



DUKE LAW

LENS Spring Conference

February 27th - 28th, 2015

Room 3041, Duke Law School

Law in the Age of 'Forever War'

Speaker Biographies

Professor William Banks is a Board of Advisors Distinguished Professor of Law, Professor of Public Administration and International Affairs, and Director, Institute for National Security and Counterterrorism at Syracuse University. Professor Banks is an internationally recognized authority in national security law, counterterrorism, and constitutional law. Banks has helped set the parameters for the emerging field of national security law since 1987, co-authoring two leading texts in the field: *National Security Law and Counterterrorism Law*. In 2008, Banks was named the College of Law Board of Advisors Distinguished Professor at Syracuse University, where he has been a member of the faculty for over 30 years. *National Security Law* was first published in 1990 and is now in its fifth edition. Banks and his co-authors published *Counterterrorism Law* in 2007 to help define the emerging field of counterterrorism law, and the second edition was published in 2012. Banks is also the author of numerous other books, book chapters and articles including *Counterinsurgency Law: New Dimensions in Asymmetric Warfare*, *Combating Terrorism* (with Mitchel Wallerstein and Renee de Nevers), *New Battlefields/Old Laws: Critical Debates from the Hague Convention to Asymmetric Warfare*, “Legal Sanctuaries and Predator Strikes in the War on Terror,” “Programmatic Surveillance and FISA – Of Needles in Haystacks,” and “Providing ‘Supplemental Security’ – The Insurrection Act and the Military Role in Responding to Domestic Crises.” Since 1998, Banks 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, a College of Law Board of Advisors Professor in 2005, and he became the founding director of the Institute for National Security and Counterterrorism at Syracuse University in 2003. He is also the Editor-in-Chief of the *Journal of National Security Law & Policy* (JNSL&P).

Andrew J. Carswell, Senior Delegate to the Armed Forces, has been based in Washington D.C. since 2011, Andrew Carswell currently serves as the senior delegate to the U.S. and Canadian Armed Forces for the International Committee of the Red Cross (ICRC). In that capacity, he advises Combatant Commands, deploying operational units and advanced military colleges regarding ICRC's field interaction with armed forces and the international legal framework governing military operations. Between 2009 and 2011 Andrew served as advisor for the ICRC's Unit for Relations with Arms Carriers in Geneva, where he supported twenty-five armed forces delegates worldwide regarding their efforts to implement the law of armed conflict at the national level; and between 2006 and 2009 he was based in Pretoria as Regional Delegate to the Armed Forces of Southern Africa and the Indian Ocean. He has served on ICRC operations in Jordan regarding Syria, Afghanistan, Rwanda, South Sudan, Madagascar and Zimbabwe, amongst others. Prior to his career with the ICRC, he served as an officer in the Canadian Armed Forces Office of the Judge Advocate General (2000-05), where he specialized in military prosecutions, international law and legal training. He was deployed to the NATO chain of command as a divisional legal advisor in Bosnia (2002) and served as third in command of the Canadian Military Prosecution Service (2003-05). Before joining the military, he was a criminal prosecutor in the city of Calgary, Canada (1997-2000). He performed his articles of clerkship at the Court of Appeal of Alberta (1996-97), and remains a member

of the Alberta Law Society. He has authored publications on the law of armed conflict. A Canadian national, Andrew holds a Master's degree with distinction in the international law of armed conflict from the University of Geneva and the Graduate Institute of International Studies, in addition to a law degree from Cardiff University and an undergraduate degree in politics and history from McGill University.

Maj. Gen. Blaise Cathcart, OMM, CD, Q.C. worked in private practice with the law firm until he enrolled in the Canadian Armed Forces as a member of the Office of the Judge Advocate General (JAG) in 1990. Since 1990, Major-General Cathcart has served in a number of positions with the Office of the JAG, including: Directorate of Law/Human Rights and Information; Deputy Judge Advocate Pacific Region; Director of Operational Law; the Special Assistant to the JAG; and Director of International Law. He was promoted to the rank of Colonel in June 2006 and served as the Deputy Legal Advisor and General Counsel – Military in the Office of the Legal Advisor to the Department of National Defense and the Canadian Armed Forces; the Deputy Judge Advocate General/Operations. He was promoted to the rank of Brigadier-General in April 2010, prior to his appointment to the position of Judge Advocate General on 14 April 2010. On October 29, 2012, he was promoted to the rank of Major-General. He was a legal advisor to the Commander Canadian Contingent United Nations Protection Force (UNPROFOR) and the United Nation Peace Forces (UNPF) in the former Yugoslavia. Major-General Cathcart deployed as the Senior Legal Advisor to the Commander Canadian Task Force Bosnia-Herzegovina (SFOR) in 2000. He was the legal advisor to Joint Task Force 2, the Canadian Forces Counter-Terrorism/Special Operations unit from 1997-2000. In his capacity as the Director of Operational Law, he provided daily legal advice to the Deputy Chief of the Defense Staff and senior National Defense Headquarters (NDHQ) staff (including J3 Counter-Terrorism and Special Operations) on a number of issues arising from domestic and international operations. Major-General Cathcart was intimately involved in providing legal advice at the strategic and operational levels during the planning and execution of the Canadian Armed Forces participation (conventional and special forces) in the Campaign Against Terrorism.

