

Council on Intelligence Issues Sponsors Counterterrorism Law Panel

On October 11, 2012, the Council on Intelligence Issues held its first public event, a roundtable discussion among several authors of the groundbreaking book, “The Law of Counterterrorism.” The Council and the book’s publisher, the American Bar Association’s Section of Administrative and Regulatory practice, co-sponsored the event, which was hosted by the law firm of O’Melveny & Myers LLP in its Washington DC office. Well-known attorney A.B. Culvahouse, a partner at the firm and former Counsel to the President as well as a member of the CII’s Senior Advisory Committee, welcomed the panelists and attendees. Of particular interest in light of CII’s mission, the panelists addressed issues relating to the protection and possible liability of United States employees and contractors involved in operations in the continuing War on Terror.

John Gannon moderated the discussion. Mr. Gannon is well-known to intelligence professionals, having served as the CIA’s Deputy Director for Intelligence, Chairman of the National Intelligence Council, Assistant DCI for Analysis, and as the first staff director of the House of Representatives Committee on Homeland Security. Most recently the President of BAE System Intelligence & Security, Mr. Gannon also is the recipient of the nation’s highest intelligence award, the National Security Medal.

Mr. Gannon started the discussion by asking the panelists to address two important questions: First, does the United States now have a workable legal framework for counterterrorism policy? Second, regarding the stated underlying legal principles for operations such as the targeted killings of United States citizens, is the US taking a reactive and thus a gradual, incremental approach to establishing a solid legal foundation? The resulting discussion identified important issues and addressed issues relating to detention and interrogation; the role of military commissions; challenges in intelligence collection and analysis, surveillance; and whether operations against terrorists as characterized in the press are more appropriately carried out by the CIA or by the US military.

Panelists included a distinguished group of national security experts who had contributed chapters to the ABA’s book: General John Altenburg, Jr. (ret.), now a lawyer in private practice with the firm Greenburg, Traurig; Justice Department attorney, Michael Davidson; Special Assistant to the US Army’s Judge Advocate General for War Crimes, Richard Jackson; senior counsel for the House Permanent Select Committee on Intelligence, Jamil Jaffer; and CII’s Co-Founder and President George Jameson.

CII would like to thank the ABA Section of Administrative Law, our gracious hosts at O’Melveny & Myers LLP, and Lynne Zusman, the book’s editor who also attended the event and presented introductory remarks.