
USA Freedom Act, 600, 612–20, 625–26	

- 01 USA Patriot Act
 02 and bulk records collection, 612
 03 and business records, 50–51, 205, 436,
 04 580, 583, 602
 05 and Congress, 182–83, 188, 197, 221–22,
 06 223
 07 extension of, 616, 617, 618, 755–56n119
 08 and FBI, 50–51, 51n, 359, 561
 09 interpretation of, 106, 168, 221–23,
 10 359–60, 435–37, 578–79, 580, 752n50
 11 reauthorization of, 40, 80
 12 Section 206, 205
 13 Section 215, 205, 221, 222, 223, 359–61,
 14 435–36, 561, 578–79, 580, 582, 583,
 15 584, 585, 586, 602, 604, 607, 614, 616,
 16 617–18, 619, 624, 757n135
 17 Sensenbrenner as sponsor of, 583, 584,
 18 600
 19 and surveillance programs, 197, 359–61,
 20 563
 21 *USA Today*, 197, 360, 399–400
 22 *USS Boxer*, 340, 344
 23 *USS Carl Vinson*, 270
 24 *USS Cole* bombing
 25 and Bahlul’s propaganda video for
 26 al-Qaeda on, 497–98
 27 and Harithi, 281
 28 military commission trials for, 113, 114,
 29 131, 157, 158, 163, 498, 544, 546, 547,
 30 548
 31 and Nashiri, 21, 77, 157, 310, 330, 545
 32
 33S Verizon, 186, 210, 399, 568, 581–82, 608, 609
 34N Verrilli, Donald
 and Anwar al-Awlaki memo, 466–67
 and Bahlul, 500
 and George W. Bush’s interrogation
 memos, 426, 427–28
 and force-feeding of Guantánamo
 detainees, 746n79
 and Guantánamo detainee abuses, 516
 and Jaffer, 555
 and Obama’s state secrets privilege,
 421–24
 and offenses for military commissions,
 499
 and Padilla case, 155
 on rights of terrorism suspects, 305
 on surveillance programs, 50, 558–60,
 586–92
 Vickers, Mike, 257, 258, 265
 Vietnam War, 41, 42, 150, 366, 467, 632
 Vietor, Tommy, 483, 484
 Vinson, Roger, 204–07, 210, 211
 Vladeck, Stephen I., 302–03, 471
 Vogel, Ryan, 509
 Wahishi, Nasser al-, 232
 Wainstein, Kenneth, 200, 205, 346–47,
 504–05
 Wald, Patricia, 754n92
Wall Street Journal, 335, 339, 484, 606, 612,
 615, 619
 Walton, Reggie, 120, 165, 167, 215–16, 564,
 754n97
 warfare. *See also* drone strikes; targeted
 killings; war powers
 American common law of war, 498
 and battlefield rules, 241, 245, 248–49,
 255
 and cyberweapons, 633–35
 and executive power, 42, 55, 57
 and hot battlefield, 240, 245, 248, 284,
 286, 290, 443, 444, 688, 720n40
 initiation of war in twenty-first century,
 631–35
 international laws of, 103–04, 149–50,
 240, 666
 law of armed conflict, 240, 245, 246,
 248, 251, 537
 self-defense law, 245, 248, 250, 264,
 628–29
 soldiers in uniform as privileged
 belligerents, 251
 sovereignty law, 263–64, 265,
 722–23n77
 in twenty-first century, 37, 38, 104, 134,
 170, 240, 248, 273, 307, 468, 626, 634,
 695
 war on drugs, 633
 war on terrorism. *See also* terrorism
 detainees; terrorism suspects
 and battlefield rules, 241, 245, 248–49,
 443
 and George W. Bush, 11, 14, 44, 62, 76,
 101, 135, 149
 Congress’s authorization of, 61, 118, 120
 and definition of warfare, 245–49,
 506–07
 and due process, 128, 238, 239, 443