Dean Erwin Chemerinsky is the founding Dean and Distinguished Professor of Law, and Raymond Pryke Professor of First Amendment Law, at the University of California, Irvine School of Law, with a joint appointment in Political Science. Previously, he taught at Duke Law School for four years, during which he won the Duke University Scholar-Teacher of the Year Award in 2006. Before that, he taught for 21 years at the University of Southern California School of Law. Chemerinsky has also taught at UCLA School of Law and DePaul University College of Law. His areas of expertise are constitutional law, federal practice, civil rights and civil liberties, and appellate litigation. He is the author of eight books, including *The Case Against the Supreme Court* published in 2014, and more than 200 articles in top law reviews. He frequently argues cases before the nation's highest courts, including the United States Supreme Court, and also serves as a commentator on legal issues for national and local media. He writes a weekly column for the Orange County Register, monthly columns for the ABA Journal and the Daily Journal, and frequent op-eds in newspapers across the country. In January 2014, National Jurist magazine named Dean Chemerinsky as the most influential person in legal education in the United States. Dean Chemerinsky holds a law degree from Harvard Law School and a bachelor's degree from Northwestern University.

Professor Robert Chesney is the Charles I. Francis Professor in Law and Associate Dean for Academic Affairs at the University of Texas School of Law. In addition, he is the Director-Designate of the Robert S. Strauss Center for International Security and Law. In 2009, Professor Chesney served in the Justice Department in connection with the Detention Policy Task Force created by Executive Order 13493. He also previously served the Intelligence Community as an associate member of the Intelligence Science Board and as a member of the Advanced Technology Board. In addition to his current positions at the University of Texas, he is a non-resident Senior Fellow of the Brookings Institution, a member of the American Law Institute, a senior editor for the Journal of National Security Law & Policy, and a past chair of Section on National Security Law of the Association of American Law Schools (as well as of the AALS Section on New Law Teachers). He is a co-founder and contributor to www.lawfareblog.com, the leading source for analysis, commentary, and news relating to law and

national security. Professor Chesney's scholarship focuses on U.S. national security policies and institutions, encompassing both domestic and international law issues. Among other things, he has written about military detention, the use of lethal force, civilian criminal prosecution in terrorism-related cases, civil litigation involving the state secrets privilege, and the convergence of functions across the military and the Intelligence Community. Pending projects include two books under contract with Oxford University Press (one that places the legal debates of the post-9/11 period in long-term historical context, and the other examining the evolving judicial role in national security affairs).

Maj. Gen. Charles J. Dunlap, USAF (Ret.) is a Professor of the Practice and Executive Director of the Center on Law, Ethics and National Security at Duke Law School where he teaches national security law, the international law of armed conflict, use of force in international law, criminal law in the armed forces, legal and policy aspects of U.S. civil-military relations, and ethical issues of the practice of national security law. He is a retired Air Force major general who received his undergraduate degree from St. Joseph's University (PA), and his law degree from Villanova University. Prior to retiring from the military in June of 2010, General Dunlap was responsible for assisting in the supervision of more than 2,500 military and civilian attorneys worldwide. His 34-year career included tours in both the United Kingdom and Korea, and he deployed for military operations in Africa and the Middle East. Totaling more than 120 publications, his writings address a wide range of topics including various aspects of national security law, airpower, counterinsurgency, cybepower, civil-military relations, and leadership. A distinguished graduate of the National War College, General Dunlap speaks frequently at professional conferences and at numerous institutions of higher learning.

