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**AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON LAW AND NATIONAL
SECURITY**

**CENTER FOR NATIONAL SECURITY LAW, UNIVERSITY
OF VIRGINIA SCHOOL OF LAW**

**CENTER ON LAW, ETHICS AND NATIONAL SECURITY,
DUKE UNIVERSITY SCHOOL OF LAW**

PRESENT

**18TH ANNUAL REVIEW OF THE FIELD OF NATIONAL
SECURITY LAW
ISSUES FOR THE NEW ADMINISTRATION**

NOVEMBER 6 – NOVEMBER 7, 2008

**RENAISSANCE WASHINGTON DC HOTEL
RENAISSANCE BALLROOM
999 9TH STREET, NW
WASHINGTON, DC**

THURSDAY, NOVEMBER 6, 2008

7:30 AM **REGISTRATION AND CONTINENTAL BREAKFAST**

8:15 AM **WELCOME**

Albert C. Harvey
Chair
ABA Standing Committee on Law and
National Security

8:30-9:15 AM ***PANEL I – THE NATURE, SCOPE AND SCALE OF
NATIONAL SECURITY THREATS INSIDE AND
OUTSIDE THE UNITED STATES***

MODERATOR: **Suzanne E. Spaulding**
Principal, Bingham Consulting Group

PANELISTS: **Joel F. Brenner**
National Counterintelligence Executive
Office of the Director of National
Intelligence

David Kay
Consultant
and former IAEA/UNSCOM Chief Nuclear
Weapons Inspector

Joseph Billy, Jr.
Vice President of Global Security
Prudential, and former
Assistant Director for Counterterrorism, FBI

9:15-10:45 AM ***PANEL II – MANAGING THE INTELLIGENCE
ENTERPRISE***

MODERATOR: **M. E. “Spike” Bowman**
Deputy, National Counterintelligence
Executive
Office of the Director of National
Intelligence

Jameel Jaffer
Director
National Security Project
American Civil Liberties Union

David B. Rivkin
Partner
Baker Hostetler

12:15 PM **BREAK**

12:30-2:15 PM **LUNCHEON – KEYNOTE SPEAKER:**

***“National Security: The Changing
Role of the Courts”***
The Honorable David B. Sentelle
Chief Judge, United States Court of Appeals
for the District of Columbia Circuit

2:30-4:30 PM ***PANEL VIII – ETHICAL ISSUES FOR NATIONAL
SECURITY LAWYERS***

MODERATOR: **Albert C. Harvey**

PANELISTS: **James E. Baker**
Judge, U.S. Court of Appeals for the Armed
Forces and Adjunct Professor, Georgetown
University Law Center

Kathleen Clark
Professor of Law and Co-Director of
Congressional and Administrative Law
Clinic, Washington University Law School

John D. Hutson
Dean and President
Franklin Pierce Law School

Alberto J. Mora
Former General Counsel, U.S. Navy

4:30 PM **ADJOURN**

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MODERATOR: Harvey Rishikof
Professor of Law and National Security
Studies
National War College

PANELISTS: Kate Martin
Director
Center for National Security Studies

CDR Glenn M. Sulmasy, USCG
Associate Professor of Law
Department of Humanities, Law Section
United States Coast Guard Academy

Matthew Waxman
Associate Professor of Law
Columbia Law School

Benjamin Wittes
Fellow and Research Director in Public Law
The Brookings Institution

10:15 AM BREAK

10:30-12:15 PM **PANEL VII – PROSECUTION BY MILITARY
COMMISSION: A QUESTION FOR THE NEXT
ADMINISTRATION**

MODERATOR: Scott L. Silliman
Professor of the Practice of Law and
Executive Director of the Center on Law,
Ethics and National Security
Duke University School of Law

PANELISTS: John D. Altenburg, Jr., MAJ GEN, USA (Ret.)
Of Counsel
Greenberg Traurig and former
Appointing Authority for Military
Commissions

Charles D. Swift
Former Visiting Professor
Emory Law School
and retired LCDR, Navy JAG Corps

PANELISTS: Wyndee Parker
Deputy Staff Director and General Counsel
House Permanent Select Committee on
Intelligence

William C. Banks
Professor of Law and Director
Institute for National Security and
Counterterrorism
Syracuse University College of Law

Michael J. Heimbach
Assistant Director of Counterterrorism
Federal Bureau of Investigation

James R. Locher III
Executive Director
Project on National Security Reform
Center on the Study of the Presidency

10:45 AM BREAK

11:00 AM-12:30 PM **PANEL III – A SUSTAINABLE LEGAL REGIME FOR
FOREIGN AND DOMESTIC INTELLIGENCE**

MODERATOR: Elizabeth Rindskopf Parker
Dean, McGeorge School of Law
University of the Pacific

PANELISTS: Lara M. Flint
Counsel, Subcommittee on the Constitution,
Civil Rights and Property Rights
Senate Judiciary Committee

John Rizzo
Senior Deputy General Counsel
Central Intelligence Agency

James A. Baker
Former Counsel for Intelligence Policy
Office of Intelligence Policy and Review
Department of Justice

James McPherson
Executive Director
National Association of Attorneys General

12:30-2:00 PM LUNCHEON – KEYNOTE SPEAKER:

The Honorable Sheldon Whitehouse
United States Senate, RI

PANELISTS: Angeline G. Chen
Associate General Counsel
Lockheed Martin Corporation

2:15-4:00 PM **PANEL IV – THE WAR IN GEORGIA AND THE
FUTURE OF US/RUSSIAN RELATIONS**

MODERATOR: John Norton Moore
Director, Center for National Security Law
and Walter L. Brown Professor of Law
University of Virginia School of Law

John MacGaffin
Senior Director
CENTRA Technology

Scott Charney*
Corporate Vice President
Trustworthy Computing Group
Microsoft

PANELISTS: His Excellency Sergei I. Kislyak*
Ambassador of the Russian Federation to the
United States

John Swift
Section Chief for Acquisition Risk
Office of the National Counterintelligence
Executive

Lawrence Eagleburger
Former Secretary of State

5:30 PM RECEPTION

Ambassador James F. Collins
Senior Associate and Director
Russia and Eurasia Program
Carnegie Endowment for Int'l Peace &
Former U.S. Ambassador to the Russian
Federation

6:15 PM KEYNOTE SPEAKER:

Admiral Michael G. Mullen, USN
Chairman of the Joint Chiefs of Staff

Dimitri K. Simes
President
The Nixon Center
and Publisher, The National Interest

7:15 PM DINNER – GRAND BALLROOM

FRIDAY, NOVEMBER 7, 2008

4:00 PM BREAK

7:45 AM CONTINENTAL BREAKFAST

4:15–5:30 PM **PANEL V- CHALLENGES FOR THE PRIVATE
SECTOR IN NATIONAL SECURITY**

MODERATOR: Judith Miller
Senior Vice President and General Counsel
Bechtel Group, Inc

8:10 AM WELCOME – JOHN NORTON MOORE
OPENING REMARKS

H. Thomas Wells, Jr.
President
American Bar Association

8:30-10:15 AM - **PANEL VI-DUE PROCESS AND ISSUES
SURROUNDING DETENTION: CONSIDERATIONS FOR THE NEW
ADMINISTRATION**