Index 47

- ending of, 683–85
- extending of, 685–90
- FBI's experience with national security
 - intelligence interrogations, 23
- fight against al-Qaeda as war, 103–04, 520
- and Islamist groups, 274, 278
- and national security law, 37–38, 45
- and Obama, 14, 60–62, 76, 95–97, 120, 128, 149, 245, 294
- protection against terrorist attacks, 166
- and rule of law, 38, 60, 62–63, 128, 149, 690–95
- and secrecy, 379
- terrorism as crime versus terrorism as war, 20, 104
- and war on drugs, 633
- war powers
 - and George W. Bush, 129, 192, 193, 234, 522, 552, 645, 648–49, 653, 666
 - and Obama, 129, 301, 521, 522, 523, 552, 630, 633, 645, 648–49, 653, 654, 655, 666
 - U.S. Supreme Court on, 104
- War Powers Resolution, 259, 445, 632, 638–48, 687, 759n25
- Warren, Earl, 135
- Warren Court, and Miranda warning, 27
- Warsame, Ahmed, 340–48, 550, 551, 697
- Washington Post*, 216, 231, 288–89, 397, 402, 562, 582, 621, 624
- Watergate, 41, 42, 43–44, 366, 419, 425
- Waters, Timothy, 26, 27
- Weich, Ron, 221, 449–50
- Weingarten, Reid, 398–99
- Weinstein, Warren, 288
- Weirick, James, 467–69
- Weissmann, Andrew, 36–37, 480–81, 570, 590, 592
- Welch, William, 357–58, 370–71, 380–81, 383–84, 404, 407–08
- West, Tony, 321, 416, 417
- Western Union, 171, 612
- West Point Group, 264
- Wheeler, Marcy, 565–66, 750n20
- Whelen, Ed, 708n27
- whistleblowers
 - and Drake, 381–82, 408
 - and Espionage Act, 365, 382
 - and Kiriakou, 387, 389
 - and Manning, 393
- and National Security Agency, 180, 353–54, 355, 356–57, 712n26
- Obama's policy on, 351, 356, 387, 389, 390, 459
- and photographs of war-zone abuses, 467–68
- and Tye, 624
- White, Byron, 403
- Whitehouse, Sheldon, 185
- White House
 - and Abdulmutallab teleconference, 28, 33
 - Office of Management and Budget, 480, 669
 - Office of Science and Technology Policy, 569, 678
- White House Correspondents' Dinner, 665
- White House Situation Room
 - and bin Laden raid, 262, 270, 271
 - and George W. Bush's deliberations on detainee abuse documents, 435
 - and George W. Bush's meetings on intelligence, 541
 - and George W. Bush torture memos, 429
 - and detainee abuse documents, 433–34
 - and detainee transfer issues, 328–29
 - and detention issues, 123, 134
 - and Libya, 642, 644
 - and mandatory military detention, 479
 - meeting on Abdulmutallab, 79–80
 - and military commission issues, 309–10
 - and Obama's goal of closing Guantánamo, 314–15, 529
 - Obama's interagency national security lawyers group meeting in, 64, 65–66
 - and Obama's state secrets privilege, 423
 - and surveillance program issues, 162, 163, 164, 569, 575, 584, 602, 608
 - “Terror Tuesday” meetings, 24, 95, 272
- Wiegmann, Brad, 123, 130, 294, 494, 587, 614
- WikiLeaks, 372–75, 390–92, 393, 487, 736n6
- Will, George F., 666
- Wilson, J. Douglas, 140–42, 144
- Wilson, Valerie Plame, 366–67, 385
- Winter, Damon, 523–24

- 01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33S
34N
- Wired*, 581
 - wiretapping
 - court orders required for, 13, 48, 53, 54, 164, 172, 174, 176, 711n13
 - and surveillance laws, 174, 212, 219, 566–67
 - Title III warrants for, 171, 710n12, 757n138
 - warrantless wiretapping program, 39, 41, 46, 48–49, 51, 53, 56, 172, 192, 196, 197, 199–207, 212, 351, 352–53, 354, 355, 356, 357, 408, 555–60, 574, 585, 586–93, 612, 693, 711n13, 712n23, 736n5
 - Wolf, Frank, 127, 130
 - Wolosky, Lee, 553
 - Woodrow Wilson International Center, 52, 56
 - Woodward, Bob, 237
 - Work, Robert, 546–47
 - World War I, 364, 627
 - World War II, 275, 498
 - Wright, Andy, 452
 - Wuhayshi, Nasir al-, 90, 288–89
 - Wunsch, Charles, 562
 - Wyda, James, 371, 383
 - Wyden, Ron
 - and surveillance programs, 565, 566, 571–72, 579–82, 598, 599–600, 618, 619, 624, 625
 - and targeted killings, 438, 442, 469–70
 - and USA Patriot Act, 222–23, 359–60, 436, 437, 599
 - Yahoo
 - and FBI surveillance, 568
 - and FISA Court, 214–16
 - lawsuit challenging FISA Court order, 215–16
 - and Prism, 557, 566
 - and redundant back of e-mail accounts, 621
 - Yahoo Mail, 177
 - Yemen. *See also* al-Qaeda in the Arabian Peninsula (AQAP)
 - Abdulmutallab in, 19, 30, 31, 89, 91
 - Anwar al-Awlaki in, 227, 271
 - Nasser al-Awlaki from, 227
 - George W. Bush’s drone strike in, 241
 - CIA drone strikes in, 281
 - conditional transfer of detainees, 148
 - and Joint Special Operations Command, 71
 - Obama’s air strikes in, 224–27, 229–33, 241, 248, 257, 271–74, 283, 294, 719n18
 - Obama’s detention policy, 339
 - Obama’s drone strikes in, 97, 272–74, 279, 289, 289–90, 439, 445
 - Obama’s moratorium on repatriation of detainees, 80, 96, 104–07, 293, 300, 311–14, 321, 322, 324, 690, 746n80
 - Petraeus’s meeting with Saleh, 77–78
 - plastic explosives developed in, 12
 - U.S. military involvement in, 79
 - Yoo, John
 - on bin Laden raid, 335
 - on executive power, 45, 153, 154, 184–85, 191, 235
 - Justice Department torture memo of, 144–45, 235, 540
 - list of legal assertions about torture program, 747n99
 - and Padilla case, 152–55, 157
 - Stellarwind memo, 184–85, 540
 - Young, William, 87–88
 - Zantow, Mike, 17–18
 - Zardari, Asif Ali, 260
 - Zawahiri, Ayman al-, 258, 685–86
 - Zazi, Najibullah, 220, 286
 - Zelaya, Manuel, 672–75
 - Zero Dark Thirty* (film), 338, 408–10
 - Zubaydah, Abu, 152, 311, 387, 388–89, 430
 - Zwillinger, Marc, 215