Hon. Lindsey Graham, United States Senator, (R- South Carolina). In the United States Senate, South Carolina's Lindsey Graham has earned a reputation as a conservative, a problem-solver, and a leader who gets things done. Graham is widely viewed as one of the strongest proponents of a robust national defense and a great friend to our men and women serving in uniform. A frequent visitor to Afghanistan for on-the-ground assessments, Graham has consistently pushed for outcomes in the War on Terror which defend our own long-term national security interests. Closer to home, Graham has been a leader in cutting spending, reforming entitlements, and getting government out of the way so businesses can create jobs. He has repeatedly voted against Obamacare, opposed Dodd-Frank, and fought President Obama's wasteful stimulus bill. For his work, a prominent national conservative organization honored him as a Taxpayer Hero who puts "the interests of the taxpayer ahead of politics by consistently voting to cut wasteful spending, reduce the tax burden, and make government more accountable to taxpayers." Graham was elected to the Senate in 2002 and re-elected in 2008, garnering over one million votes and becoming the top vote-getter in South Carolina's history. He was elected to the U.S. House of Representatives in 1994 as the first Republican from the Third Congressional District of South Carolina since 1877. Prior to his service in the House, Graham compiled a distinguished record in the United States Air Force as he logged six-and-a-half years of service on active duty as an Air Force lawyer. From 1984-1988, he was assigned overseas and served at Rhein-Main Air Force Base in Germany. Upon leaving active duty Air Force in 1989, Graham joined the South Carolina Air National Guard where he served until 1995. During the first Gulf War in the early 90's, Graham was called to active duty and served state-side at McEntire Air National Guard Base as Staff Judge Advocate where he prepared members for deployment to the Gulf region. Graham continues to serve his country in the U.S. Air Force Reserves and is one of only two U.S. Senators currently serving in the Guard or Reserves. He is a colonel and is assigned as a Senior Instructor at the Air Force JAG School. A native South Carolinian, Graham grew up in Central, graduated from D.W. Daniel High School near Clemson, and earned his undergraduate and law degrees from the University of South Carolina. He lives in Seneca and is a member of Corinth Baptist Church.

Mr. Shane Harris is an author and journalist who has written extensively about intelligence and national security. His new book, *@War: The Rise of the Military-Internet Complex* explores the frontlines of America's new cyber war. Shane's first book, *The Watchers*, tells the story of five men who played central roles in the creation of a vast national security apparatus and the rise of surveillance in America (Penguin Press, 2010). *The Watchers* won

the New York Public Library's Helen Bernstein Book Award for Excellence in Journalism, and the Economist named it one of the best books of 2010. Shane is the winner of the 2010 Gerald R. Ford Prize for Distinguished Reporting on National Defense. He has four times been named a finalist for the Livingston Awards for Young Journalists, which honor the best journalists in America under the age of 35. Shane is currently a senior correspondent at The Daily Beast, where he covers national security, intelligence, and cyber security. His work has appeared in The New York Times, The Wall Street Journal, Slate, TheAtlantic.com, National Journal, The Washington Post, The Bulletin of the Atomic Scientists, and the U.S. Naval Institute's Proceedings. He has provided analysis and commentary for CNN, NPR, the BBC, The History Channel, several foreign media organizations and many local public radio stations. Prior to joining The Daily Beast, Shane was a senior writer at Foreign Policy magazine and, before that, at the Washingtonian magazine, where he was part of the team that won the publication its 2011 award for Excellence in Writing from the City and Regional Magazine Association. From 2005 to 2010, Shane was a staff correspondent for National Journal, where he wrote about intelligence and homeland security. Before that post, he was the technology editor and a staff correspondent at Government Executive magazine. He began his journalism career in 1999, as the research coordinator and a writer for Governing magazine in Washington. Shane graduated from Wake Forest University with a B.A. in Politics in 1998.

Mr. David Hoffman is director of security policy and global privacy officer at Intel Corporation. He joined Intel in 1998 as the company's lead eBusiness attorney. In 1999, he founded Intel's privacy team, and has overseen its privacy compliance program ever since. From 2003 to 2006, Hoffman worked in the U.K. and Germany as group counsel in the Intel European legal department while leading Intel's worldwide privacy and security policy team. Hoffman has served on the boards of TRUSTe, the International Association of Privacy Professionals, the National Cyber Security Alliance and the Information Accountability Foundation. He is the co-chair of the International Chamber of Commerce's Privacy and Data Protection Working Group and serves on government advisory bodies, including the U.S. Department of Homeland Security's Data Privacy and Integrity Advisory Committee. Hoffman holds the Certified Information Privacy Professional certification and has lectured at law schools in the U.S., Europe, Japan and China. He is a 1993 graduate of Duke Law School.

