



CENTER FOR NATIONAL SECURITY LAW

University of Virginia School of Law

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SEVENTEENTH NATIONAL SECURITY LAW INSTITUTE

Sunday, May 31 – Friday, June 12, 2009

Schedule

NOTES: Unless otherwise indicated, all sessions will be held in **WB102 or WB 104 (Withers Brown)**, and breaks in **WB104A** at the University of Virginia School of Law.

SUNDAY, MAY 31

- 11:15 AM** **Bus departs for Law School**
- 11:30 AM** **Registration:** Pick up materials and information at Caplin Pavilion, UVA School of Law – Charlottesville, VA
- Noon – 12:45 PM** **Lunch** – Caplin Pavilion, University of Virginia School of Law
- 12:45 – 1:10 PM** **Welcome and Introduction to the Center for National Security Law**
- John Norton Moore**
 Director, Center for National Security Law
 and Walter L. Brown Professor of Law University of Virginia
- 1:10 – 2:00 PM** **Participant Introductions**
- Today's classes will be in WB 102**
- 2:00 – 3:30 PM** **Class #1: *Theoretical Approaches to National Security and World Order***
 (NSL: 3-14)
- Professor John Norton Moore**
- 3:30 PM** **Break**

5/29/2009 2:27 PM

3:45 – 5:15 PM **Class #2: *Newer Theories in Understanding War***
(NSL: skim 15-28)

Professor John Norton Moore

5:30 PM **Bus Departs for Residence Inn**

MONDAY, JUNE 1 **All classes will now be held in WB104**

9:00 AM **Class #3: *Newer Theories in Understanding War (cont.)***

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

See Table 1: *History of The International Law of Conflict Management*
In your binder's "Reading Materials" Section

10:15 AM **BREAK**

10:30 AM **Class #4: *The Road from Philadelphia: America's Constitutional Experience***
and the Development of Constitutional Democracy in Other Countries

Professor A. E. Dick Howard
White Burkett Miller Professor of Law and Public Affairs, University of Virginia
School of Law; author of *The Road from Runnymede: Magna Carta and Constitutionalism in America*. "In 2007 Professor Howard was the only UVA faculty member to be included on the list of the "Greatest Virginians of the 20th Century" prepared by the Library of Virginia and the *Richmond Times-Dispatch*."

12:00 PM **Lunch – Stone Dining Room**

1:30 PM **Class # 5: *The Use of Force in International Relations: An Overview***
(NSL: skim 69-206)

Professor John Norton Moore

3:00 PM **Break**

3:30 PM **Class #6: *The Use of Force in International Relations: An Overview***
(cont.)

Professor John Norton Moore

4:30 PM **Adjourn**

TUESDAY, JUNE 2

- 9:00 AM** **Class #7a: *Myths of the Vietnam War and Its Real Lessons: A Brief Overview***
- Professor Robert F. Turner**
Associate Director, Center for National Security Law
Author, *Myths of the Vietnam War (1972)* and *Vietnamese Communism: Its Origins and Development (1975)*
- 9:30 AM** **Class #7b: *Myths of the Vietnam War and Its Real Lessons: The Legal and Effective Use of Air Power***
- W. Hays Parks**
Law of War Chair, Office of the General Counsel, Department of Defense; former Special Assistant for Law of War Matters to the Judge Advocate General of the Army
- 10:30 AM** **Break**
- 11:00 AM** **Class #7c: *Myths of the Vietnam War and Its Real Lessons: The Legal and Effective Use of Air Power***
- W. Hays Parks**
- 12:00 PM** **Lunch – Stone Dining Room**
- 1:00 PM** **Class #8: *The National Security Process***
(NSL: 911-33)
- The Honorable Jamie Baker**
Judge, Military Court of Appeals and former Legal Adviser to the National Security Council
- 3:00 PM** **Break**
- 3:15 PM** **Class #9: *The Role of the NSC Legal Adviser***
- The Honorable Jamie Baker**
- 4:30 PM** **Bus Departs for Residence Inn**

WEDNESDAY, JUNE 3

- 9:00 AM** **Class #10: *Islam and the Rule of Law***
- Professor Mark Welton**
Professor of International and Comparative Law
U. S. Military Academy – West Point
- Supplemental Reading:** “*The War for Islam*” and *Lecture Slides*

10:00 AM **Break**

10:30 AM **Class #11: *National Security Aspects of Immigration Law***
(NSL: 1141-78)

Margaret Stock
Associate Professor, U. S. Military Academy -- West Point
Former Co-Chair, Immigration Litigation Committee, Section of Litigation, ABA

12:30 PM **Lunch - Stone Dining Room**

1:30 PM **Class #12: *War Crimes: Prosecution & Policy***
(NSL: 405-55)

