

The 17th Annual Review of the Field of National Security Law Conference

November 15 - 16, 2007

Renaissance Washington DC Hotel, Washington, DC

Sponsored by:

American Bar Association Standing Committee on Law and National Security;
Center for National Security Law, University of Virginia School of Law; and
Center on Law, Ethics and National Security, Duke University School of Law

Roster of Speakers

John B. Bellinger serves as the principal legal adviser to the United States Department of State on all domestic and international law matters. Prior to joining the State Department Mr. Bellinger served as Senior Associate Counsel to the President and Legal Adviser to the National Security Counsel at the White House. Mr. Bellinger has also served as Counsel for National Security Matters in the Criminal Division of the Department of Justice, Counsel to the Senate Select Committee on Intelligence, General Counsel to the Commission on the Roles and Capabilities of the U.S. Intelligence Community, and as Special Assistant to Director of Central Intelligence William Webster. Mr. Bellinger received his A.B. from Princeton, a J.D. from Harvard, and an M.A. in Foreign Affairs from the University of Virginia.

M.E. (Spike) Bowman serves as the Deputy National Counterintelligence Executive for the Office of the Director of National Intelligence, National Counterintelligence Executive. Mr. Bowman has previously served as a Senior Research Fellow at the National Defense University, Senior Counsel at the FBI, and the Director of the Intelligence Issues Group, National Security Branch. Mr. Bowman has also served as a naval line officer and judge advocate, serving as the head of military justice at the Naval Legal Service Office, as well as litigating cases involving classified information while assigned to the NSA. From 1994-1995 Mr. Bowman served as Deputy Assistant Judge Advocate General of the Navy for Litigation. Mr. Bowman received his B.A. from Willamette University, an M.A. from the University of Wisconsin, a J.D. from the University of Idaho, and an LL.M. from the George Washington University.

Kurt Campbell is the Chief Executive Officer for the Center for New American Security, which seeks to promote a strong, centrist national security strategy. Mr. Campbell also serves as a director of the Aspen Strategy Group and as chairman of the Editorial Board of the *Washington Quarterly*. From 2000 to 2007 Mr. Campbell served as the senior vice president, director of the International Security Program and Henry A. Kissinger Chair in National Security Policy at the Center for Strategic and International Studies. Mr. Campbell has also served as deputy assistant secretary of defense for Asia and the Pacific, director of the National Security Council Staff, deputy special counselor to the president for NAFTA, and White House fellow at the Department of the Treasury. Mr. Campbell received his B.A. from the University of California, San Diego, a certificate in music and politics from the University of Erevan in the former Soviet Union, and a doctorate in international relations from Oxford.

Robert M. Chesney is an Associate Professor of Law at Wake Forest University School of Law. Prof. Chesney's scholarship focuses on the difficulty of calibrating a reasonable and effective legal response to the threat posed by terrorism, with reference to both international and domestic legal frameworks. Prof. Chesney is the chair of the Section on National Security Law of the Association of American Law Schools; an associate member of the Intelligence Science Board; the book review editor of the *Journal of National Security Law and Policy*; the founder and moderator of the "nationalsecuritylaw" listserv; and editor of the American Bar Association Standing Committee on Law and National Security's *National Security Law Report*. Prof. Chesney received his undergraduate education from Texas Christian University and his J.D. from Harvard Law School.

Gus Coldebella serves as the acting General Counsel for the Department of Homeland Security. Mr. Coldebella joined the Department of Homeland Security in 2005, serving as Deputy General Counsel. Prior to joining DHS, Mr. Coldebella was a Partner in the Litigation department of Goodwin Procter LLP. in Boston, where he specialized in complex trial and appellate work. Mr. Coldebella received a B.A. from Colgate University and a J.D. from Cornell Law School.

James B. Comey is the Senior Vice President and General Counsel for Lockheed Martin. Prior to joining Lockheed Martin, Mr. Comey served as Deputy Attorney General from 2003 to 2005. Mr. Comey began his Justice Department career in the U.S. Attorney's office for the Southern District of New York, where he served from 1987 to 1993. From 1996 to 2001 Mr. Comey served as the Managing Assistant U.S. Attorney for the Richmond Division of the United States Attorney's office for the Eastern District of Virginia, where he was responsible for handling the Khobar Towers Terrorism bombing case. Mr. Comey then served as U.S. Attorney for the Southern District of New York until 2003, when Mr. Comey was confirmed as Deputy Attorney General. Mr. Comey received a B.A. in chemistry and religion from the College of William and Mary and a J.D. from the University of Chicago.