Professor Jayne Huckerby joined the Duke Law faculty in 2013 as an associate clinical professor of law and inaugural director of the Duke International Human Rights Clinic. Prior to joining Duke, she most recently served as a human rights adviser to UN Women – the United Nations Entity for Gender Equality and the Empowerment of Women – on women and conflict prevention, conflict, and post-conflict; gender equality and constitutional reform in post-Arab Spring countries; and the use of gender and human rights indicators in national security policy frameworks. A native of Sydney, Australia, Huckerby received her LLB from the University of Sydney in 2002, with first class honors. She attended New York University School of Law as a Vanderbilt Scholar, focusing her LLM studies on human rights and international law. Huckerby was awarded the David H. Moses Memorial prize on graduating first in her LLM class. After serving as a human rights officer with the International Service for Human Rights in Geneva, Huckerby joined the Center for Human Rights and Global Justice at NYU Law in 2005, serving as its research director from 2006 to 2011 and also teaching in NYU's International Human Rights Clinic and Global Justice Clinic for two and a half years. Huckerby has undertaken human rights research and advocacy in the areas of gender and human rights, constitution-making, national security, human trafficking, transitional justice, and human rights in U.S. foreign policy. She has led multiple fieldwork investigations, provided capacity-building to civil society and governments in five regions, and frequently served as a human rights law expert to international governmental organizations and NGOs, including the International Center for Transitional Justice and the Global Alliance Against Traffic in Women. She has written and co-authored numerous articles, book chapters, and human rights reports, and is most recently the editor, with Margaret L. Satterthwaite, of *Gender, National Security, and Counter-Terrorism: Human Rights Perspectives* (Routledge 2012).

Colonel Richard Jackson (Ret.): Richard B. "Dick" Jackson is the Special Assistant to the U.S. Army Judge Advocate General for Law of War Matters. He has served in that position since 2005, when he retired from the U.S. Army after over 30 years in uniform. Dick Jackson has extensive experience in the law of war and international and operational law, in general. He served in Infantry, Special Forces, Joint and Coalition commands during his military career, spending most of the last ten years as the principal legal advisor at a U.S. Army Division, Multinational Division North in Bosnia, the Army Special Operations Command, U.S. Army Pacific, and Joint Forces Command - Naples, a NATO Headquarters. He served in military operations in Panama, Haiti, Bosnia, Kosovo, and Iraq. He was also the Chair of the International and Operational Law Department of the Army Judge Advocate General's School, in Charlottesville, Virginia, and has written extensively in professional publications and lectured around the world on law of war matters. Colonel Jackson also represented the U.S. government in several international conferences and negotiations regarding arms control, the law of war, and protection of cultural property. In 2010 he was elected to be the Chair of the Lieber Society Interest Group of the American Society of International Law, which is a private organization promoting dissemination and discussion between practitioners and academics on the law of armed conflict. Along with numerous law review articles, Dick Jackson is a contributing author to: *The War on Terror and the Laws of War*, published by Oxford University Press in 2009; *The Law of Counterterrorism*, published by the ABA in 2011; and the Aspen casebook, *The Law of Armed Conflict: An Operational Approach*, published in 2012.

Professor Suzanne Katzenstein is a Research Scholar and the Project Director at the Duke Human Rights Center at the Kenan Institute for Ethics. Her current research analyzes government use of different economic and legal strategies to protect national security and promote human rights. Most recently, Suzanne was a visiting assistant professor at Duke Law School. At Kenan, Suzanne teaches classes on human rights and is working to advance new human rights programming with a special focus on cultivating global partnerships. Suzanne has a J.D. from Harvard Law School and Ph.D. in political science from Columbia University.

Professor Martin Lederman is an Associate Professor of Law, Georgetown University Law Center. He was Deputy Assistant Attorney General in the Department of Justice's Office of Legal Counsel from 2009 to 2010, and an Attorney Advisor in OLC from 1994-2002. From 1988 to 2004, he was an attorney at Bredhoff & Kaiser, where his practice consisted principally of federal litigation, including appeals, on behalf of labor unions, employees and pension funds. In 2008, with David Barron, he published a two-part article in the *Harvard Law Review* examining Congress's authority to regulate the Commander in Chief's conduct of war. Prior to rejoining the Department of Justice, he was a regular contributor to several blogs and web sites, including Balkinization, SCOTUSblog, *Opinio Juris*, and *Slate*, writing principally on issues relating to separation of powers, war powers, torture, detention, interrogation, international law, treaties, executive branch lawyering, statutory interpretation and the First Amendment. He served as law clerk to Chief Judge Jack B. Weinstein on the United States District Court for the Eastern District of New York, and to Judge Frank M. Coffin on the United States Court of Appeals for the First Circuit. Prof Lederman has A.B. from the University of Michigan and his J.D. from Yale University.

