

Legal Issues Related to Targeted Killings



Thursday, April 22, 2010 5:00PM — 7:00PM

With Cocktail Reception

Location:

Reserve Officers Association Building, One Constitution Avenue, N.E. Washington, DC

Recent reports about accelerated rates of predator strikes in Pakistan and Yemen, as well as reports alleging CIA participation in drone strikes have raised questions about possible legal bases for the government to engage in targeted killings. The panel will begin with a recap of these media reports, followed by a discussion among experts on military law, intelligence law, international human rights law, and the Constitution to discuss the applicable legal framework.

Sponsored by ABA Standing Committee on Law and National Security
Harvey A. Rishikof, Chair
in cooperation with the Reserve Officers Association

Moderator: Suzanne Spaulding

Principal, Bingham Consulting Group, Of Counsel, Bingham McCutchen

Panelists:

William C. Banks Professor of Law, Syracuse University College of Law and Director, Institute for National Security and Counterterrorism

Major General Charles J. Dunlap Jr. Former Deputy Judge Advocate General, Headquarters U.S. Air Force

Kate Martin Director, Center for National Security Studies

Dana Priest Investigative Reporter, The Washington Post

Nicholas Rostow Former General Counsel of the U.S. Mission to the United Nations and former Legal Adviser to the National Security Council

No charge for the program; **RSVP required** — email owensm@staff.abanet.org

William C. Banks is the Board of Advisors Distinguished Professor and Professor of Law at Syracuse University College of Law and the Director of the Institute for National Security and Counterterrorism. Professor Banks is recognized internationally as an expert in constitutional law, national security law, and counterterrorism. He co-wrote a leading text in the field, *National Security Law*, which was first published in 1990 and is now in its fourth edition. Banks and his co-authors published *Counterterrorism Law* in 2007 to help define the emerging field. Professor Banks is also the author of numerous other books, book chapters and articles including *Constitutional Law: Structure and Rights in Our Federal System*, “*The Death of FISA*,” “*Legal Sanctuaries and Predator Strikes in the War on Terror*,” and “*Targeted Killing and Assassination: The U.S. Legal Framework*.” Since 1998, he also has been a Professor of Public Administration in Syracuse University’s Maxwell School of Citizenship and Public Affairs. He is the founding director of the Institute for National Security and Counterterrorism at Syracuse University. He also served as Special Counsel to the U.S. Senate Judiciary Committee in 1994. He currently serves as a member of the International Institute for Counter-Terrorism’s International Advisory Board and as Editor-in-Chief of the *Journal of National Security Law and Policy (JNSL&P)*.

Major General Charles J. Dunlap Jr. will conclude over 34 years of military service upon his retirement in June of 2010. Prior to his retirement, he served as Deputy Judge Advocate General, Headquarters US Air Force, Washington, D.C.. As Deputy Judge Advocate General, he assisted the Judge Advocate General in the professional oversight of more than 2,200 judge advocates, 350 civilian attorneys, 1,400 enlisted paralegals and 500 civilians assigned worldwide. In addition to overseeing an array of military justice, operational, international and civil law functions, General Dunlap provided legal advice to the Air Staff and commanders at all levels. He has served in the United Kingdom and Korea and deployed for various operations in the Middle East and Africa, including short stints in support of operations Enduring Freedom and Iraqi Freedom. Prior to assuming his current position, General Dunlap served as the Staff Judge Advocate at Headquarters Air Combat Command. General Dunlap speaks widely throughout the defense and public policy communities on legal and national security issues. His publications address a wide range of issues including the law, leadership, civil-military relations, airpower, cybberpower and counterinsurgency.

Kate Martin has been Director of the Center for National Security Studies since 1992, where she has litigated and written about national security and civil liberties issues, including government secrecy, intelligence, terrorism, and enemy combatant detentions. Ms. Martin has taught Strategic Intelligence and Public Policy at Georgetown University Law School and also served as general counsel to the National Security Archive, a research library located at George Washington University. Ms. Martin’s writings have provided analysis and guidance for reconciling national security secrecy and democratic openness including “Safeguarding Liberty: National Security, Freedom of Expression” and “Access to Information: United States of America,” published in *Secrecy and Liberty*, 1999.

Dana Priest is a two-time Pulitzer prize winning investigative reporter for The Washington Post. She spent three years as the Post’s intelligence reporter and was Pentagon correspondent for seven years before that. She covered the invasion of Panama (1989), reported from Iraq (1990), covered the Kosovo war (1999), and has traveled widely with Army Special Forces in Asia, Africa, and South America and with Army infantry units on peacekeeping duty in Bosnia, Kosovo and Afghanistan. As one of the Washington Post’s specialists on national security, she has written many articles on the United States’ “war on terror.” Ms. Priest has received numerous awards, including the Pulitzer Prize for Public Service for her reporting on the Walter Reed Army Medical Center in 2008 and the Pulitzer Prize for Beat Reporting and the George Polk Award for National Reporting for her reporting on black site prisons and counterterrorism operations overseas in 2006. Ms. Priest’s widely acclaimed 2003 book about the military’s expanding responsibility and influence, *The Mission: Waging War and Keeping Peace With America's Military*, earned the New York Public Library Bernstein Book Award and was a finalist for The Pulitzer Prize in non-fiction. She is also a contributor to CBS News and 60 Minutes.

Nicholas Rostow is the State University of New York’s University Counsel and Vice Chancellor for Legal Affairs. He served as the General Counsel of the U.S. Mission to the United Nations and is the former Legal Adviser to the National Security Council. As the General Counsel from 2001 to 2005, he was an integral member of the Mission’s senior management and representation on the Security Council and in the General Assembly. Mr. Rostow’s activities included, among other things, representation of the United States on the Security Council’s Counter-Terrorism Committee, responsibility for matters involving international criminal tribunals, and participation in the negotiation of Security Council and General Assembly resolutions regarding the Middle East, including Iraq, terrorism, proliferation of weapons of mass destruction, and African conflicts. Mr. Rostow has held a number of other Federal government positions. He served as Special Assistant for National Security Affairs to Presidents Reagan and George H. W. Bush and Legal Adviser to the National Security Council under National Security Advisers Colin L. Powell and Brent Scowcroft. Mr. Rostow held the Charles H. Stockton Chair in International Law at the U.S. Naval War College in 2001. He has also taught at the University of Tulsa College of Law and the Fletcher School of Law and Diplomacy of Tufts University. His publications are in the fields of diplomatic history, international law, and issues of U.S. national security and foreign policy.

Suzanne E. Spaulding is Of Counsel at Bingham McCutchen and Principal at Bingham Consulting Group. Ms. Spaulding has been a consultant on national security and homeland security related issues, including cybersecurity, critical infrastructure protection, foreign investment (CFIUS) terrorism, intelligence, law enforcement, crisis management, and issues related to the threat from chemical, biological, nuclear or radiological weapons. She previously served as Democratic Minority Staff Director for the U.S. House of Representatives Permanent Select Committee on Intelligence and as deputy staff director and general counsel for the Senate Select Committee on Intelligence. Ms. Spaulding was the Executive Director of two congressionally mandated committees, including the National Commission on Terrorism, and the Commission to Assess the Organization of the Federal Government to Combat the Threat of Weapons of Mass Destruction. She is also a frequent writer and lecturer, and has been quoted regularly in media outlets around the country and internationally.