

Introduction

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Two decades have passed since the terrorist attacks of September 11, 2001. The United States has just ended the most enduring and concrete manifestation of the sprawling response to those attacks, completing its military withdrawal from Afghanistan. But after 20 years of ever-expanding conflict extending well beyond Afghanistan, a state of perpetual war has become a “new normal.”

Much of the American public cannot identify with whom the United States remains at war. Questions persist that go to the heart of how the United States conducts counterterrorism efforts in the post-9/11 era, and whether and how it will uphold the rule of law in so doing. Has the U.S. Congress authorized the armed conflicts the United States is fighting today, and what are the boundaries of these legal authorities? More fundamentally, is military force necessary to counter terrorism today, and if so, what should U.S. military engagement look like after the post-9/11 experiences in Iraq and Afghanistan? How should society deal with continuing radicalization to violent extremism, both domestically and abroad? And in designing policies to address current challenges, we cannot forget that the worst wounds created by the so-called “global war on terror” still fester: Why has there been no meaningful accountability for the most egregious abuses of the post-9/11 period, and what can be done now to address their legacies? How can we heal from the ways in which perpetual war has impacted American society at home and reshaped U.S. policy abroad? In concrete terms, what would a future without “forever war” look like?

In light of this critical inflection point, the Reiss Center on Law and Security and *Just Security* set out to provide an opportunity for leading thinkers and practitioners to reflect on many of these core issues. Amidst the multitude of remembrances and reflections that will surely mark

this solemn anniversary, we sought to focus on the legal and policy choices that, decades later, have created the new normal – one that was not inevitable, but which has profoundly reshaped the current state of security and rights. And we looked to the future of how forever war might end – and what will be left in its wake. The result was a weeklong symposium, published online in the days leading up to September 11, 2021.

We asked contributors to address issues such as the consequences of responding to terrorism in a war versus crime paradigm; how the war came home to the United States in terms of what a “forever war” footing meant for our domestic laws and institutions and for our social and political fabric; how the national security apparatus that was built after 9/11 affected different American communities, especially with respect to how surveillance and immigration policies affected communities of color; how civil society advocates responded to these challenges; and, finally, how perpetual war might come to an end, and what are the major unanswered questions for the future.

In this report, we have compiled that remarkable range of pieces: essays by scholars, civil society advocates, former senior government officials; authors with both personal stories and analytic expertise to provide at this historical juncture. It is our hope that these reflections can contribute to a fuller understanding of the past and the way ahead to the future in national security.