

The Twenty-Sixth National Security Law Institute

**at the
University of Virginia School of Law**

Charlottesville, Virginia

June 3 - June 15, 2018



CENTER FOR NATIONAL SECURITY LAW
University of Virginia School of Law

Introduction

The field of national security law is among the most exciting and vital areas of study at American law schools. Beginning with a single course taught by Professor John Norton Moore at the University of Virginia School of Law in the late 1960s, courses or seminars on national security law are today being taught at most accredited American law schools, and the Association of American Law Schools now has a thriving Section on National Security Law.

Since the terrorist attacks of September 11, 2001, newspapers around the world have featured front-page stories about the constitutional powers of Congress and the President involving war and intelligence, the 1949 Geneva Conventions, the Foreign Intelligence Surveillance Act (FISA), the PATRIOT Act, FBI National Security Letters, and a range of other once relatively obscure issues of national security law. The American people want to understand these issues, and law students want to be prepared to help in that process.

The Center for National Security Law

More than twenty years before the 2001 terrorist attacks, two specialists on legal issues related to U. S. national security at the University of Virginia School of Law, Professors John Norton Moore and Robert F. Turner, co-founded the nation's first "think tank" in this emerging field of inquiry. In addition to teaching and sponsoring scores of conferences and other educational programs over the decades, a key goal of the Center for National Security Law was to bring together the nation's preeminent authorities to produce a major text that would facilitate teaching national security law both at Virginia and at other law schools around the nation. The Center's casebook on *National Security Law & Policy* was first published in 1990, and a fully revised and expanded third edition was published in 2015. This volume is supplemented by a second edition of *National Security Law Documents*, which also serves as a free-standing desk reference for key documents in the field.

The primary focus of the Center for National Security Law has always been teaching. That includes a variety of courses and seminars taught at Virginia (both in the School of Law and the Woodrow Wilson Department of Politics), active involvement in numerous conferences and giving lectures at other law schools around the country, and the Center's flagship National Security Law Institute.

The National Security Law Institute

To provide professors of law and related disciplines with both an overview of the field and updates on contemporary developments, since 1991 the Center for National Security Law has conducted an annual National Security Law Institute (NSLI) during the first two weeks of June at the University of Virginia School of Law. (The Daniel Morgan Academy is also a sponsor). This highly intensive, two-week program brings to Charlottesville some of the nation's leading authorities from academia and government service to address more than thirty important topics of national security law.

Our distinguished roster of speakers typically includes senior national security lawyers from the White House, the Department of State, the Pentagon, and government officials like former Director of Central Intelligence R. James Woolsey, Tia Johnson (Assistant Secretary for Legislative Affairs, Department of Homeland Security) and Lt. General H.R. McMaster (US Army Training and Doctrine Command).

The National Security Law Institute is also open to government attorneys with national security responsibilities who seek a broader understanding of the field. Over the years, American government participants have included the Legal Counsel to the Coast Guard, the General Counsel to the Defense Intelligence Agency, and lawyers from virtually all of the departments and agencies in the national security community, including all branches of the armed forces and their JAG Corps. Foreign government lawyers from six continents have also taken part. American government participants in the program have gone onto distinction in such assignments as Legal Counsel to

the Chairman of the Joint Chiefs of Staff, Deputy Legal Advisor to the National Security Council, Deputy General Counsel to the Department of Defense, Deputy Judge Advocate General of the Air Force, and the Staff Judge Advocate for NORAD and U.S. Northern Command.

Friendships established during the Institute create valuable networking opportunities both for professors who wish to stay current on key issues and for government attorneys who value the perspectives and insights of legal educators.

Institute Highlights

Most of the Institute's more than thirty substantive topics are addressed in intensive 90-minute instructional blocks that include significant time for questions from participants and interaction with the instructors. Some of the more controversial topics—such as legal and policy issues of the Operation Iraqi Freedom program, the constitutionality of NSA collection of metadata under the PATRIOT Act, legal and policy implications of enacting a new AUMF for ISIL—are often the subject of debates. Recent debaters have included Professors Stephen Vladeck and Laura Donohue of American University and Georgetown University, former ACLU director Morton Halperin, Senior Counsel to the Speaker of the House Joseph Onk, former Reagan Justice Department official Victoria Toensing.

Topics addressed during the Institute include the international law governing the use of armed force (both *jus ad bellum* and *jus in bello*); the constitutional separation of powers between Congress and the President involving war, intelligence, and treaties; the interplay between the First Amendment and the need for secrecy in military and intelligence operations; and a variety of issues involving human rights and civil liberties. Many current developing concerns are included, such as combatting the proliferation of weapons of mass destruction, transnational terrorism, the ISIL Threat, lethal drones, tensions in the South China Sea and legal responses to biological threats. Legal questions raised by several armed conflicts are also addressed, including the Vietnam War and Operation Iraqi Freedom, and there is a detailed theoretical exploration of the causes of international armed aggression and the potential of various legal and policy options to deter aggression and promote peace. This includes a review of landmark scholarship by Professor Moore that began during his service more than two decades ago as the first Chairman of the Board of the congressionally-established United States Institute of Peace. Frequently, participants are given an opportunity to visit Thomas Jefferson's home at Monticello.

TO APPLY and for FURTHER INFORMATION

To apply, please fill out an application available on our website. Your completed application should be emailed to Bill Lacy at blacy@law.virginia.edu with "NSLI Application" on the subject line. Early applications are encouraged, and the deadline for applications is Friday, May 18, 2018.

Please do not hesitate to contact Bill Lacy at 434 924-3590 if you have any questions about the application. For questions about other matters regarding the program contact Ms. Mer McLernon at 434 924-7441 or email her at mer@law.virginia.edu.

Participants are responsible for their travel to and from Charlottesville, and there will be a tuition fee of \$1,950 (includes lodging, lunches, course materials, and any group dinners during the Institute). This fee covers considerably less than half of the actual cost of the program. Most of the costs are covered by foundation grants.

Additional information on the program can be found at <http://cnsl.virginia.edu/nslinstitute>. For further information, please contact the Center at the address below.



CENTER FOR NATIONAL SECURITY LAW

University of Virginia School of Law

580 Massie Road

Charlottesville, VA 22903-1789

(434) 924-7441

<http://cnsl.virginia.edu/>