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 (1)*

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


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

[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: International Law and Cyber War**  
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: Military Commissions: Past and Present**  
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: Contemporary Issues of Maritime National Security Law: South China Sea**  
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: Trying Terrorists: What Are The Options?**  
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

Thursday, June 14

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

9:00 - 10:30 AM  Class # 36: The National Security Aspects of Climate Change
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: National Security Implications of Immigration and Refugee Policy
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: The Use of Economic Sanctions – An Enforcement Tool in the Fight Against Terrorism

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: *The Ongoing Fight in Syria – International Legal Issues*

Mr. David E. Graham

10:15 - 10:30 AM  Break

10:30 AM - 12:00 PM  Class # 40: *Syria – The Ongoing Struggle*

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