

REACHING CRITICAL MASS: AN INTRODUCTION FROM THE HOSTS OF THE 2013 SOLUTIONS CONFERENCE

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“*Who Says You Can Kill Americans, Mr. President?*” trumpeted Vicki Divoll, conference speaker and former general counsel to the Senate Select Committee on Intelligence and former deputy legal adviser to the Central Intelligence Agency’s (CIA) Counterterrorism Center in a January 16, 2013, Op-Ed in the *New York Times*.

In the weeks following Divoll’s Op-Ed, NBC News published the leaked, Department of Justice “white paper” setting forth the legal framework for the U.S. drone program; Senator Rand Paul took to the Senate floor with a 13-hour filibuster on the government’s lack of authority to commit a drone attack on a U.S. citizen; and now CIA Director John Brennan began an acrimonious confirmation hearing before the U.S. Senate.

The March 2013 Solutions Conference¹ arrived in the wake of this unforeseen flurry of national discourse on the U.S. drone program, in addition to a near foot of late-season snow covering the Vermont Law School campus. Renowned international legal scholars, human rights lawyers, and experts on the law of armed conflict arrived alongside architects of U.S. counterterrorism laws and policies, government officials, and constitutional law scholars.

Entitled *Reaching Critical Mass: The Intersection of International and U.S. Law in the Wake of Modern Exigencies*, the day-long conference in the Chase Community Center brought together a seldom-united group of opposing scholars to debate, discuss, and consider the controversial U.S. drone program in addition to the legal justifications for a number of other post-9/11 laws, policies, and institutions.

While debating the role of international and U.S. law in addressing domestic and global security since 9/11, the panelists covered a number of controversial and timely issues including the future of the detention facility

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at Guantanamo Bay; U.S. material support legislation and the future of humanitarian aid; the future of the Congressional authorization for the use of force; the evolving role of wiretapping, FISA and the USA PATRIOT Act; and cyber security as the future of modern warfare.

As divergent in views and as unlikely a pairing as the speakers, the Federalist Society and International Law Society at Vermont Law School came together in an unprecedented partnership, in an effort to create an evenhanded and unbiased discussion of the delicate balance between combating modern security threats, observing international law, and protecting human rights and civil liberties in the modern age.