



**CENTER FOR NATIONAL SECURITY LAW**

University of Virginia School of Law  
580 Massie Road  
Charlottesville, VA 22903-1789

**26TH NATIONAL SECURITY LAW INSTITUTE**

**Sunday, June 3 — Friday, June 15, 2018**

**PROGRAM**

[Unless otherwise noted, all classes will take place in Slaughter Hall – SL278; all breaks – SL284]

The NSLI will honor Chatham House Rules to encourage participants and speakers to openly exchange ideas.

**Sunday, June 3**

**11:30 AM**                      **Bus Departs the Hyatt Place for the Law School**

**11:45 AM**                      **Registration**  
Pick up materials and information at Caplin Pavilion  
University of Virginia School of Law  
580 Massie Road, Charlottesville, VA 22903

**12:00 PM**                      **Lunch** (Caplin Pavilion)

**12:30 PM**                      **Welcome**

**Professor John Norton Moore**  
Director, Center for National Security Law;  
Walter L. Brown Professor of Law, UVA School of Law

**Mr. David E. Graham**  
Associate Director for Programs,  
Center for National Security Law

**Self-Introduction of Participants**

1:30-3:00 PM                      **Class # 1: *New Technology and the Future of War***

**Mr. Peter W. Singer**  
New America Foundation

3:00- 3:15 PM                      **Break**

3:15-4:45 PM                      **Class # 2: *Theoretical Approaches to National Security and World Order***

**Professor Anthony Clark Arend**  
Vice Dean for Graduate and Faculty Affairs; Professor of Government Service,  
Walsh School of Foreign Service, Georgetown University

5:00 PM                              **Bus Departs (from Slaughter Hall) for Hyatt Place**

**Monday, June 4**

8:30 AM                              **Bus Departs Hyatt Place for the Law School**

9:00-10:30 AM                      **Class # 3: *Understanding War***

**Professor John Norton Moore**

10:30 - 10:45 AM                      **Break**

10:45 AM - 12:15 PM                      **Class # 4: *Historical Development of the Law of Conflict Management***

**Professor John Norton Moore**

12:15 - 1:10 PM                      **Lunch** (Caplin Pavilion)

1:15 - 2:45 PM                      **Class # 5: *Institutional Modes of Conflict Management***

**Professor Anthony Clark Arend**

2:45 - 3:00 PM                      **Break**

3:00 - 4:30 PM                      **Class # 6: *The Use of Force in International Relations (I)***

**Professor John Norton Moore**

4:45 PM                              **Bus Departs (from Slaughter Hall) for Hyatt Place**

**Tuesday, June 5**

- 8:30 AM **Bus Departs Hyatt Place for the Law School**
- 9:00 - 10:30 AM **Class # 7: *The Use of Force in International Relations (2)***  
**Professor John Norton Moore**
- 10:30 - 10:45 AM **Break**
- 10:45 AM - 12:15 PM **Class # 8: *The Law of Armed Conflict (1)***  
**Mr. David E. Graham**  
CNSL, Associate Director for Programs  
Former Executive Director, U.S. Army Judge Advocate General's Legal Center and School; former Chief, International and Operational Law, Office of The Judge Advocate General, U.S. Army
- 12:15 - 1:10 PM **Lunch** (Caplin Pavilion)
- 1:15 - 2:30 PM **Class # 9 *The Law of Armed Conflict (2)***  
**Mr. David E. Graham**
- 2:30 - 2:45 PM **Break**
- 2:45 - 4:15 PM **Class # 10: *The 2015 DOD Law of War Manual: A U.S. Change of Course on Substantial LOAC Issues***  
**Mr. David E. Graham**
- 4:30 PM **Bus Departs (from Slaughter Hall) for Hyatt Place**

**Wednesday, June 6**

- 8:30 AM **Bus Departs Hyatt Place for the Law School**
- 9:00 - 10:30 AM **Class # 11: *Charging War Crimes: International Criminal Court***  
**Mr. William K. Lietzau**  
Vice President, Governance and International Development, PAE;  
Former Deputy Assistant Secretary of Defense for Rule of Law & Detainee Policy; Former U.S. Delegation Lead for the Negotiation of the International Criminal Court Elements of Crimes
- 10:30 - 10:45 AM **Break**

