Since the Edward Snowden disclosures, which brought to light the NSA's bulk collection programs, the nation has been searching for a balance that would allow the intelligence community to detect and thwart potential threats while respecting the privacy rights of American citizens. In response, President Obama has urged Congress to develop new legislation that will preserve the ability to quickly seek out needed information but with several new layers of safeguards in place. In light of the NSA leaks and the nature of the subsequent public debate and government response, the discussion will focus on the fundamental legal questions regarding what is at stake for national security surveillance in the 21st century, including a discussion of privacy, foreign intelligence surveillance requirements, and potential reforms, including new legislation.

Welcome by James McPherson, Chair, ABA Standing Committee on Law and National Security

Moderator:
William Banks, Professor of Law and Director, Institute for National Security and Counterterrorism, Syracuse University College of Law

Panelists:
Carrie Cordero, Director of National Security Studies, Georgetown Law
Robert Litt, General Counsel, Office of the Director of National Intelligence
Harvey Rishikof, Dean, National War College, Chair, ABA Standing Committee on Law and National Security Advisory Committee
Alasdair Roberts, Rappaport Professor of Law and Public Policy, Suffolk University Law School

Sponsored by the ABA Standing Committee on Law and National Security
**BIographies**

**William Banks** is recognized internationally as an expert in constitutional law, national security law, and counterterrorism. He co-wrote the leading text in the field, *National Security Law*, which was first published in 1990 and is now in its fifth edition. Professor Banks and his co-authors published *Counterterrorism Law*, now in its second edition, to help define the emerging field of counterterrorism law. He is also the author or editor of numerous other books, book chapters and articles including *New Battlefields/Old Laws: Critical Debates on Asymmetric Warfare*, “The Death of FISA,” “Legal Sanctuaries and Predator Strikes in the War on Terror,” and “The Role of Counterterrorism Law in Shaping Ad Bellum Norms for Cyber Warfare.” Professor Banks joined the faculty of the Syracuse University College of Law in 1978. Since 1998, he also has been a Professor of Public Administration in SU’s Maxwell School of Citizenship and Public Affairs. He was named the Laura J. and L. Douglas Meredith Professor for Teaching Excellence in 1998, the Board of Advisors Distinguished Professor in 2008, and he became the founding director of the Institute for National Security and Counterterrorism at Syracuse University in 2003. Professor Banks is the Editor-in-Chief of the *Journal of National Security Law & Policy.*

**Carrie Cordero** focuses her Washington D.C. law and advisory practice on national security and homeland security law and policy. She also holds an appointment at Georgetown Law as an Adjunct Professor of Law, and has served as the law center’s first Director of National Security Studies since November 2011. Professor Cordero spent the first part of her career in public service, including as Counsel to the Assistant Attorney General for National Security in 2009, Senior Associate General Counsel at the Office of the Director of National Intelligence from 2007-2009, and Attorney Advisor in the Department of Justice from 2003-2007, where she appeared frequently before the Foreign Intelligence Surveillance Court. She has also served as a Special Assistant United States Attorney in the Northern District of Texas. Professor Cordero has been featured in various media outlets, including *Channel NewsAsia, NPR, USA Today, Reuters, the Washington Post, Politico, Foreign Policy,* the *Tampa Tribune,* *Atlanta’s Daily Report,* the *New York Post,* and numerous public radio programs. She has had op-eds published in the *Wall Street Journal* and the *New York Times,* and periodically contributes to the influential *Lawfareblog.com.*

**Robert S. Litt** was confirmed by unanimous consent by the Senate to serve as the second General Counsel of the Office of the Director of National Intelligence on June 25, 2009. Before joining the ODNI, Mr. Litt was a partner with the law firm of Arnold and Porter, LLP. He served as a member of the governing body of the American Bar Association’s Criminal Justice Section and a member of the Advisory Committee to the Standing Committee on Law and National Security. From 1994 to 1999, Mr. Litt worked at the Department of Justice where he served as Deputy Assistant Attorney General in the Criminal Division and then as the Principal Associate Deputy Attorney General. His duties at DOJ included FISA applications, covert action reviews, computer security and other national security matters. Mr. Litt started his legal career as a clerk for Judge Edward Weinfeld of the Southern District of New York and Justice Potter Stewart of the U.S. Supreme Court. From 1978 to 1984, he was an Assistant U.S. Attorney for the Southern District of New York. He also spent one year as a special advisor to the Assistant Secretary of State for European and Canadian Affairs.