Ms. Elisa Massimino is the President and Chief Executive Officer of Human Rights First, one of the nation's leading human rights advocacy organizations. She joined Human Rights First as a staff attorney in 1991 to help establish the Washington office. From 1997 to 2008 she served as the organization's Washington Director. Previously, Massimino was a litigator in private practice at the Washington law firm of Hogan & Hartson, where she was pro bono counsel in many human rights cases. Before joining the legal profession, she taught philosophy at several universities in Michigan. As a national authority on human rights law and policy, she has testified before Congress dozens of times and writes frequently for mainstream publications and specialized journals. For the last five years since 2008, the influential Washington newspaper *The Hill* named her one of the most effective public advocates in the country. Massimino appears regularly in major media outlets and speaks to audiences around the country. She has been quoted in numerous print and online news sources, including: *New York Times*, *Washington Post*, *Wall Street Journal*, *Los Angeles Times*, *USA Today*, and other global publications. She has also been featured on ABC News, NBC Dateline, The Newshour with Jim Lehrer, MSNBC, CNN, National Public

Radio, BBC and many other news outlets. Massimino holds a law degree from the University of Michigan where she was an editor of the *Journal of Law Reform*. She holds a Master of Arts in philosophy from Johns Hopkins University, and is a Phi Beta Kappa graduate of Trinity University in San Antonio, Texas. Massimino serves as an adjunct professor at Georgetown University Law Center, where she teaches human rights advocacy, and has taught international human rights law at the University of Virginia and refugee law at the George Washington University School of Law. She is a member of the bar of the United States Supreme Court.

Mr. Gregory Nojeim is a Senior Counsel and Director (CDT) of the Project on Freedom, Security and Technology at the Center for Democracy and Technology, a Washington, D.C. non-profit public policy organization dedicated to keeping the Internet open, innovative and free. Nojeim specializes in protecting privacy in the digital age as against intrusion by the U.S. government, and is a recognized expert on the application of the Fourth Amendment to the U.S. Constitution to electronic surveillance in the national security, intelligence and criminal arenas. He spearheaded CDT's efforts to promote judicial supervision of surveillance of Americans' private telephone and e-mail conversations in connection with legislation to update the U.S. Foreign Intelligence Surveillance Act in 2008. He is currently a leader in CDT's cybersecurity work, testifying in both the House and Senate on the impact of cybersecurity proposals on privacy, civil liberties, and technology innovation. He is the author of "Cybersecurity and Freedom on the Internet" published in 2010 in the *Journal of National Security Law and Policy*. Nojeim is also deeply involved in a multi-year, broad-based project to update the Electronic Communications Privacy Act. Nojeim sits on the Department of Homeland Security Data Privacy and Integrity Advisory Committee, which advises the DHS Privacy Office on privacy matters. As Co-Chair of the Coordinating Committee on National Security and Civil Liberties of the American Bar Association's Section on Individual Rights and Responsibilities, he was one of the lead drafters of the ABA's 2007 policy on the state secrets privilege. Prior to joining CDT in May 2007, Nojeim was the Associate Director and Chief Legislative Counsel of the ACLU's Washington Legislative Office. He graduated from the University of Rochester in 1981 with a B.A. in Political Science, and he received his J.D. from the University of Virginia in 1985.

