



A NATIONAL SECURITY CONFERENCE

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON LAW AND NATIONAL SECURITY

28TH ANNUAL REVIEW OF THE FIELD OF NATIONAL SECURITY LAW

NOVEMBER 1, 2018-NOVEMBER 2, 2018
THE CAPITAL HILTON
1001 16TH STREET, NW, WASHINGTON, DC

THURSDAY, NOVEMBER 1

8:00 a.m. **Registration, CLE sign-in and Continental Breakfast**

8:30 a.m. – 8:45 a.m. **Conference Welcome**
Cynthia Ryan
Chair
ABA Standing Committee on Law and National Security

Robert Carlson
President
American Bar Association

8:45 a.m. – 10:15 a.m. **Panel I – Space Law: Issues and Progress**

Moderator
Jack Beard
Associate Professor of Law
University of Nebraska College of Law

Discussants
Dr. Melissa De Zwart
Professor and Dean of Law
Adelaide Law School

Dr. Laura Grego
Senior Scientist, Global Security Program
Union of Concerned Scientists

Major Susan Trepczynski
Staff Judge Advocate
National Air and Space Intelligence Center
United States Air Force

Dr. Brian Weeden
Director of Program Planning
Secure World Foundation

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 12:00 p.m.

Panel II – Legal Issues Confronting the Military National Security Law Community

Moderator

David E. Graham
Associate Director
Center for National Security Law
University of Virginia School of Law

Discussants

Kenneth Anderson
Professor of Law
Washington College of Law
American University

Major General Charles Dunlap Jr., USAF (ret.)
Professor of the Practice of Law & Executive Director
Center on Law, Ethics and National Security
Duke University School of Law

Brigadier General Susan K. Escallier
Assistant Judge Advocate General for Military Law and Operations
Office of The Judge Advocate General
Department of the Army

Nicole Hogg
Legal Advisor and Head of Department
International Committee of the Red Cross
Regional Delegation for the United States and Canada

12:00 p.m. – 1:00 p.m.

Luncheon

1:00 p.m. – 1:30 p.m.

Keynote Address

Glenn Gerstell
General Counsel
National Security Agency

1:30 p.m. – 2:30 p.m.

Panel III – The 4th Amendment, Surveillance and the Future

Moderator

Harvey Rishikof
Chair
ABA Standing Committee on Law and National Security Advisory Committee

Discussants

Jennifer Daskal
Associate Professor of Law
American University Washington College of Law

Jamil Jaffer

Adjunct Professor of Law and Director
National Security Law & Policy Program
Founder, National Security Institute
Antonin Scalia Law School at George Mason University

Wyndee Parker

National Security Advisor
Office of the Democratic Leader
U.S. House of Representatives

Benjamin Powell

Partner
WilmerHale

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 3:45 p.m.

Panel IV – Reviewing Current Controversies Surrounding Security Clearances

Moderator

Robert Litt

Of Counsel
Morrison & Foerster

Discussants

Amy Apostol

Special Counsel to the National Background Investigations Bureau
Office of the General Counsel
U.S. Office of Personnel Management

Jennifer O'Connor

Vice President and Sector Counsel
Northrop Grumman Innovation Systems

Peregrine Russell-Hunter

Director
Defense Office of Hearings and Appeals
U.S. Department of Defense

Mark Zaid

Founding Partner
Mark S. Zaid, PC

3:45 p.m. – 4:00 p.m.

Break

4:00 p.m. – 5:00 p.m.

Panel V – Ethical Challenges of the National Security Lawyer: A Roundtable Discussion

Moderator

Julie Martin

Associate General Counsel
Office of the Director of National Intelligence Office of General Counsel

Discussants

Ariane Cerlenko

Deputy General Counsel (Litigation and Management)
National Security Agency

Terrence Edwards

Deputy General Counsel
Office of the Director of National Intelligence

Joe Kaster

Senior Counsel
National Security Division
U.S. Department of Justice

Luz Torres

Assistant General Counsel
Defense Intelligence Agency

5:00 p.m.