James Cooper represents Tennessee's Fifth Congressional District. Rep. Cooper also sits on the House Armed Services Committee and chairs the Roles and Missions panel, which is responsible for evaluating the changing missions facing the military and propose options to ensure the United States can respond to any emerging threat. Rep. Cooper was first elected to Congress in 1983, representing Tennessee's Fourth Congressional District until 1995. After leaving Congress, Rep. Cooper founded Brentwood Capital Investments, LLC, which raises funds for regional companies. Rep. Cooper was elected to represent Tennessee's Fifth Congressional District in 2002 and has been reelected in 2004 and 2006. Rep. Cooper received his B.A. from the University of North Carolina, an M.A. from Oxford, which he attended as a Rhodes Scholar, and a J.D. from Harvard.

John Diamond is a writer and researcher for the Nuclear Threat Initiative, a Washington, DC based organization that focuses on the threat of nuclear terrorism. Mr. Diamond has recently completed a history of the CIA from the end of the Cold War to the invasion of Iraq. From 1981 to 2006 Mr. Diamond worked as a journalist, where he covered Congress, the Pentagon, the U.S. intelligence community, and the State Department, as well as filing stories from over 40 foreign countries, including Bosnia and Iraq.

Major General Charles J. Dunlap Jr. serves as the Deputy Judge Advocate General for the United States Air Force where he assists the Judge Advocate General in the oversight of over 2500 attorneys. Maj. Gen. Dunlap is a leading scholar on the concept of "lawfare," and has published numerous articles on legal and national security issues in various journals and law reviews. Maj. Gen. Dunlap received his B.A. from St. Joseph's University and his J.D. from the Villanova University School of Law.

Lieutenant Colonel James M. Durant III serves as the staff judge advocate for the 75th Air Base Wing, Hill Air Force Base, Utah. Lt. Col. Durant also serves as Deputy Staff Judge Advocate to the Ogden Air Logistics Center office of the Staff Judge Advocate. Lt. Col. Durant's office is responsible for providing legal support to over 45,000 legal assistance clients and for serving as counsel for tort cases covering a 147,000 square mile area. Lt. Col. Durant received both his B.A. and J.D. from Howard University.

Louis Fisher is a specialist in Constitutional Law at the Library of Congress' Law Library. Prior to joining the Library of Congress, Dr. Fisher worked for the Congressional Research Service from 1970 to 2006, including serving as the research director of the House Iran-Contra Committee in 1987 and drafting major portions of the final report. Dr. Fisher has also authored and co-authored numerous books addressing the respective powers of Congress and the President, and has won several awards for his scholarship. Dr. Fisher has been called to testify before Congress on numerous topics, including war powers, NSA surveillance, CIA whistle blowing, and covert spending. Dr. Fisher received his Ph.D. in political science from the New School for Social Research.

Richard E. Friedman currently serves as the President and Chair of the National Strategy Forum. He is also a former Chair of the Standing Committee on Law and National Security, and is currently a Counselor to the Committee. He also serves as a member of the Advisory Committee of the Syracuse University Maxwell School of Citizenship and Public Affairs National Security Studies Program. He has served on special assignment for the U.S. Department of State in Romania, on the U.S. Army Science Board Ballistic Missile Defense Committee, as a consultant to the government of the Republic of Georgia for legislation regarding national security and economic matters, and participated in strategic planning conferences for Central Asian Republics.

Jack Goldsmith is the Henry L. Shattuck Professor of Law at Harvard University, specializing in international law, foreign affairs law, and national security law. He is the author of dozens of articles on these and other subjects. His most recent publication is *The Terror Presidency*. Before coming to Harvard, Professor Goldsmith served as Assistant Attorney General, Office of Legal Counsel, from October 2003 through July 2004, and Special Counsel to the General Counsel to the Department of Defense from September 2002 through June 2003. Professor Goldsmith taught at the University of Chicago Law School from 1997-2002, and at the University of Virginia Law School from 1994-1997.

Albert C. Harvey is Chair of the American Bar Association's Standing Committee on Law and National Security. He is also a Partner at Thomason, Hendrix, Harvey, Johnson & Mitchell in Memphis, TN and retired from the United States Marine Corps Reserve with the rank of Major General in 1997. Gen. Harvey clerked for Tennessee Supreme Court Justice Larry Creson and was an Assistant Public Defender for Shelby County. He has served as President of both the Memphis and Tennessee Bar Associations. He has received his B.S. and J.D. from the University of Tennessee.

