

Call for Applications

**The Seventeenth
National Security Law Institute**

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

**Charlottesville, Virginia
and
Washington, DC**

May 31 -- June 12, 2009



CENTER FOR NATIONAL SECURITY LAW
University of Virginia School of Law

Introduction

The field of national security law is among the most exciting and rapidly expanding areas of study at American law schools today. Beginning with a single course taught by Professor John Norton Moore at the University of Virginia School of Law in the early 70s, 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* was first published in 1990, and a fully revised and expanded second edition was published in 2005. 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 Department of Government and Foreign Affairs), active involvement in numerous conferences and giving lectures at other law schools around the country, and the Center's flagship National Security Law Institute.

During the 1980s and early 1990s, Moore and Turner chaired the prestigious American Bar Association Standing Committee on Law and National Security (which Professor Moore named) for a total of seven terms between them, establishing in the process the highly successful annual "Review of the Field" conference series. This annual conference that continues to draw hundreds of lawyers and legal scholars to Washington, DC, each fall to hear from the foremost national security lawyers in the government and topical panels on a range of issues. The Center continues to co-

sponsor this conference series, and over the decades has sponsored or co-sponsored scores of other conferences and educational programs.

The National Security Law Institute

Unfortunately, many law professors who might have an interest in teaching in this relatively new field did not have the opportunity to study national security law when they attended law school. Those who have established expertise in some seldom have professional training across the broad scope of the field. 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. 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. (See the appendix at the back of this booklet for the draft 2008 NSLI program.)

Each summer, the group travels to Washington, DC, for three or four days during the first week to spend a day at CIA Headquarters and to meet with other senior national security lawyers from the White House, the Department of State, the Pentagon, and with former government officials like former Director of Central Intelligence R. James Woolsey and former State Department Legal Adviser William Howard Taft,

IV (who also served for many years as General Counsel to the Department of Defense).

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.

Both the current Chair and the immediate past-Chair of the Association of American Law Schools' Section on National Security Law are former participants in the National Security Law Institute. 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 the National Security Agency's warrantless electronic surveillance program, the PATRIOT Act, legal and policy aspects of Operation Iraqi Freedom, and whether the United States should become a party to the Rome Statute of the International Criminal Court – are often the subject of debates. Recent debaters have included former Washington, DC, ACLU director Morton Halperin, Senior Counsel to the Speaker of the House Joseph Onek, former Reagan Justice Department official Victoria Toensing, and Professors Michael Scharf and Michael Newton of Case Western Reserve and Vanderbilt law schools.

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. Legal questions raised by several current and prior military engagements are also addressed, 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. On Sunday at the end of the first week, participants are given an opportunity to visit Thomas Jefferson's Eighteenth Century home at nearby Monticello. Other memorable events typically include fine dinners at historic sites like the University of Virginia's celebrated Rotunda, James Madison's home at Montpelier, James Monroe's Ash Lawn-Highland plantation, and other beautiful locations in the area, where participants can talk informally with distinguished visiting lectures and enjoy a delightful meal.

TO APPLY and for FURTHER INFORMATION

To apply, please submit a letter expressing your interest in attending the Institute with a *curriculum vitae* to the address below. E-mail applications are encouraged, and should be sent to cnsi@virginia.edu with "NSLI Application" on the subject line. Early applications are encouraged, and the deadline for applications is Monday, April 13, 2009. Exceptionally well-qualified applicants may receive early confirmation of acceptance, but in most instances applicants will receive word during the week of April 20-24, 2009.

Participants are responsible for their travel to and from Charlottesville, and there is a \$750 registration fee (which covers less than one-fifth of the actual cost of the program). Most of the costs are covered by foundation grants paid through the University of Virginia Law School Foundation. Additional information on the

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



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