Colonel William K. Lietzau, USMC
Deputy Legal Adviser, National Security Council

2:30 PM **Break**

3:00 PM **Class #13: Debate *International Criminal Court***

Colonel William K. Lietzau, USMC

David Tolbert
Senior Fellow Jennings Randolph Fellowship, United States Institute of Peace and former
Deputy Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY)

Supplemental Reading: “*U.S. Policy Toward the International Criminal Court: Furthering Positive Engagement,*” “*The Emerging Practice of the International Criminal Court,*” “*International Criminal Law: Past and Future,*”
and “*Final Report of the ICLS: Bosnia and Herzegovina*”

4:30 PM **Adjourn**

6:30 PM **Casual Dinner at local Chinese Restaurant**

THURSDAY, JUNE 4

9:00 AM **Class #14: *The Intelligence Community: An Introduction and Overview***

Professor Frederick P. Hitz
Senior Fellow, Center for National Security Law; former first statutory CIA Inspector General;
author of *The Great Game: the Myth and Reality of Espionage* and *Why Spy: Espionage in an Age of Uncertainty*

10:00 AM **Break**

- 10:30 AM** **Class #15: *The Business of Intelligence and the Rule of Law:***
(NSL: 935-65)
- Professor Frederick P. Hitz**
- Supplemental Reading:** CIA Torture Memos
- 12:00 PM** **Lunch – Stone Dining Room**
- 1:30 PM** **Class #16: *Dealing with the Nuclear Threat in the Struggle Against Terror***
- Henry Sokolski**
Executive Director, Nonproliferation Policy Education Center
- Readings in Binder:** “*Nuclear Abolition and the Next Arms Race,*” and
“*State of the Art*”
- 3:00 PM** **Break**
- 3:30 PM** **Class #17: *Bioviolence: Facing the Prevention Challenge***
- Professor Barry Kellman**
Professor of Law; Director, International Weapons Control Center
International Human Rights Law Institute
DePaul University School of Law
- Readings in Binder:** “*International Anti-Bioviolence Initiatives*”
- 5:00 PM** **Adjourn**

FRIDAY, JUNE 5

- 9:00 AM** **Class #18: *Separation of Powers: A Theoretical Overview***
(NSL: 779-839)
- Professor Robert F. Turner**
Professor Turner worked on these issues in the Senate, Pentagon, White House and State
Department and wrote his SJD dissertation on “National Security and the Constitution”
- 10:30 AM** **Break**
- 11:00 AM** **Class #19: *War Powers and the War Powers Resolution***
(NSL: 843-83)
- Professor Robert F. Turner**
- 12:30 PM** **Lunch – Stone Dining Room**

- 1:30 PM** **Class #20: *Treaty Powers under International Law and the U.S. Constitution***
(NSL: 885-910)
- Robert Dalton**
Senior Adviser for Treaty Policy and former Assistant Legal Adviser to the Department of State
for Treaty Affairs; adjunct Professor of Law, Georgetown Law Center
- Supplemental Reading:** “*National Treaty Law and Practice: United States*”
- 2:30 PM** **Break**
- 3:00 PM** **Class #21: *Contemporary National Security Problems – A Briefing on the***
Situations in Afghanistan and Pakistan
- TBD**
- 4:30 PM** **Adjourn – Suggest we have a cookout at the Residence Inn**

SATURDAY, JUNE 6 & SUNDAY, JUNE 7

Free time for area attractions such as a visit to Thomas Jefferson’s Monticello (with its new visitors’ center) or James and Dolly Madison’s recently-restored mansion at Montpelier

MONDAY, JUNE 8

- 9:00 AM** **Class #22: *The First Amendment, Access to Information and***
Executive Privilege
(NSL: 1025-58 skim 981-1023)
- Professor Robert M. O’Neil**
Founding Director, Thomas Jefferson Center for the Protection of Free Expression;
Professor of Law and immediate past President, University of Virginia
- 10:15 AM** **Break**
- 10:30 AM** **Class #23: *U.S. Military Operations, the First Amendment, and the Press***
- Professor Robert O’Neil, Richard Willard and Jonathan Landay**
- 12:00 PM** **Lunch – Stone Dining Room**

1:30 PM **Class #24: Debate: RESOLVED: *That Justice Jackson’s Concurring Opinion in Youngstown Rather than Curtiss-Wright is the Proper Paradigm for Resolving Constitutional Disputes Involving the Separation of Foreign Affairs Powers between Congress and the President***

Professor Alberto Coll v. Professor Robert F. Turner

Professor of Law, DePaul College of Law; former Dean of the Center for Naval Warfare Studies, Naval War College

3:00 PM **Adjourn**

6:15 PM **Bus departs Residence Inn for the Rotunda**

6:45 PM **Reception – Lower West Oval**

7:30 PM **Dinner – Dome Room**

Keynote Speaker: His Excellency the Honorable Stephen Schwebel

Former President, International Court of Justice, The Hague

TUESDAY, JUNE 9

9:00 AM **Class #25: *Operational Law***
(NSL: 373-402)