Professor Jens David Ohlin specializes in international law and all aspects of criminal law, including domestic, comparative, and international criminal law. His latest book, *The Assault on International Law*, from Oxford University Press, challenges the prevailing American hostility towards international law, and offers a novel theory of rationality to explain why nations should comply with international law. Ohlin's research also focuses on the laws of war, in particular the impact of new technology on the regulation of warfare, including remotely piloted drones and the strategy of targeted killings, cyber-warfare, and the role of non-state actors in armed conflicts. His books in this area include *Targeted Killings: Law and Morality in an Asymmetrical World*; *Cyber-War: Law & Ethics for Virtual Conflicts* (Oxford University Press forthcoming, with C. Finkelstein & K. Govern); and *Defending Humanity: When Force is Justified and Why*. In the area of international criminal law, Professor Ohlin concentrates on the application of traditional criminal law theory by international tribunals, especially with regard to genocide, torture, joint criminal enterprise and co-perpetration, and more generally the philosophical foundations of collective criminal action. His work has been cited by judges and litigants at several international tribunals, including the International Criminal Court (ICC), the International Criminal Tribunal for the former Yugoslavia (ICTY), and the Extraordinary Chambers in the Courts of Cambodia (ECCC). He also is a member of an international working group, centered in The Hague, developing a codification of general rules and principles of international criminal procedure. Professor Ohlin has consulted for foreign governments and law firms on a wide range of issues, including human rights, white-collar criminal defense and litigation, criminal antitrust, and appellate litigation. He blogs at *Opinio Juris*.

Ms. Andrea Prasow is a senior national security counsel and advocate in Human Rights Watch's US Program, investigates and analyzes US national security policies and practices. She also leads advocacy efforts urging executive and legislative branch officials in Washington to implement national security policies that respect internationally recognized rights. Prior to joining Human Rights Watch, Andrea was a defense attorney with the Office of Military Commissions. She served as assistant counsel for Salim Hamdan in the only contested military

commission trial to date. Andrea was previously an associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York, where, in addition to representing large corporations in complex civil litigation she served as habeas counsel for ten Saudi detainees at Guantanamo. Her work on behalf of Guantanamo detainees has taken her to Bahrain, Yemen and Afghanistan. Andrea holds a B.A. from the University of Toronto in political science and a J.D. from Georgetown University Law Center.

Mr. Harvey Rishikof is currently chair of the Advisory Committee for the American Bar Association Standing Committee on Law and National Security and serves on the Board of Visitors for the National Intelligence University (NIU). He was a Professor of Law and National Security Studies at the National War College (NWC) in Washington, DC and is the former chair of the Department of National Security Strategy at the NWC. He specializes in the areas of national security, civil and military courts, terrorism, international law, civil liberties, and the U.S. Constitution. Mr. Rishikof's career includes experiences in the private sector, academia and public service and is a lifetime member of the Council on Foreign Relations and the American Law Institute. He is a former member of the law firm Hale and Dorr, a Supreme Court Fellow, the former Dean of the law school in Rhode Island, and has been a consultant to the World Bank and USAID on law reform. As Legal Counsel to the Deputy Director of the FBI (1997-99), Mr. 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. Mr. Rishikof 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. He is a former tutor in Social Studies, Government and Sociology at Harvard University. Rishikof has written numerous law review articles, monographs and book chapters, his most recent book is co-edited with Roger George, *The National Security Enterprise, Navigating the Enterprise*, (Georgetown Press, 2011).

Professor David Schanzer is an Associate Professor of the Practice at the Duke Sanford School of Public Policy and Director of the Triangle Center on Terrorism and Homeland Security. He is also an Adjunct Professor of Public Policy at the University of North Carolina Chapel Hill. In these capacities, he teaches courses and conducts research on counter-terrorism strategy, counterterrorism law, and homeland security. He also serves as the Director for Strategy and Outreach for the Institute of Homeland Security Solutions, a research consortium between Duke, UNC Chapel Hill, and RTI International focusing on applied social science research to advance the national homeland security mission. Prior to his academic appointments, Schanzer was the Democratic Staff Director for the House of Representatives Committee on Homeland Security from 2003-2005. He served as the legislative director for Senator Jean Carnahan (2001-2002), counsel to Senator Joseph R. Biden, Jr. (1996-1998), and counsel to Senator William S. Cohen (1994-1996). His positions in the executive branch include Special Counsel, Office of General Counsel, Department of Defense (1998-2001) and Trial Attorney, United States Department of Justice (1992-94). Schanzer was a clerk for United States District Judge Norma L. Shapiro and in the Office of the Solicitor General of the United States. Schanzer is a graduate of Harvard College where he received a B.A. cum laude in Government in 1985 and Harvard Law School, where he served as an editor of the Harvard Law Review from 1988-1989.

