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Former State Department Official Anne-Marie Slaughter Calls for New Laws in Dealing with Terrorism



Anne-Marie Slaughter, a professor of politics and international affairs at Princeton University, delivered the 15th annual Henry J. Abraham Distinguished Lecture at UVA Law on "Drones, Detentions and the Dilemmas of 21st-Century Foreign Policy."

The United States needs to rethink and further develop the rule of law surrounding drone strikes, detentions and other tactics used in combating terrorism, a former U.S. Department of State official and leading voice on foreign policy said Friday at the University of Virginia School of Law.

"Let's start over," said Anne-Marie Slaughter, a professor of politics and international affairs at Princeton University who served as director of policy and planning for the State Department from 2009-11. "Let's think about the kind of conflict we are going to face in this century ... And then let's have a public debate and talk to countries around the world."

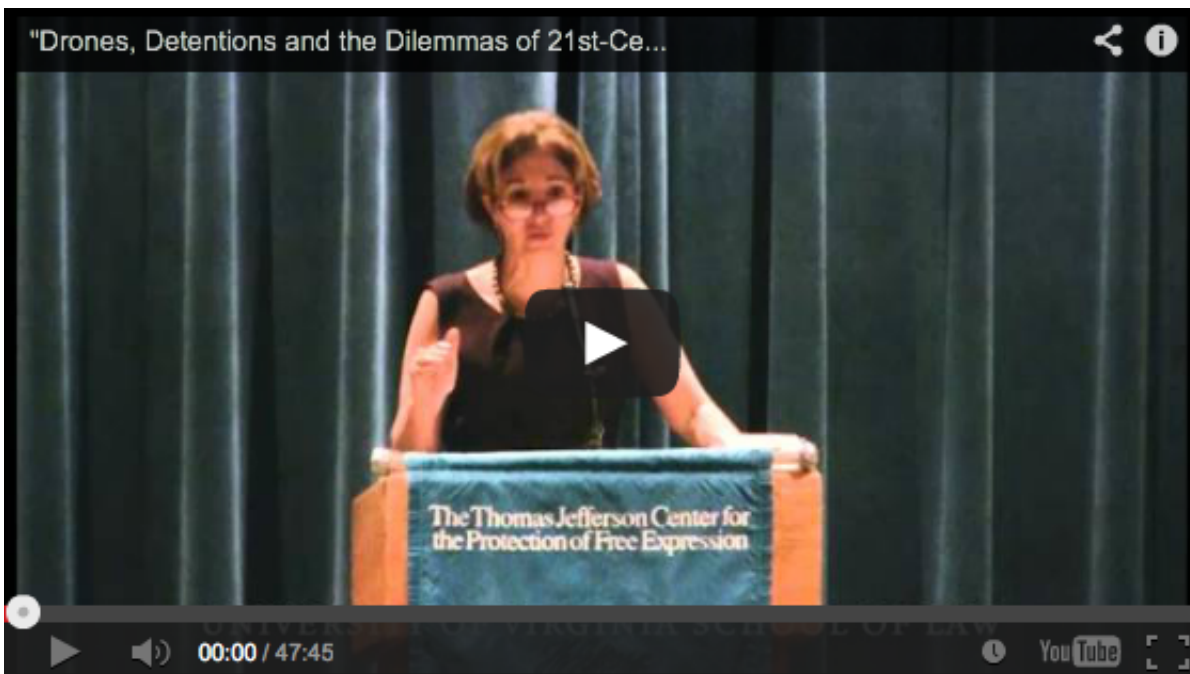
Slaughter's comments in Caplin Auditorium marked the 15th annual Henry J. Abraham Distinguished

Lecture, which is presented each year at the Law School by the Thomas Jefferson Center for the Protection of Free Expression.

She said the current legal justification for military action against suspected terrorists is rooted in the question: "Are we at war?"

The Obama administration cites the law passed after the Sept. 11 attacks authorizing "all necessary and appropriate force," as well as U.N. Security Council resolutions supporting operations in Afghanistan, as a legal basis for its current counterterrorism policies, Slaughter said.

But she said the rule of law is being stretched, pointing to recent U.S. drone strikes in Mali and Yemen, which are far removed from Afghanistan.



"So now we're talking about using drone strikes on individuals who are not connected to 9/11, who are not connected to the theater of war, who theoretically could be anywhere," Slaughter said. "Is that war? And this is a hard question. Because you could say these are all groups who are trying to target the United States."

The problem gets more complicated as secret, targeted killings further circumvent the judicial process, she said.

"We don't know what criteria were used to put people on that target list," she said. "[And] there are Americans on that target list."

Slaughter said an American legal position based primarily in Sept. 11-related authorizations may also be on shaky ground now that U.S. troops are scheduled to withdraw from Afghanistan in 2014.

Last week, the nonpartisan Task Force on Detainee Treatment, convened by the Washington, D.C.-based think tank The Constitution Project, issued a report regarding the prisoners being held by the U.S. in Guantanamo Bay.

"The vast majority of that task force found the authority to detain those people in Guantanamo is explicitly tied to our authority to wage war in Afghanistan," Slaughter said.

Among the task force's recommendations were speedy trials, transfers to U.S. mainland prisons or release to foreign countries, she said.

"If we end the war in Afghanistan and continue keeping [prisoners in Guantanamo], we are violating some of our most precious legal canons," Slaughter said.

The U.S. could better hew to rule of law principles by creating more explicit definitions regarding acts of terrorism or pending threats, and how they should be handled legally... "We need some category that says when a certain number of people have been killed, with a certain level of violence, here are the rules that apply," she said.

We don't want to live in a world in which governments can simply decide, 'We could capture someone and try them, or we can simply kill them.'"

REPORTED BY ERIC WILLIAMSON