10:45 AM - 12:15 PM

**Class # 12: *Detention Issues in the Struggle Against Terror (1)***

**Dean and Professor Robert M. Chesney**

Associate Dean for Academic Affairs; Charles I. Francis Professor of Law, University of Texas School of Law; Distinguished Scholar of the Robert S. Strauss Center for International Security and Law; and a Non-Resident Senior Fellow, Brookings Institute

12:15 - 1:10 PM

**Lunch** (Caplin Pavilion)

1:15 – 2:45 PM

**Class # 13: *Detention Issues in the Struggle Against Terror (2)***

**Professor Robert M. Chesney**

2:45– 3:00 PM

**Break**

3:00 – 4:30 PM

**Class # 14: *The State Secrets Privilege***

**Professor Robert M. Chesney**

4:30 PM

**Bus Departs (from Slaughter Hall) for Hyatt Place**

**Thursday, June 7**

8:30 AM

**Bus Departs Hyatt Place for the Law School**

9:00 - 10:30 AM

**Class # 15: *The Foreign Affairs Power: Presidential and Congressional Authority***

**Professor John Norton Moore**

10:30 - 10:45 AM

**Break**

10:45 AM - 12:15 PM

**Class # 16: *Biological Threats and Response***

**Professor Laura Donohue**

Director, Center for National Security and Law, Georgetown University Law Center

12:15 - 1:10 PM

**Lunch** (Caplin Pavilion)

1:15 - 2:45 PM

**Class # 17: *The Foreign Intelligence Surveillance Act (FISA)***

**Professor Laura Donohue**

2:45 - 3:00 PM

**Break**

3:00 – 4:30 PM

**Class # 18: DEBATE – RESOLVED: *That Congress Has Exceeded its Proper Constitutional Authority in Enacting FISA and Constraining Foreign Intelligence Collection***

**Moderator: Mr. David E. Graham**

**Professor Robert F. Turner; Affirmative**

Associate Director, Center for National Security Law, University of Virginia School of Law; First President, U.S. Institute of Peace; Former Stockton Chair of International Law, U.S. Naval War College

vs.

**Professor Laura Donohue; Negative**

Georgetown Law Center

4:45 PM Bus Departs (from Slaughter Hall) for Hyatt Place  
6:00 PM Bus Pick-up (from Hyatt Place) for Professor Moore's Residence  
6:30 PM – until Cocktails and Buffet: Professor John Norton Moore's Residence  
9:15 PM Bus Drop-off at the Hyatt Place

**Friday, June 8**

8:00 AM Bus Departs Hyatt Place for the Law School  
8:30 - 10:00 AM Class # 19: *Beating Law Books into Swords: A Perspective On the Law, Lawyers, and "Lawfare" in Modern Conflict*  
Professor Charles J. Dunlap Jr., (Maj. Gen., USAF Ret.)  
Executive Director, Center on Law, Ethics and National Security, Duke University School of Law; former Deputy Judge Advocate General of the Air Force  
10:00 – 10:15 AM Break  
10:15 - 11:45 AM Class # 20: *Civil-Military Relations: A U.S. Perspective*  
Professor Charles J. Dunlap Jr.  
11:45AM - 12:40PM Lunch (Caplin Pavilion)  
12:45 – 2:15 PM Class # 21: *The Role of Military Attorneys in the National Security Law Process*  
Lieutenant General Charles N. Pede  
The Judge Advocate General of the Army  
2:15 – 2:30 PM Break  
2:30 – 4:00 PM Class # 22: *Transnational Terrorism*  
Professor M. E. "Spike" Bowman (Capt., U.S. Navy JAG, Ret.)  
Distinguished Fellow, Center for National Security Law; former Senior Counsel for National Security Law, Federal Bureau of Investigation

