

TEXAS LAW REVIEW
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The University of Texas School of Law
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Sponsored by the **TEXAS LAW REVIEW** in partnership with the
Strauss Center for International Security and Law



THE ROBERT S. STRAUSS CENTER
FOR INTERNATIONAL SECURITY AND LAW

*Symposium: Law at the Intersection of
National Security, Privacy, and Technological Change*

Sponsored by the **TEXAS LAW REVIEW** in partnership with the
Strauss Center for International Security and Law

The University of Texas School of Law, Austin, Texas (February 4-6, 2010)

The symposium will explore the intersection of law, technology, privacy, and national security activities (including intelligence-related activities, cybersecurity, and network operations).

THURSDAY, February 4th

7:00–9:30 P.M. **Opening Reception, Dinner, and Keynote Address**

Speaker

Michael McConnell (former Director of National Intelligence, currently Executive Vice President of Booz Allen Hamilton)

FRIDAY, February 5th

7:30 A.M. **Students arrive at the Radisson to pick up guests and deliver them to the UT Club**

8:00–8:30 **Continental Breakfast**

8:30–8:35 **Welcome**

Speakers

Dean Lawrence Sager and Robert Chesney (University of Texas School of Law)

8:35–9:45 **Panel 1: National Security, Privacy, and Technology (I)**

Moderator

William Banks (Syracuse)

Discussants

Lisa Graves (Center for Media and Democracy)

Ben Wittes (Brookings)

Nicholas Patterson (National Security Division, Department of Justice)

9:45–10:30

Remarks

Speaker

Shane Harris (*National Journal*,
author of *The Watchers: The Rise of America's Surveillance State*)

10:30–10:40

Break

10:40–11:50

Panel 2: National Security, Privacy, and Technology (II)

Moderator

Lisa Graves (Center for Media and Democracy)

Discussants

Nathan Sales (George Mason)
Alex Joel (Civil Liberties Protection Officer, ODNI)

11:50–1:00 P.M.

Lunch and Remarks

Speaker

Jameel Jaffer (American Civil Liberties Union)

1:00–2:15

Panel 3: Investigations

Moderator

Robert Chesney (University of Texas)

Discussants

Orin Kerr (George Washington)
Paul Ohm (Colorado)
Samuel Rascoff (NYU)

2:15–3:15

Panel 4: Technology Policy

Moderator

Ken Flomm (LBJ School of Public Policy, University of Texas)

Discussants

Jim Simon (Microsoft Institute for Advanced Technology in Government)
Ken Flomm (LBJ School of Public Policy, University of Texas)
Fred Chang (Department of Computer Science, University of Texas)

3:15–3:30

Break

3:30–4:45 **Panel 5: Accountability Mechanisms**

Moderator

Sandy Levinson (University of Texas)

Discussants

Steve Vladeck (American University)

John Radsan (William Mitchell)

Jon Michaels (UCLA)

Heidi Kitrosser (Minnesota)

4:45–5:15 **Remarks**

Speaker

Admiral Bobby Inman (former Director of NSA and currently interim Dean of the LBJ School of Public Policy)

5:15–7:00 **Open Period**

7:00–9:00 **Reception, Dinner, and Keynote Address at the Driskill Hotel**

Speaker

David Kris (Assistant Attorney General for the National Security Division, Department of Justice)

SATURDAY, February 6th

8:00 A.M. **Students arrive at Radisson to pick up guests and deliver them to the Thompson Conference Center**

8:15–8:45 **Continental Breakfast**

8:45–9:15 **Remarks**

Speaker

Kim Taipale (Executive Director, Center for Advanced Studies in Science and Technology Policy)

9:15–10:30 **Panel 6: Focus on FISA**

Moderator

Eric Greenwald (Chief Counsel, House Permanent Select Committee on Intelligence)

Discussants

Matt Anzaldi (DOJ) & Jonathan Gannon (NSD)

William Banks (Syracuse)

Ben Powell (Former General Counsel, ODNI)

10:30–10:45 **Break**

10:45–12:15 P.M. **Panel 7: Cybersecurity and Network Operations**

Moderator

Ben Powell (Former General Counsel, ODNI)

Discussants

Colonel Guillermo R. Carranza (Staff Judge Advocate, 24th Air Force)

Eric Jensen (Fordham)

Sean Kanuck (International Attorney and Senior Intelligence Analyst)

Eric Greenwald (Chief Counsel, House Permanent Select Committee on Intelligence)

12:15–1:15 **Lunch and Remarks**

Speaker

Stewart Baker (former Assistant Secretary for Policy, DHS)

1:15–1:30 **Break**

1:30–2:15 **Remarks**

Speaker

Jeffrey Rosen (George Washington University)

2:15–4:00

Roundtable Discussion: The Media's Role Today

Moderator

David Anderson (University of Texas)

Discussants

Judge Robert D. Sack (Second Circuit Court of Appeals)

Michael Isikoff (Newsweek)

Mark Mazzetti (New York Times)

Ellen Nakashima (Washington Post)

Ari Shapiro (NPR)

Marc Ambinder (Politics Editor, The Atlantic Monthly)

4:00

We're finished. Stay and enjoy Austin, or have a safe trip back to your home! There are no symposium-related events planned for the evening, but we are happy to advise you on things to do in Austin on Saturday night (see www.billsmap.com for the musical offerings, for example).