David Graham

Executive Director, U.S. Army Judge Advocate General Legal Center and School;
Former Chief, International and Operational Law, U.S. Army JAG Corps

10:30 AM **Break**

11:00 AM **Class #26: *The Law of Armed Conflict***
(NSL: 321-70)

David Graham

12:30 PM **Lunch – Stone Dining Room**

1:30 PM **Class #27: *Rules of Engagement (ROE)***
(Handout)

Capt. Richard (Jack) Grunawalt, U.S. Navy (Ret)

Charles H. Stockton Professor of International Law, U.S. Naval War College

3:00 PM **Break**

3:30 PM **Class #28: *Piracy and the Law***

Capt. Richard (Jack) Grunawalt, U.S. Navy (Ret)

5:00 PM **Adjourn**

WEDNESDAY, JUNE 10

9:00 AM **Class #29: *Beating Law Books into Swords: A Perspective on the Law, Lawyers and “Lawfare” in Modern Conflicts***
(Handout)

Major General Charles J. Dunlap, Jr., USAF
Deputy Judge Advocate General, United States Air Force

10:30 AM **Break**

11:00 AM **Class #30: *Civil-Military Relations: A U. S. Perspective***
(Handout)

Major General Charles J. Dunlap, Jr. USAF

12:00 PM **Lunch – Stone Dining Room**

1:00 PM **Class #31: *National Security and Outer Space Law***
(NSL: 745-78)

Robert Ramey, Lt Col, USAF
Administrative Law Division (AF/JAA)
Office of the Judge Advocate General USAF
And Former Chief of Space and International Law, U.S. Space Command

2:30 PM **Break**

3:00 PM **Class #32: *Debate: Legal and Policy Implications of Operation Iraqi Freedom***

Professor John Norton Moore v. Professor Robert F. Turner

4:30 PM **Adjourn**

THURSDAY, JUNE 11

9:00 AM **Class #33: *Homeland Security Issues***
(NSL: 1267-96)

Stewart Baker
Former Assistant Secretary of Homeland Security for Policy and Former General Counsel to the National Security Agency

10:00 AM **Break**

- 10:15 AM** **Class #34: *Cyber Security and Information Warfare***
(NSL: 1225-48 and handout)
- Stewart Baker**
Former Assistant Secretary of Homeland Security for Policy and Former General Counsel to the National Security Agency
- 11:30 AM** **Class #35: *Outsourcing Traditional Military Functions in Wartime: Legal and Policy Considerations***
- M. E. “Spike” Bowman**
Distinguished Fellow, Center for National Security Law; Former Deputy National Counterintelligence Executive; and Former Associate General Counsel (National Security), Federal Bureau of Investigation
- Supplemental Reading: “*Privatizing While Transforming*”**
- 12:30 PM** **Lunch – Stone Dining Room**
- 1:30 PM** **Class #36: *Legal Responses to International Organized Crime and International Terrorism***
(NSL: 457-90)
- M. E. “Spike” Bowman**
- Supplemental Reading: “*Law Enforcement Technology, Intelligence, and the War on Terror*” and “*The Fall of the Wall - Peace Dividend or Inheritance Tax*”**
- 3:00 PM** **Break**
- 3:30 PM** **Class #37: *National Security and the Fourth and Fifth Amendments***
(NSL: 1059-87)
- M. E. “Spike” Bowman**
- 5:00 PM** **Adjourn and bus departs for Residence Inn Hotel**
- 6:30 PM** **Depart Residence Inn for Keswick Hall**
- 7:00 PM** **Reception**
- 7:30 PM** **Dinner**
- Keynote Speaker: Dr. Philip D. Zelikow**
White Burkett Miller Professor of History
University of Virginia and
former Counselor, U.S. Department of State

FRIDAY, JUNE 12

9:00 AM **Class #38: *Secret Electronic Surveillance and National Security Letters***

M. E. (Spike) Bowman

10:15 AM **Break**

10:30 AM **Class #39: *Environmental Law and National Security***
(NSL: 1297-1363)

John C. Cruden

Deputy Assistant Attorney General for Environmental Law Enforcement
U.S. Department of Justice

11:30 AM **Break**

11:45 AM **Class #40: *Debate: RESOLVED: That Congress Should Legislate an End to the State Secrets Privilege***

Professor Elisa Massimino

Washington Director
Human Rights First

Professor Robert Turner

12:45 PM **Lunch – Stone Dining Room**

2:00 PM **Class #41: *Detainee Treatment and Military Commissions***

Moderator: David Graham

Panelist: Maj. Gen. John D. Altenburg, Jr.

Former Appointing Authority for Military Commissions, U. S. Department of
Defense and former Assistant Judge Advocate General of the Army

Professor Elisa Massimino

Professor Linda Malone

Professor of Law
William and Mary School of Law

4:00 PM **Adjourn**