4:00 - 4:15 PM

**Break**

4:15 - 5:45 PM

**Class # 23: *Technology, Privacy and National Security***

**Professor M. E. “Spike” Bowman**

6:00 PM

**Bus Departs (from Slaughter Hall) for Hyatt Place**

**Saturday, June 9**

***Morning and Afternoon Free***

**Sunday, June 10**

***Morning and Afternoon Free***

**Monday, June 11**

8:30 AM

**Bus Departs Hyatt Place for the Law School**

9:00 - 10:30 AM

**Class # 24: *U.S. Nuclear Policy/Modernization***

**The Honorable Guy B. Roberts**

Senior Fellow, Center for National Security Law;

Assistant Secretary of Defense for Nuclear, Chemical, and Biological Programs

10:30 - 10:45 AM

**Break**

10:45 AM - 12:15 PM

**Class # 25: *Legal Challenges in Space***

**Professor David Koplow**

Georgetown University Law Center

12:15 - 1:00 PM

**Lunch** (Caplin Pavilion)

1:15 - 2:45 PM

**Class # 26: *Role of the Legal Advisor, U.S. Department of State***

**Mr. Todd F. Buchwald**

Former Special Coordinator, Office of Global Criminal Justice; Former

Assistant Legal Advisor for Political-Military Affairs, Department of State; Former

Assistant Legal Advisor for United Nations Affairs, Department of State

2:45 - 3:00 PM

**Break**

3:00 - 4:30 PM

**Class # 27: *Role of the Deputy General Counsel for International Affairs,***

**U.S. Department of Defense**

**Mr. Charles A. Allen**

Deputy General Counsel, International Affairs, U.S. Department of Defense

4:45 PM

**Bus Departs (from Slaughter Hall) for Hyatt Place**

**Tuesday, June 12**

**8:30 AM Bus Departs Hyatt Place for the Law School**

**9:00 - 10:30 AM Class # 28: China's Use of Lawfare**  
**Dr. Dean Cheng**  
Senior Research Fellow  
Asian Studies Center, Davis Institute for National Security and Foreign Policy  
The Heritage Foundation

**10:30 - 10:45 AM Break**

**10:45 AM - 12:15 PM Class # 29: Law and Warfare in the Cyber Domain**  
**Professor Paul Rosenzweig**  
Professional Lecturer, George Washington University School of Law; Distinguished Visiting Fellow, Homeland Security Studies and Analysis

**12:15 - 1:10 PM Lunch (Caplin Pavilion)**

**1:15 - 2:45 PM Class # 30: War Power and the War Powers Resolution**  
**Professor Robert F. Turner**  
University of Virginia School of Law

**2:45 - 3:00 PM Break**

**3:00 – 4:15 PM Class # 31: DEBATE: RESOLVED: There is a Need for A New Congressional Authorization for the Use of Military Force (AUMF)**

**Moderator: Mr. David E. Graham**

**Ms. Heather Brandon; Affirmative**  
Advocacy Counsel, National Security  
Human Rights First

vs.

**Professor Robert F. Turner; Negative**  
University of Virginia School of Law

**4:30 PM Bus Departs (from Slaughter Hall) for Hyatt Place**

**4:45 – 6:45PM CLE: Ethical Issues Facing Lawyers Practicing National Security Law: A Discussion.**

[This is a video of a live presentation made at the ABA Standing Committee on Law and National Security 24<sup>th</sup> Annual Review of the Field Conference in Washington, DC (Nov. 7, 2014). We are applying for 2 hours of Virginia CLE-Ethics credit for this class, but if you have already received credit for attending the original program, you will not be eligible for additional credit here.]

