

Duke-Virginia Foreign Relations Law Roundtable
Transparency, Secrecy, and Monitoring in Foreign Relations Law
September 28, 2019
Room 3000, Duke Law School

Friday, September 27

6:10 pm *Shuttle departs from hotel entrance for dinner*

6:30 pm *Informal dinner for participants*
Mothers & Sons Trattoria

Saturday, September 28

8:30 – 9:00 am *Continental Breakfast*
Room 3000, Duke Law School

9:00 – 10:00 am **Session I: Negotiating and Concluding
International Agreements**

Curtis Bradley, *Limitations of the Transparency Regime
for Executive Agreements*

Oona Hathaway, *Evaluating the Transparency Regime for
Executive Agreements: A Qualitative and Quantitative
Assessment*

Jide Nzelibe, *Fighting in Secret: A Strategy for Taming Identity
Politics in International Law*

Ganesh Sitaraman, *Normalizing Foreign Relations Law: Scattered
Thoughts on Secrecy, Transparency, Participation, and
Accountability, with an Eye Toward Trade Law*

Commentator: Kristen Eichensehr

10:00 – 10:15 am *Coffee Break*

10:15 – 11:15 am **Session II: Executive Branch Legal Reasoning**

Jean Galbraith, *DOJ Views Letters, Transparency, and
Historical Practice*

Monica Hakimi, *Legal Transparency in U.S. Foreign Affairs*

Rebecca Ingber, *International Law Inside the State*

Commentator: Curt Bradley

11:15 – 11:30 am *Coffee Break*

11:30 am – 12:30 pm **Session III: National Security, Accountability, and Whistleblowing**
Marty Lederman, *Why is it So Hard to Acknowledge Covert Action?*
Kaeten Mistry, *The Paradox of National Security Whistleblowing: A History of the Phenomenon*
Dakota Rudesill, *Repurposing Transparency, Accountability, and Reporting Statutes to Build Process and Process Norms Regarding Use of Nuclear Weapons*
Matthew Waxman, *Waging Covert War*
Commentator: Ashley Deeks

12:30 – 1:30 pm *Lunch*
Third Floor Mezzanine, Duke Law School

1:30 – 1:45 pm *Group Photo*

1:45 – 2:45 pm **Session IV: Cybersecurity, Surveillance, and Big Data**
Elena Chachko, *Toward Greater Cyber Transparency?*
Ashley Deeks, *Technology Companies and Government Secrecy*
Kristen Eichensehr, *Transparency, Cybersecurity, and Oversight*
Paul Stephan, *The Ideal of Transparency and the Value of Big Data*
Commentator: Monica Hakimi

2:45 – 3:00 pm *Coffee Break*

3:00 – 4:00 pm **Session V: Wrap-up: Tradeoffs of Transparency and the Challenges of Oversight and Reform**
Mary DeRosa, *Transparency in National Security: Why is Reform so Difficult?*
David Pozen, *Seeing Transparency More Clearly*
Sudha Setty, *The Vulnerability of Transparency*
Commentator: Oona Hathaway

6:10 pm *Shuttle departs from hotel entrance for dinner*

6:30 pm *Reception and Dinner for Participants*
Nana's Restaurant