Professor Michael N. Schmitt is Director of the Stockton Center for the Study of International Law and Charles H. Stockton Professor at the United States Naval War College. He is also Professor of Public International Law and member of the Strategy and Security Institute at the University of Exeter (UK), Fellow at Harvard Law School's Program in International Law and Armed Conflict and Senior Fellow at the NATO Cyber Defence Centre of Excellence. He was previously Professor of International Law at Durham University and Dean of the George C. Marshall European Center. Before joining the Marshall Center, Professor Schmitt served 20 years in the United States Air Force as a judge advocate specializing in operational and international law. He graduated in 1996 first in his class from the Naval War College's College of Naval Warfare. From 2007 through 2008, he occupied the Charles H. Stockton Visiting Chair of International Law at the Naval War College. He has been invited to serve as the Sir Ninian Stephen Visiting Scholar at Melbourne University, Visiting Distinguished Fellow at Emory Law School's International Humanitarian Law Clinic, and Visiting Scholar Yale

Law School. The Editor-in-Chief of the "International Law Studies," Professor Schmitt serves on many boards of institutions, learned and professional societies, and publications dealing with international humanitarian law. Professor Schmitt has participated in multiple international expert working groups, including those on the Manual on the International Law of Air and Missile Warfare (Harvard Program on Conflict Research), Direct Participation by Civilians in Hostilities (ICRC), Characterization of Conflict (Chatham House), and, as Project Director, the Manual on the International Law Applicable to Cyber War (NATO Cooperative Cyber Defence Centre of Excellence). His academic degrees include a D.Litt (Durham University), JD (University of Texas), LL.M (Yale University), MA (Naval War College), and MA (Texas State University).

Professor Christopher Schroeder is the Charles S. Murphy Professor of Law and Public Policy Studies and Co-Director of the Program in Public Law, Duke Law School. In December, 2012, Professor Schroeder returned to the Duke Law School faculty after serving for nearly three years as Assistant Attorney General the Office of Legal Policy at the United States Department of Justice, where he supervised the evaluation of President Obama's nominees to the federal judiciary and provided policy advice to the Attorney General and the White House on a variety of law enforcement and national security issues. Chris has also served as acting Assistant Attorney General in the Office of Legal Counsel where he was responsible for legal advice to the Attorney General and the President on a broad range of legal issues, including separation of powers, other constitutional issues, and matters of statutory interpretation and administrative law. He has also served as chief counsel to the Senate Judiciary Committee. Schroeder is currently teaching a course on Federal Policymaking to Duke Law School's Duke in DC externs, as well as one on presidential powers. He is working on a book on presidential powers. Chris is married to Kate Bartlett, former Dean of Duke Law School.

Hon. Scott Silliman is an appellate judge on the United States Court of Military Commission Review as well as being a Professor of the Practice of Law at Duke Law School. He received his undergraduate and law degrees from the University of North Carolina at Chapel Hill. He served for 25 years as an Air Force judge advocate, retiring in the grade of colonel in 1993 when he joined the Duke Law faculty. As the senior attorney for Tactical Air Command during the first Persian Gulf War of 1990-91, and later as Air Combat Command's senior attorney, he has extensive experience in operational and other areas of military law. Incidental to joining Duke's law school faculty, Professor Silliman served as Executive Director of the Center on Law, Ethics and National Security from its inception in 1993 until July of 2011, and now serves as its Director Emeritus. He is a frequent commentator on national and international television and radio news programs on national security issues, and is quoted on a regular basis by print media from around the world.

Professor Gary Solis is a retired Marine with 26 years active service, including tours of Vietnam duty, where he was a company commander (armor) and, later, a judge advocate and military judge. After military retirement he earned a doctorate in the law of war and taught on the London School of Economics' law faculty for three years before joining the Department of Law at the United States Military Academy. He headed West Point's law of war program for six years, receiving Phi Kappa Phi's distinguished teaching award and, in 2006, the Apgar Award as the Military Academy's outstanding instructor, after which he promptly retired again. He remains a West Point adjunct professor. He was a 2006-07 Library of Congress scholar in residence, and is a member of the American Law Institute. He is on the editorial board of the ICRC's *International Review of the Red Cross*. His books are *Marines and Military Law in Vietnam*; and *Son Thang: An American War Crime*; and *The Law of Armed Conflict* (American Society of International Law 2010 Certificate of Merit). He holds a B.A. from San Diego State College; a J.D. from the University of California, Davis; a LL.M. from George Washington University; and a Ph.D., The London School of Economics and Political Science.

