

2018 National Security Law Institute Topics List

Below is a general mapping of Institute topics. The program varies slightly from year to year, taking into account current developments, such as tensions in the South China Sea and the expansion of the so-called “Islamic State” or ISIS. (Programming on specific days must be flexible to accommodate the busy schedules of our speakers.)

1. Theory and Understanding War and the Use of Force

- **Theoretical Approaches to National Security and World Order**
- **Understanding War**
- **Historical Development of the Law of Conflict Management**
- **Institutional Modes of Conflict Management**
- **Use of Force in International Relations**
- **The Law of Armed Conflict**
- **Legal/Policy Aspects of Combatting Weapons of Mass Destruction (WMD)**
- **War Crimes and the International Criminal Court**
- **The DoD Law of War Manual**
- **Detention Issues in the Struggle Against Terror**

2. Background: Constitutional Issues and Division of Powers

- **The Foreign Affairs Power: Presidential and Congressional Authority**
- **War Powers and the War Powers Resolution**
- **Debate – Need for a New AUMF?**
- **National Security Issues Under the Fourth and Fifth Amendments**

3. Focus: Contemporary Concerns

- **Human Rights and National Security**
- **Transnational Terrorism**
- **Transnational Organized Crime**
- **The Use of Economic Sanctions—An Enforcement Tool to Fight Terrorism**
- **Contemporary Security Challenges: the ISIS Threat**
- **Environmental Law and National Security**
- **National Security Implications of Immigration Law**
- **Legal Responses to Biological Threats**
- **Contemporary Issues of Maritime National Security Law: South China Sea**

- **The Ongoing Conflict in Syria: International Law Issues**
- **The Middle East: Policy Issues**

4. The Role of the Government Lawyer

- **The National Security Process**
- **The Role of the NSC Legal Advisor**
- **The Role of the Legal Counsel to the Chairman of the Joint Chiefs of Staff**
- **The Role of the DoD Deputy General Counsel for International Affairs**
- **Ethical Issues Facing Lawyers Practicing National Security Law**

5. Technology: Cyber Issues

- **Law and Warfare in the Cyber Domain**
- **International Law and Cyber War**
- **Technology, Privacy and National Security**
- **Taking Control of Our Cyber Future**

6. Intelligence Law and Policy

- **Intelligence Community Law**
- **The State Secrets Privilege**
- **The Foreign Intelligence Act (FISA)**
- **Debate—Has Congress Exceeded Its Constitutional Authority in Enacting FISA and Constraining Foreign Intelligence Collection?**

7. Military Law Policy

- **Beating Law Books into Swords: A Perspective on the Law, Lawyers and “Lawfare” in Modern Conflict**
- **Civil and Military Relations: A U.S. Perspective**
- **Clear Thinking about Future Wars**