



# BENJAMIN WITTES

EDITOR-IN-CHIEF, LAWFARE

NationalJournal

## Life in Brief

**Born:** November 5, 1969

**Hometown:** Boston, MA

**Current Residence:** Washington, DC Metro Area

### Education:

- BA, Oberlin College, 1990

### Family:

- Married to Tamara Cofman Wittes
- Cofman Wittes is a Senior Fellow at the Brookings Institution

### Work History:

- Co-Founder and Editor-in-Chief, Lawfare Blog, 2010-Present
- Senior Fellow in Governance Studies, Brookings Institution, 2008-Present
- Contributing Writer, The Atlantic, 2004-Present
- Contributor, NBC/MSNBC, 2017-Present
- Visiting Instructor, University of Virginia School of Law, Unknown-Present
- Editorial Writer, The Washington Post 1997-2006
- Justice Department Reporter, Legal Times, Unknown-1997

## Quick Summary

**A prominent legal writer who has reported on law and national security issues since the mid-1990s, Wittes is charting an innovative approach to national security analysis while gaining publicity for his coverage of the investigations of the Trump Administration**

- Wittes' inventive Lawfare blog uses a combination of written commentary and podcasts to advance the conversation on law and national security
- Since 2017, Wittes has gained increased prominence from his connection to and coverage of the investigations of 2016 election interference
- Closely connected to establishment law enforcement officials and one of the first public figures to receive details of his friend James Comey's firing in 2017
- Exhaustively analyzed investigations of the Trump Administration and pointed to potential instances of wrongdoing by Administration officials
- Outspoken on Twitter and traditional media, he often uses humor and drama to announce new developments in Trump investigations and scandals

## Approach and Motivations

**Starting with his time at the Washington Post, Wittes has focused on the scope and limits of executive branch power in foreign policy**

- Wittes' commentary at Lawfare and in other outlets has often focused on the legality of policies such as electronic surveillance, drone strikes, and detention of enemy combatants

**Policy Positions and Areas of Focus**

Takes an independent view of national security and legal issues, often noting both government responsibilities to protect citizens and legal limits to action

**Investigations of the Trump Presidential Campaign and Administration – *Highly critical of the Administration’s behavior***

- Through regular commentary in *The Atlantic*, and on *Lawfare*, Wittes has exhaustively documented the investigation of the Trump Administration beginning with the 2016 election
- In the ongoing podcast “The Report,” Wittes and his *Lawfare* colleagues lay out the specifics of the Mueller report in detail, providing the Mueller’s case for potential obstruction of justice
- In an April 2019 *Atlantic* article reviewing the Mueller report, Wittes argued that President Trump likely committed crimes related to foreign interference and obstruction of justice

**Coverage of Counterterrorism, Surveillance, and Civil Liberties – *Wittes has historically maintained centrist views of executive power on issues related to national security and civil liberties***

- In a 2013 article with terrorism expert Daniel Byman, Wittes explained the legal rationale and national security necessity for the targeted killing of al Qaeda propagandist and American citizen Anwar Awlaki
- Writing in 2014, Wittes acknowledged valid concerns about privacy raised in information releases by Edward Snowden but strongly criticized Snowden’s defection to Russia
- In a March 2006 piece, Wittes discussed the competing concerns and difficulties related to prosecuting suspected terrorists on American soil

**Core Communities**

From decades of reporting and writing on law and national security, has developed close relationships with many national security lawyers and reporters

**Current and Former Government Officials – *Known for his association with various prominent legal figures from Republican and Democratic administrations, including:***

- James Comey, former director of the FBI in the Obama Administration and Deputy Attorney General in the Bush Administration, friends with Wittes
- Jack Goldsmith, Founding Editor of *Lawfare*, Assistant Attorney General in the Bush Administration, friends with Wittes

**Lawfare – *Works most closely with his colleagues at Lawfare***

- Robert Chesney, Founding Editor, Professor of Law at the University of Texas School of Law
- Susan Hennessey, Executive Editor, Senior Fellow in National Security Law at the Brookings Institution
- Quinta Jurecic, Managing Editor

**Policy Researchers – *Connected with legal and foreign policy researchers at the Brookings Institution***

- Tamara Cofman Wittes, Senior Fellow
- Daniel Byman, Senior Fellow in the Center for Middle East Policy
- Jonathan Rauch, Senior Fellow in Governance Studies
- Shane Harris, national security writer at the *Washington Post* and host of the *Rational Security* podcast

## **Selected Publications**

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**Publications focus on intersection of law and national security**

**Books – Wittes’ books usually explore legal components of national security issues including terrorism and surveillance**