Professor Stephen Vladeck is a Professor of Law at American University Washington College of Law. His teaching and research focus on federal jurisdiction, constitutional law, and national security law. A nationally recognized expert on the role of the federal courts in the war on terrorism, Vladeck's prolific and widely cited scholarship has appeared in an array of legal publications—including the *Harvard Law Review* and the *Yale Law*

Journal — and his popular writing has been published in forums ranging from the *New York Times* to *BuzzFeed*. Vladeck, who is a co-editor of Aspen Publishers' leading national security law and counterterrorism law casebooks, frequently represents parties or amici in litigation challenging government counterterrorism policies, and has authored reports on related topics for a wide range of organizations—including the First Amendment Center, the Constitution Project, and the ABA's Standing Committee on Law and National Security. He also serves on the Executive Committee of the Board of Directors of the ACLU of the Nation's Capital. He is an elected member of the American Law Institute, a senior editor of the peer-reviewed *Journal of National Security Law and Policy*, co-editor in-chief of the *Just Security* blog, a senior contributor to the *Lawfare* blog, the Supreme Court Fellow at the Constitution Project, and a fellow at the Center on National Security at Fordham University School of Law. A 2004 graduate of Yale Law School, Vladeck clerked for the Honorable Marsha S. Berzon on the U.S. Court of Appeals for the Ninth Circuit, and the Honorable Rosemary Barkett on the U.S. Court of Appeals for the Eleventh Circuit.

Mrs. Erin Wirtanen is the principal litigation attorney with the Office of General Counsel for the Central Intelligence Agency (CIA). She provides legal guidance to CIA's senior leaders in employment, human resources and personnel legal matters. Prior to joining the CIA, Mrs. Wirtanen was an active duty JAG with the United States Air Force. Mrs. Wirtanen held assignments in Florida, North Carolina, and Virginia. She was the Chief of Operations Law, Chief of Military Justice, an Area Defense Counsel, and Litigation Expert. Mrs. Wirtanen served two deployments: first to Saudi Arabia where she served as the Deputy Staff Judge Advocate; then to Kuwait in 2002 as the Staff Judge Advocate handling an array of Military Justice, Contract Law, Law of War, Rules of Engagement, Deadly Force, Accident Investigation and other legal issues. From 2004 to 2007, Mrs. Wirtanen focused solely on litigation and employment discrimination law for the Air Force. She successfully defended her cases before the Equal Employment Opportunity Commission, Merit systems Protection Board, Federal Labor Relations Authority, U.S. Court of Appeals for the Federal Circuit, and Federal District Court. In 2007, Mrs. Wirtanen separated from the military and joined her husband overseas, living in Zambia and Kenya. In Africa she held a position with the State Department working directly for the US Ambassador to Kenya in small grants management. As a part of this position, Mrs. Wirtanen traveled extensively with the US Ambassador, met with foreign leaders and heads of state, and was directly involved in international diplomacy.

Mr. Benjamin Wittes is a senior fellow in Governance Studies at The Brookings Institution. He co-founded and is the editor-in-chief of the *Lawfare* blog, which is devoted to sober and serious discussion of "Hard National Security Choices," and is a member of the Hoover Institution's Task Force on National Security and Law. He is the author of *Detention and Denial: The Case for Candor After Guantanamo*, published in November 2011, co-editor of *Constitution 3.0: Freedom and Technological Change*, published in December 2011, and editor of *Campaign 2012: Twelve Independent Ideas for Improving American Public Policy* (Brookings Institution Press, May 2012). He is also writing a book on data and technology proliferation and their implications for security. He is the author of *Law and the Long War: The Future of Justice in the Age of Terror*, published in June 2008 by The Penguin Press, and the editor of the 2009 Brookings book, *Legislating the War on Terror: An Agenda for Reform*. His previous books include *Starr: A Reassessment*, published in 2002 by Yale University Press, and *Confirmation Wars: Preserving Independent Courts in Angry Times*, published in 2006 by Rowman & Littlefield and the Hoover Institution. Between 1997 and 2006, he served as an editorial writer for *The Washington Post* specializing in legal affairs. Before joining the editorial page staff of *The Washington Post*, Wittes covered the Justice Department and federal regulatory agencies as a reporter and news editor at *Legal Times*. His writing has also appeared in a wide range of journals and magazines including *The Atlantic*, *Slate*, *The New Republic*, *The Wilson Quarterly*, *The Weekly Standard*, *Policy Review*, and *First Things*. Benjamin Wittes was born in Boston, Massachusetts. He graduated from Oberlin College in 1990, and he has a black belt in taekwondo.