Steve Huntley is a commentary columnist for the Chicago Sun-Times and an advisor to its editorial board. Mr. Huntley has served as editor of the editorial page of the Sun-Times from 1997 to 2007, during which time the editorial page staff was awarded numerous awards for journalism. Prior to joining the Sun-Times Editorial Board, Mr. Huntley was the Assistant Managing Editor/Metro of the Sun-Times. Mr. Huntley has also worked for U.S. News & World Report and United Press International. Mr. Huntley received his B.A. from the University of North Carolina at Chapel Hill.

Brian McKeon is deputy staff director and chief counsel on the Senate Committee on Foreign Relations, where he has served since 1997. He is responsible for all legal issues, treaties and nominations, and is the lead staff person on legislation regarding the State Department and the Broadcasting Board of Governors. A graduate of the University of Notre Dame and the Georgetown University Law Center, he clerked for U.S. District Judge Robert Doumar and worked as a legislative assistant to Sen. Joseph R. Biden Jr. (D-Del.). He worked in the Clinton-Gore campaign in 1996 and as an assistant to Nobel Peace Prize winner Mairead Corrigan Maguire in Northern Ireland.

John Norton Moore is the Walter L. Brown Professor of Law at the University of Virginia School of Law and director of the University's Center for National Security Law. He is former chair and counselor to the Standing Committee on Law and National Security. Professor Moore served as Counselor of International Law to the State Department and as Legal Adviser to Kuwait during the Gulf War and as their Legal Adviser in the United Nations Iraq-Kuwait Boundary Demarcation Commission after the war. He received his A.B. from Drew University, his LL.B. from Duke University School of Law and his LL.M. from University of Illinois College of Law.

Brian Morrison is Deputy Chief Counsel to the House Permanent Select Committee on Intelligence. He has worked as an Assistant General Counsel at the Central Intelligence Agency, and as an associate at Williams and Connolly. From January to October 2007, he was mobilized to active duty with the United States Navy and deployed to Iraq, where he served as an intelligence officer. A former law clerk to the Honorable Hugh H. Bownes of the United States Court of Appeals for the First Circuit, Brian is a graduate of Brandeis University and Harvard Law School.

David Morriss serves as Minority General Counsel for the Senate Armed Services Committee. Mr. Morriss has also served as Counsel for the Senate Armed Services Committee for environmental, military personnel, and international law matters, as well as the Director of Legislation for the Navy Office of Legislative Affairs, the Legal and Legislative Counsel to the Vice Chief of Naval Operations and the Commanding Officer of the Naval Legal Service Office for the North Central Division. Mr. Morriss received a B.S. from the U.S. Naval Academy, a J.D. from the University of Virginia, and an LL.M. from Harvard Law School.

Captain Neher has served as the Director of International and Operational Law for the Navy since June 2005. He leads an office of ten international lawyers responsible for providing advice to senior Navy officials and operational commanders on a wide variety of topics including the law of war, maritime security operations, counter-proliferation activities, and the law of the sea. From 2003 to 2005 he served as the Executive Assistant to the Commander of the U.S. FIFTH FLEET and in that role he helped devise and execute maritime campaigns in support of Operation Enduring Freedom and Operation Iraqi Freedom. His previous assignments include service in two aircraft carriers, a Carrier Strike Group, the staff of Commander U.S. Pacific Fleet, counsel to the Navy's Operations Deputy, and counsel to the Vice Chief of Naval Operations.

Roster of Speakers

17th Annual Review of the Field of National Security Law, November 15-16, 2007

Wyndee Parker serves as the Deputy Staff Director and General Counsel for the House Permanent Select Committee on Intelligence. Prior to joining the Committee Staff Ms. Parker served as an attorney at the Central Intelligence Agency and Federal Bureau of Investigation, where she focused on national security litigation, investigations and policy. Ms. Parker has also served as a state prosecutor.

Benjamin A. Powell is the General Counsel of the Office of the Director of National Intelligence. He has worked as a computer scientist at the Federal Bureau of Investigation and served as an officer in the United States Air Force where he managed programs for the Intelligence Community primarily involving computer and network technology. Mr. Powell has served as a Law Clerk for Judge John M. Walker, Jr. on the United States Court of Appeals for the Second Circuit, and for Justice Byron White and Justice John Paul Stevens on the United States Supreme Court. He most recently served as an Associate Counsel to the President and Special Assistant to the President, where his work included advising on various initiatives related to reform of the Intelligence Community and the creation of the DNI. Mr. Powell graduated *magna cum laude* from the University of Pennsylvania and attended Columbia Law School, where he was a Senior Editor of the Columbia Law Review, a Kent Scholar, and a Tony Patiño Fellow.