- *Unmaking the Presidency: Donald Trump’s War on the World’s Most Powerful Office* (2020)
- *The Future of Violence: Robots and Germs, Hackers and Drones—Confronting A New Age of Threat* (2015)
- *Speaking the Law: The Obama Administration’s Speeches on National Security Law* (2013)
- *Detention and Denial: The Case for Candor after Guantánamo* (2010)
- *Law and the Long War: The Future of Justice in the Age of Terror* (2008)
- *Confirmation Wars: Preserving Independent Courts in Angry Times* (2006)
- *Starr: A Reassessment* (2002)

**Articles – Tends to feature more topical subjects such as investigations into the president or the confirmation of Brett Kavanaugh**

- [“Collusion After the Fact,”](#) Lawfare, 2019
- [“Five Things I Learned From the Mueller Report,”](#) The Atlantic, 2019
- [“I Know Brett Kavanaugh, but I Wouldn’t Confirm Him,”](#) The Atlantic, 2018
- [“Reforming the NSA: How to Spy After Snowden,”](#) Brookings Institution, 2014
- [“Tools and Tradeoffs: Confronting U.S. Citizen Terrorist Suspects Abroad,”](#) Brookings Institution, 2013

## **Financial Donations**

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**Wittes has no publicly listed contributions to any political parties or individuals.**

- His wife, Tamara Cofman Wittes, has a history of contributing to Democratic politicians, including 2018 national security candidates for Congress—Elissa Slotkin, Tom Malinowski, and Andy Kim, and for the 2016 Hillary Clinton presidential campaign

## **Media Appearances**

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**A prolific writer and commentator, uses a wide variety of mediums including blogs, podcasts, TV, and written commentary to communicate his take on national security**

**Online Commentary – In addition to Lawfare, has also published in Slate, The New Republic, The Wilson Quarterly, The Weekly Standard, Policy Review, and First Things**

**TV – Regularly appears as a contributor on legal issues for NBC and MSNBC**

**Podcasts – Uses these venues to innovate the delivery of legal and national security analysis to the public**

- Co-hosts the Lawfare Podcast and “The Report,” focusing on the Special Counsel report on Russian interference in the 2016 election

## **Speaking Engagements and Testimony**

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**Occasionally appears at think tank events, primarily with Brookings, and in front of Congress to discuss law and national security**

- Discussion on the Russia Investigation, Brookings Institution, May 2019
- Discussion on Bill Barr and the Mueller Report, Brookings Institution, March 2019
- Discussion on the Future of FISA, Hoover Institution, June 2017

## **Testimony**

- “Outside Perspectives on the President’s AUMF Against the Islamic State of Iraq and the Levant,” House Armed Services Committee, February 2015
- “Legislative Changes to the Foreign Intelligence Surveillance Act,” Senate Select Committee on Intelligence, September 2013

## Criticisms and Controversies

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Has been criticized for his connection to public officials and sympathy for government power

As an editorial writer with the *Washington Post* and at *Lawfare*, Wittes attracted liberal criticism for his perceived support for expansive use of presidential authority

- In 2012, *Guardian* journalist Glenn Greenwald criticized Wittes and *Lawfare* for “serving and justifying the acts of those in power”

During the Trump Administration, Wittes has been criticized for his closeness to law enforcement figures and other Republican legal professionals

- Following the firing of FBI director James Comey, Wittes revealed that he was friends with Comey and had been given information related to his firing

## Profiles Others Have Written

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Profiles focus on Wittes’ unique style and connections to officials like Comey

Ben Smith, [“To Understand James Comey, Talk To Benjamin Wittes,”](#) *Buzzfeed*, 2017

- Focuses on Wittes’ closeness to the emerging Russia scandal

Simon van Zuylen-Wood, [“The Man Who Made Liberals Newly Enamored of the Deep State,”](#)

*New York Magazine*, 2017

- Details Wittes’ criticism of the Trump Administration

## Hobbies

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- Wittes is a longtime practitioner of martial arts, including taekwondo and aikido
- In recent years, Wittes has announced the release of significant law-related news by posting videos on Twitter of him firing a miniature cannon at various household objects

## Info From Formative Years

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Wittes’ time in college and in his early career encouraged him to be an independent thinker

- While initially critical of the U.S. Intelligence Community in his early work, Wittes became more sympathetic to the government throughout his career
- Despite early criticism of the FISA court while working for the *Legal Times*, Wittes has explained growing more sympathetic of government officials after becoming more familiar with their work
- Wittes points to college as the start of his centrist and contrarian approach to policy
- In several interviews, Wittes notes that he developed his centrist nature while at Oberlin College, where he chose to avoid both liberal and conservative student movements on campus

## Family Background

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Wittes is married to Tamara Cofman Wittes, also a Senior Fellow at the Brookings Institution

- Cofman Wittes is a Senior Fellow in the Center for Middle East Policy at the Brookings Institution, where Benjamin Wittes also works. Tamara Cofman Wittes served as Deputy Assistant Secretary of State for Near Eastern Affairs from 2009-2012 and earned a PhD from Georgetown University in 2000