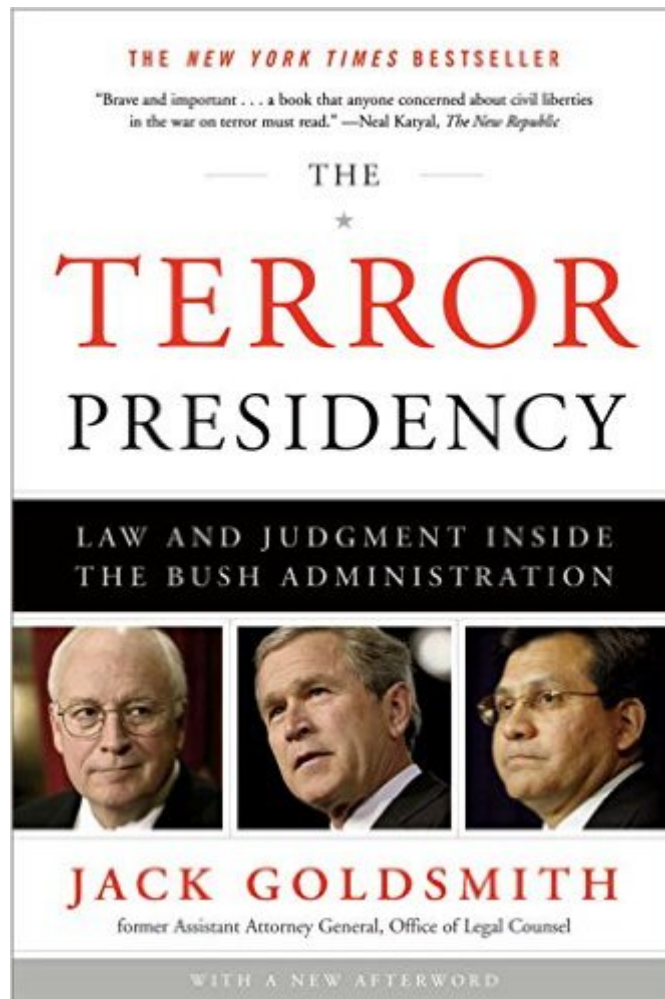


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# The Terror Presidency: Law And Judgment Inside The Bush Administration



## Synopsis

A New York Times Bestseller A central player's account of the clash between the rule of law and the necessity of defending America. Jack Goldsmith's duty as head of the Office of Legal Counsel was to advise President Bush on what he could and could not do . . . legally. Immediately after taking the job in October 2003, Goldsmith began to see that the work of his predecessors, whose opinions were the legal framework governing the conduct of the military and intelligence agencies in the war on terror, were deeply flawed. Goldsmith is a conservative lawyer who understands the imperative of averting another 9/11. But his unflinching insistence that we abide by the law put him on a collision course with powerful figures in the administration. In The Terror Presidency he shows how Bush damaged his own presidency and compromised the ability of his successors to respond forcefully in times of crisis.

## Book Information

Paperback: 272 pages

Publisher: W. W. Norton & Company; Reprint edition (April 13, 2009)

Language: English

ISBN-10: 039333533X

ISBN-13: 978-0393335330

Product Dimensions: 5.5 x 0.8 x 8.3 inches

Shipping Weight: 7.2 ounces (View shipping rates and policies)

Average Customer Review: 4.1 out of 5 stars See all reviews (39 customer reviews)

Best Sellers Rank: #113,505 in Books (See Top 100 in Books) #49 in Books > Medical Books > Medicine > Internal Medicine > Gastroenterology #82 in Books > Law > Constitutional Law > Human Rights #115 in Books > Law > Legal History