John Radsan is an Associate Professor of Law at the William Mitchell College of Law and Director of the National Security Forum. Prior to joining the faculty of the William Mitchell College of Law Mr. Radsan served as a federal prosecutor and assistant general counsel at the Central Intelligence Agency. Mr. Radsan has written several law review articles and op-ed pieces on the topic of expanding the rule of law over intelligence activities. Mr. Radsan is a graduate of Duke University and Harvard Law School.

Nicholas Rostow serves as the Vice Chancellor for Legal Affairs at the State University of New York. Prior to joining the State University of New York Mr. Rostow served as General Counsel and Senior Policy Advisor to the U.S. Permanent Representative to the United Nations. Mr. Rostow has also served as the special assistant for national security affairs to Presidents Ronald Reagan and George H. W. Bush, legal advisor to National Security Council under Colin Powell and Brent Scowcroft, counsel and deputy staff director for the House Select Committee on Military/Commercial Concerns with the People's Republic of China, and staff director of the Senate Select Committee on Intelligence. Mr. Rostow received a B.A., Ph.D. in History, and J.D. from Yale University.

Mike Russell serves as Minority Senior Counsel for the House Committee on Homeland Security. Prior to joining the committee, Mr. Russell served as Deputy Assistant Secretary for Enforcement Policy and Budget at the U.S. Department of Treasury, where he worked directly with the Under Secretary in overseeing the U.S. Secret Service; U.S. Customs Service; Bureau of Alcohol, Tobacco, and Firearms, and other agencies. Mr. Russell has also served on the Senate committee overseeing the Department on Homeland Security and the Senate Judiciary Committee, and has served as legislative director to Sen. Arlen Specter and Acting Director of the National Institute of Justice. Mr. Russell received his undergraduate education at Gettysburg College and his M.A. and J.D. from Vanderbilt University.

Margaret L. Satterthwaite is a Faculty Director for the Center for Human Rights & Global Justice at New York University Law School, as well as co-director of NYU's International Human Rights Clinic. Prof. Satterthwaite also serves on the expert group advising the U.N. Special Rapporteur on Protecting Human Rights While Countering Terrorism, the National Security Task Force of the New York City Bar Association, and is Co-Chair of the Human Rights Interest Group of the American Society of International Law.

Michael F. Scheuer is an Adjunct Professor of Security Studies at the Georgetown University's Center for Peace and Security Studies. Prior to joining the Center for Peace and Security Studies Dr. Scheuer served in the Central Intelligence Agency for 22 years, including serving as Senior Adviser for the Osama Bin Laden Department, Chief of the Southwest/Southeast Asia Counternarcotics Operation, and Chief of the Sunni Militant Unit. Dr. Scheuer is the author of *Imperial Hubris: Why the West is Losing the War on Terrorism* and *Through Our Enemies Eyes: Osama Bin Laden, Radical Islam, and the Future of the United States*.

Scott L. Silliman is Professor of the Practice of Law and Executive Director for the Center on Law, Ethics and National Security at Duke University School of Law. He also holds appointments as an Adjunct Professor of Law at the University of North Carolina at Chapel Hill, and at North Carolina Central University. Professor Silliman served in a variety of leadership positions in the United States Air Force Judge Advocate General's Department, including the senior attorney for Tactical Air Command during the first Persian Gulf War (1990-91). His teaching and research interests focus on national security law, international humanitarian law, and operational law. As an expert on the Law of War, Professor Silliman is a frequent commentator on CNN, National Public Radio, and other national news and radio programs on issues involving military law and national security. He received his B.A. and J.D. from the University of North Carolina at Chapel Hill.

Jeffrey H. Smith is a partner at the law firm of Arnold & Porter in Washington, DC where he is the responsible partner for the firm's public policy and government contracts group. Mr. Smith has held numerous positions within the federal government, including serving as general counsel of the CIA from 1995-1996, serving on the Commission to Review the Roles and Missions of the Armed Services, and chairing the Joint Security Commission established by Secretary of Defense Aspin and Director of Central Intelligence Woolsey to review security policy and practices in the defense and intelligence communities. Mr. Smith has also served in the Senate as General Counsel to the Senate Armed Services Committee and Senator Sam Nunn's designee to the Iran/Contra Committee and the Senate Select Committee on Intelligence. Mr. Smith was also an Army Judge Advocate General officer, where he served as the Pentagon's attorney for the Panama Canal negotiations. Mr. Smith received a B.S. from the United States Military Academy and a J.D. from the University of Michigan Law School.

