



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 24th 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

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

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

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

FOR FURTHER INFORMATION:

Please do not hesitate to contact **Mr. Bill Lacy** by email at 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