## Customer Reviews

At first, I was skeptical about a book that was two hundred sixteen pages, and covered only seven months of the author's life, but the title of Chapter 1: The New Job, and the first couple of sentences had a sense of intrigue, and captured my interest. I had the distinct intuition that the author would be an engaging writer and I was not disappointed. Jack Goldsmith, conservative lawyer and law professor tells us of his appointment as Assistant Attorney General, Office of Legal Counsel to the Justice Department under John Ashcroft. The Counsel is made up of lawyers who analyze the legal ramifications of a policy the president may want to consider or promulgate. They submit their opinions on the same, and its legality. In a post 9/11 atmosphere, Goldsmith describes a White

House that is anxious to expand its powers so it may fight terrorism unimpeded. This is motivated by a constant stream of intelligence that provides a daily diet of threats and plots against the USA, and a vice president's belief that any threat, no matter how marginal, must be taken as an imminent threat. With Goldsmith's appointment in October of 2003, he began to offer his legal opinion on a number of issues. He defended these opinions at White House meetings that included the President's counsel, Alberto Gonzalez, the ever-present Vice President's Counsel, David Addington, and John Yoo who wrote several opinions giving the president carte blanche to implement virtually any policy he wanted. David Addington's long time conservatism and association with Dick Cheney gives him a great deal of power and influence.

After serving the Bush II administration for an entire ten months as head of the Justice Department's Office of Legal Counsel (OLC) from October 2003 to August 2004, Jack Goldsmith has offered up a recap and post-mortem on the major issues with which he was confronted during those 300-odd days. As it turns out, however, they were critical days, and the issues were equally critical: terrorist seizure, confinement, and methods of interrogation as well as the NSA's secret monitoring of communications. Much of *THE TERROR PRESIDENCY* is devoted to the arcana of Geneva Conventions and Protocols concerning torture, Presidential/Executive branch wartime powers, and dissection of the weak legal structure upon which lawyer John Yoo authorized and approved earlier Bush II administration OLC opinions concerning those issues. With this subject matter comes, of course, the infinite (or is it infinitesimal?) parsing of words and phrases and nuances over which only a lawyer can get enthused. Readers looking for juicy insider stories about the Bush Presidency will find these discussions off-putting, to be charitable. However, hidden among the legalistic treatises are some remarkable, if all too briefly discussed, gems as well as some truly troubling presumptions. On a somewhat academic level, Mr. Goldsmith provides a badly needed sense of historical perspective regarding the usurpation of additional Executive Branch powers during wartime. The author repeatedly compares and contrasts the post-9/11 actions of George W. Bush with those of Abraham Lincoln in the Civil War and FDR during World War II. On the one hand, the actions of those earlier Presidents provide a degree of historical cover for President Bush. At the same time, Mr.

Countless people on the outside have accused the Bush administration of being isolated and immune from public perception. Jack Goldsmith's riveting new book, "The Terror Presidency" not only confirms these fears but adds a new level of questions about the Bush White House....the

author was there for many months and his first hand account is invaluable. Make no mistake about it, Goldsmith is a conservative and in many ways applauds Bush's views of a strong presidency but his parting of the ways with the current administration is proof enough that things are not well in our nation's Executive branch. Goldsmith, who was head of the Office of Legal Counsel from October, 2003 to July, 2004, paints a sobering picture of how policy is made and the contributing factors to it. He tells us that the administration is surrounded by lawyers who often suggest how policy should be made, even though many of them are simply out of their element of expertise and fail to take in other factors such as public opinion and relations with Congress. Indeed, the most damning comment Goldsmith makes is that the White House, rather than debating what is the right course of action, settles for, essentially, what they can get away with, legally. I suspect that when Bush leaves office in January, 2009, much more of Goldsmith's observations will see the light of day. The author writes a dry, but serious book. The narrative is not colorful but his assessments more than pop off the page. A chapter on counter-terrorism is worth the whole book, but his chastisement of how lawyers have infiltrated the process of decision-making is nothing less than profound. Did we know this? No! Goldsmith, an academic at heart, parallels Bush with FDR...

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