F. William Smullen is the Director of National Security Studies Program at Syracuse University's Maxwell School. Prior to joining the Maxwell School Mr. Smullen served as Chief of Staff to Secretary of State Colin Powell, where he was responsible for overseeing the formulation and implementation of departmental policies. Mr. Smullen served in the United States Army for 30 years, culminating in an assignment to serve as Special Assistant to the Chairman of the Joint Chiefs of Staff, where he supported Admiral William Crowe, Jr. and General Colin Powell. Mr. Smullen received his B.A. from the University of Maine and an M.A. from Syracuse University.

Suzanne E. Spaulding is currently Chair of the Advisory Committee of the Standing Committee on Law and National Security as well as its past Chair. She is currently a Principal at Bingam Consulting Group, LLP. Prior to that she was the Managing Director of the Harbour Group, LLC. She previously served as the Democratic Staff Director for the House Permanent Select Committee on Intelligence, where she supervised the staff's work on activities such as the inquiry into pre-war intelligence on Iraq, a comprehensive Intelligence Transformation Act; the annual intelligence authorization bills and ongoing oversight of the intelligence community. Prior positions include Senior Counsel/Legislative Director for Senator Arlen Specter, Assistant General Counsel for the CIA, and General Counsel and Deputy Staff Director for the Senate Select Committee on Intelligence. Ms. Spaulding received her undergraduate and law degrees from the University of Virginia.

Marin Strmecki is the Senior Vice President and Director of Programs at the Smith Richardson Foundation, which operates one of the nation's largest grant programs for national security and foreign policy research. Prior to joining the foundation Mr. Strmecki served as a staff member of the Senate Select Committee on Intelligence and Senate Foreign Relations Committee, a member of the policy planning staff for the Department of Defense, and a legislative assistant to Senator Orrin Hatch. Mr. Strmecki has also worked as a Research Associate and Fellow in International Studies at the Center for Strategic and International Studies in Washington, DC. Mr. Strmecki received his B.A. from Harvard University, a M.A. in International Affairs from Columbia University, a Ph.D. in Government from Georgetown University, and a J.D. from Yale University.

Robert F. Turner is the Co-Founder and Associate Director of the Center for National Security Law at the University of Virginia School of Law. Prof. Turner has served as national security advisor to Sen. Robert P. Griffin, Special Assistant to the Under Secretary of Defense for Policy, Counsel to the President's Intelligence Oversight Board, Principal Deputy Assistant Secretary of State for Legislative Affairs, and as the first President of the congressionally established United States Institute of Peace. Prof. Turner has also served as the three-term chairman of the ABA Standing Committee on Law and National Security and the Charles H. Stockton Chair of International Law at the U.S. Naval War College. Prof. Turner received his B.A. from Indiana University and a J.D. and S.J.D. from the University of Virginia School of Law.

Kenneth L. Wainstein was sworn in as the first Assistant Attorney General for the National Security Division of the U.S. Department of Justice on September 28, 2006. Prior to that, Mr. Wainstein served as the United States Attorney for the District of Columbia. He has also served as Chief of Staff to the Director of the FBI and as the FBI's General Counsel. From August 2001 to July 2002, he served as Director of the Executive Office for U.S. Attorneys of the U.S. Department of Justice. He clerked for Judge Thomas Penfield Jackson of the U.S. District Court for the District of Columbia before beginning his Justice Department career as an Assistant U.S. Attorney in the Southern District of New York two months later. Mr. Wainstein is a 1984 graduate of the University of Virginia, and a 1988 graduate of the Boalt Hall School of Law at the University of California at Berkeley.

Shaun Waterman is the Homeland and National Security Editor for United Press International in Washington. He has covered the Department of Homeland Security since the agency was stood up in 2003. His reporting on the Sept. 11 Commission and the tortuous process by which some of its recommendations finally became law in the 2004 Intelligence Reform and Terrorism Prevention Act earned him a "Dateline Washington" award from the Society of Professional Journalists in 2005. These days he writes mainly about emerging threats to U.S. and global security: transnational terrorism; pandemic disease; weapons proliferation and other asymmetric dangers. His stories appear two to three times a week on the UPI Web site and in *The Washington Times*.

H. Thomas Wells, Jr. is the President-Elect of the American Bar Association. Mr. Wells is a partner and founding member at Maynard, Cooper & Gale, P.C. where he specializes in complex environmental, toxic tort, and products liability cases. Mr. Wells has served in the ABA's House of Delegates since 1991 and was chair of the House of Delegates from 2002 to 2004. Mr. Wells serves as co-chair of the ABA's Special Committee on Disaster Response, which was commissioned in the wake of the Hurricane Katrina disaster. Mr. Wells received both his B.A. and J.D. from the University of Alabama.