**James McPherson** is Chair of the American Bar Association Standing Committee on Law and National Security and the Executive Director of the National Association of Attorneys General (NAAG). Prior to joining NAAG, Mr. McPherson served as the General Counsel for the Department of Defense Counterintelligence Field Activity, where he was responsible for providing legal advice and assistance in the areas of counterintelligence operational and policy matters, intelligence oversight, and a full range of administrative law matters. In 2006, Mr. McPherson completed a distinguished career in the United States Navy, retiring as a two-star Rear Admiral. Highlights of his career include assignments as a trial attorney, senior prosecutor, senior defense attorney, and commanding officer at Naval Legal Service and Trial Service Offices; staff judge advocate assignments in the United States, overseas, and afloat; and legal counsel to the Vice Chief and Chief of Naval Operations. Mr. McPherson’s first flag assignment was as the Deputy Judge Advocate General and Commander, Naval Legal Service Command. In 2004, he was appointed by the President and confirmed by the U.S. Senate as the U.S. Navy’s 39th Judge Advocate General—an appointment he held until his retirement.

**Harvey Rishikof** is Dean of the National War College (NWC), chair of the American Bar Association Standing Committee on Law and National Security Advisory Committee, co-chair of the ABA Cybersecurity Legal Task Force, and on the Board of Visitors of the National Intelligence University. Dean Rishikof’s career includes experiences in the private sector, academia and public service and he is a lifetime member of the Council on Foreign Relations and the American Law Institute. He is the former senior policy advisor to the director of national counterintelligence (NCIX) (in the Office of the Director of National Intelligence) and former chair of the American Bar Association Standing Committee on Law and National Security. He also was a Professor of Law and National Security Studies at the National War College (NWC) and the former chair of the Department of National Security Strategy at the NWC and specializes in the areas of national security, civil and military courts, terrorism, international law, civil liberties, and the U.S. Constitution. He is a former member of the law firm Hale and Dorr, the former dean of the law school in Rhode Island, and has been a consultant to the World Bank and the USAID on law reform. As Legal Counsel to the Deputy Director of the FBI (1997-99), Dean Rishikof focused on FBI policies concerning national security and terrorism, and served as liaison to the Office of the Attorney General at the Department of Justice. He worked on developing a variety of programs, e.g. NIBIN, and was involved in the drafting of Presidential Decision Directives in the national security area. As Administrative Assistant to the Chief Justice of the Supreme Court (1994-96), he served as chief of staff for the Chief Justice and was involved in general policy issues concerning the federal court system. For a number of years he was a Tutor in Social Studies at Harvard University. He has written numerous articles, monographs and book chapters, his most recent books are co-edited with Roger George, *The National Security Enterprise - Navigating the Enterprise,* (Georgetown Press, 2011) and co-edited with Stewart Baker and Bernard Horowitz, *Patriots Debate – Contemporary Issues in National Security Law,* (ABA Press, 2012).

**Alasdair Roberts** is a professor of law and public policy at Suffolk University Law School. He is a Fellow of the National Academy of Public Administration and a public member of the Administrative Conference of the United States. His books include *Blacked Out: Government Secrecy in the Information Age* (Cambridge University Press, 2006) and *The Logic of Discipline: Global Capitalism and the Architecture of Government* (Oxford University Press, 2010). His recent articles include "WikiLeaks: The Illusion of Transparency" (International Review of Administrative Sciences.) A Canadian, Professor Roberts received his JD from the University of Toronto and his PhD from Harvard University. His website is [http://www.aroberts.us](http://www.aroberts.us).