**Discussants:**

**The Honorable James E. Baker**

**&**

**Professor Harvey Rishikof**

**Wednesday, June 13**

<b>8:15 AM</b>	<b>Bus Departs Hyatt Place for the Law School</b>
<b>9:00 - 10:30 AM</b>	<b>Class # 32: <i>International Law and Cyber War</i></b> <b>Professor Sean Watts</b> Professor of Law, Creighton University School of Law; Senior Fellow with the NATO Cooperative Cyber Defense Center of Excellence in Tallinn, Estonia
<b>10:30 - 10:45 AM</b>	<b>Break</b>
<b>10:45 AM- 12:15 PM</b>	<b>Class # 33: <i>Military Commissions: Past and Present</i></b> <b>Mr. Frederic L. Borch</b> Regimental Historian U.S. Army Judge Advocate General's Corps
<b>12:15 - 1:10 PM</b>	<b>Lunch</b> (Caplin Pavilion)
<b>1:15 - 2:45 PM</b>	<b>Class # 34: <i>Contemporary Issues of Maritime National Security Law: South China Sea</i></b> <b>Professor James Kraska</b> Director, Stockton Center for the Study of International Law, U.S. Naval War College; Senior Fellow, Center for National Security Law
<b>2:45 – 3:00 PM</b>	<b>Break</b>
<b>3:00 - 4:30 PM</b>	<b>Class # 35: <i>Trying Terrorists: What Are The Options?</i></b> <b>Professor Harvey Rishikof</b> Chair of the Advisory Committee to the ABA Standing Committee on Law and National Security; former Convening Authority, Military Commissions



4:45 PM	<b>Bus Departs (from Slaughter Hall) for the Hyatt Place</b>
5:45 PM	<b>Bus Departs (from Hyatt Place) for The Rotunda</b>
6:15 PM – 8:45 PM	<b>Dinner and Speaker - University of Virginia's Historic Rotunda</b>  <b>Title: Nuclear Deterrence in the 21<sup>st</sup> Century</b> <b>Ambassador Robert Gallucci</b> Chairman, U.S.-Korea Institute- John Hopkins School of Advanced International Studies; Distinguished Professor of the Practice of Diplomacy, Georgetown University; Former Assistant Secretary of State for Political Affairs
8:45 PM	<b>Bus Pick-Up at The Rotunda</b>
<b><u>Thursday, June 14</u></b>	
8:30 AM	<b>Bus Departs Hyatt Place for the Law School</b>
9:00 - 10:30 AM	<b>Class # 36: <i>The National Security Aspects of Climate Change</i></b> <b>Professor Mark P. Nevitt</b> Sharswood Fellow, Lecturer in Law, University of Pennsylvania Law School
10:30 - 10:45 AM	<b>Break</b>
10:45 AM- 12:15 PM	<b>Class # 37: <i>National Security Implications of Immigration and Refugee Policy</i></b> <b>Ms. Elisa Massimino</b> President and Chief Executive Officer, Human Rights First
12:15-1:10 PM	<b>Lunch</b> (Caplin Pavilion)
1:15 - 2:45 PM	<b>Class # 38: <i>The Use of Economic Sanctions – An Enforcement Tool in the Fight Against Terrorism</i></b>  <b>Mr. R. Richard Newcomb</b> Former Director, Office of Foreign Assets Control, U.S. Department of the Treasury
2:45 - 3:00 PM	<b>Break</b>
3:00 - 3:30 PM	<b>Class Photo</b>
3:30 – 4:15 PM	<b>Presentation of Certificates</b>
4:30 PM	<b>Bus Departs (from Slaughter Hall) for the Hyatt Place</b>

**[NOTE: To avoid being billed for Friday night, if you are not planning to stay longer at your own expense, be sure to check out of your room before getting on the Friday morning bus. You may check your bags at the Front Desk.]**

**Friday, June 15**

8:30 AM	<b>Bus Departs Hyatt Place for the Law School</b>
9:00 - 10:15AM	<b>Class # 39: <i>The Ongoing Fight in Syria – International Legal Issues</i></b> <b>Mr. David E. Graham</b>
10:15 - 10:30 AM	<b>Break</b>
10:30 AM - 12:00 PM	<b>Class # 40: <i>Syria – The Ongoing Struggle</i></b> <b>Ms. Jennifer Cafarella</b> Lead Intelligence Planner Institute for the Study of War
12:15 – 1:15 PM	<b>Closing Lunch &amp; Participant Departure</b> <b>Caplin Pavilion</b>
1:30 PM	<b>Bus Departs (from Slaughter Hall) for Hyatt Place</b>

**FOR FURTHER INFORMATION:**

Please do not hesitate to contact **Mr. Bill Lacy** by email at [blacy@law.virginia.edu](mailto:blacy@law.virginia.edu) by phone at 434 924-3590, if you have questions about the application process. For other questions contact **Ms. Mer McLernon** at 434-924-7441 or her email at [mer@law.virginia.edu](mailto:mer@law.virginia.edu)