Closing Remarks

Senator Mark R. Warner (D-VA)

Vice Chairman
U.S. Senate Select Committee on Intelligence

5:30 p.m.

Reception

Held in the Capital Hilton Federal Room

6:00 p.m.

Dinner with Conversation

Held in the Capital Hilton Federal Room

The Honorable Michael Chertoff

Co-Founder and Executive Chairman
The Chertoff Group
Former Secretary
U.S. Department of Homeland Security

FRIDAY, NOVEMBER 2

8:00 a.m.

Registration and Continental Breakfast

8:30 a.m. – 8:45 a.m.

Opening Remarks

Harvey Rishikof

Chair
ABA Standing Committee on Law and National Security Advisory Committee

8:45 a.m. – 10:15 a.m.

Panel VI – Global Trade and National Security

Moderator

Stewart Baker

Partner
Steptoe & Johnson

Discussants

David Fagan

Partner
Covington & Burling

Tom Feddo

Deputy Assistant Secretary for Investment Security
U.S. Department of the Treasury

Sanchitha Jayaram

Chief of the Foreign Investment Review Staff
National Security Division
U.S. Department of Justice

Aimen Mir

Former Deputy Assistant Secretary for Investment Security
U.S. Department of the Treasury

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 11:45 a.m.

Panel VII – The Movement of Individuals Across Borders and National Security

Moderator

John Norton Moore

Walter L. Brown Professor of Law
Director, Center for National Security Law and the Center for Oceans Law and Policy
University of Virginia School of Law

Discussants

Peter Skerry

Professor of Political Science
Boston College

Bo Cooper

Partner
Fragomen, Del Rey, Bernsen & Loewy

M. Tia Johnson

Visiting Professor of Law
Director, National Security Law LL.M Program
Georgetown University Law Center

Rey Koslowski

Associate Professor of Political Science
Director of the Master of International Affairs Program
University of Albany Rockefeller College of Public Affairs & Policy

11:45 a.m. – 12:00 p.m.

Break

12:00 p.m. – 12:45 p.m.

Luncheon with Keynote

“Foreign Threats to Democracy: A Focus on the U.S. Justice System”

Suzanne Spaulding

Senior Adviser, Homeland Security and International Security Program
Center for Strategic & International Studies

12:45 p.m. – 1:00 p.m.

Break

1:00 p.m. – 2:00 p.m.

Panel VIII – SCOTUS, GTMO, the FISC and More: The Role of the Courts in Shaping National Security Law

Moderator

William Banks

Board of Advisers Distinguished Professor of Law and Professor of Public Administration and International Affairs Emeritus
Syracuse University

Discussants

Amy Jeffress

Partner
Arnold & Porter

Mary McCord

Visiting Professor of Law and Senior Litigator from Practice
Institute for Constitutional Advocacy and Protection
Georgetown University Law Center

Judge Reggie Walton

Senior Judge
U.S. District Court for the District of Columbia

2:00 p.m. – 2:15 p.m.

Break

2:15 p.m. – 3:15 p.m.

Panel IX – Social Media: 2020

Moderator

Laura Donohue

Professor of Law and Director
Center on National Security and the Law and Center on Privacy and Technology
Georgetown University Law Center

Discussants

Nancy Fortenberry

Associate General Counsel
Central Intelligence Agency, and
National Security Crisis Law Fellow
Georgetown University Law Center

Jameel Jaffer

Executive Director
Knight First Amendment Institute
Columbia University

Dr. Peter Singer

Strategist and Senior Fellow
New America

Colin Stretch

Vice President and General Counsel
Facebook

3:15 p.m. – 4:15 p.m.

Panel X - The Role and Duty of the National Security Lawyer: The Audience Responds

Moderator

Judge James E. Baker

Professor of Law and Director

Institute for National Security and Counterterrorism

Syracuse University College of Law

In discussion with conference attendees

4:15 p.m.

CLE Sign Out

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The Standing Committee wishes to thank LexisNexis for their support of this conference.