Biographies

- **Matt Anzaldi** is an attorney in the National Security Division of the United States Department of Justice.
- **Marc Ambinder** is an associate editor at *The Atlantic*, where he curates its influential political channel and contributes to the print magazine. He is also a contributing editor to *National Journal* and was one of the founders of ABC's blog "The Note." In late 2007, he was named chief political consultant to CBS News. Marc spent a year and a half at *The Hotline*, where he was the founding editor of "Hotline On Call," a path-breaking political news blog. He is a 2001 graduate of Harvard and lives in Washington, D.C.
- **David A. Anderson** is currently the Fred & Emily Marshall Wulff Centennial Chair in Law at The University of Texas at Austin School of Law. Professor Anderson worked as a journalist for several years before entering law school at the University of Texas, where he was an editor of the TEXAS LAW REVIEW. A specialist in torts and mass communications law, he has a particular interest in the law of libel and privacy. He is a contributing editor of *Texas Monthly* magazine, a member of the editorial board of the *Texas Observer*, and co-author of *Mass Media Law* (Foundation, 7th ed., 2005) and *Cases and Materials on Torts* (West, 3d ed., 2004).
- **Stewart A. Baker** is a partner in the Washington office of Steptoe & Johnson LLP, where his practice concentrates on privacy, national security, electronic surveillance, and computer security issues. Mr. Baker was the first Assistant Secretary for Policy at the United States Department of Homeland Security under President George W. Bush, where he was responsible for policy analysis, international affairs, strategic planning, and relationships with law enforcement and public advisory committees. While there, he negotiated agreements with European and Middle Eastern governments over travel data, privacy, and related issues. Mr. Baker is also the former General Counsel of the National Security Agency under President George H.W. Bush from 1992–94. He authors a blog entitled "Skating on Stilts."
- **Professor William C. Banks** is recognized internationally as an expert in constitutional law, national security law, and counterterrorism. Banks co-wrote the leading text in the field, *National Security Law* and co-authored *Counterterrorism Law* in 2007 to help define the emerging field of counterterrorism law. A graduate of the University of Nebraska (B.A. 1971) and the University of Denver (J.D. 1974, M.S. Law & Society 1982), 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 Syracuse University's Maxwell School of Citizenship and Public Affairs. He currently serves as a member of the International Institute for Counter-Terrorism's International Advisory Board and as Editor-in-Chief of the Journal of National Security Law and Policy.
- **Colonel Guillermo R. "Bill" Carranza (USAF)** is the Chief Judge Advocate General officer at the Combined Air and Space Operations Center in the Middle East, where he reviews certain airstrikes for their compliance with the Law of Armed Conflict—a set of international treaties designed to minimize risks to civilians. Prior to serving in his current capacity, he taught in the Civil Law Division of the Air Force Judge Advocate General School. Colonel Carranza received his B.A. and J.D. from Tulane University.

- **Dr. Kenneth Flamm** is a Professor at the Lyndon B. Johnson School of Public Affairs whose academic focus is on the international trade and the high technology industry. From 1993 to 1995, Dr. Flamm served as Principal Deputy Assistant Secretary of Defense for Economic Security and Special Assistant to the Deputy Secretary of Defense for Dual Use Technology Policy. Prior to this, he spent eleven years as a Senior Fellow in the Foreign Policy Studies Program at Brookings. Among Dr. Flamm's publications are *Mismanaged Trade? Strategic Policy and the Semiconductor Industry* (1996), *Changing the Rules: Technological Change, International Competition, and Regulation in Communications* (ed., with Robert Crandell, 1989), *Creating the Computer* (1988), and *Targeting the Computer* (1987). Dr. Flamm is a 1973 honors graduate of Stanford University and received a Ph.D. in economics from M.I.T. in 1979.
- **Jonathan Gannon** is an attorney advisor in the National Security Division's Office of Intelligence in the Department of Justice. In 2008 he received the Attorney General's Award for Excellence in Furthering the Interests of U.S. National Security for his work as part of a team that demonstrated excellence through their development and handling of highly sensitive interagency initiatives involving legal, technical and administrative issues related to the Foreign Intelligence Surveillance Act.
- **Patrick Gorman** is a principal in the Cyber Campaign division at Booz Allen Hamilton, a private strategy and technology-consulting firm. He previously served as the Associate Director of National Intelligence, Chief Information Officer, in the Office of the Director of National Intelligence. Prior to this position, he held the position of Assistant Deputy Director of National Intelligence, Strategy, Plans, and Policy, also in the Office of the Director of National Intelligence. Mr. Gorman received his B.A. from the University of Maryland-College Park and his M.A. from The George Washington University.
- **Lisa Graves** is the Executive Director of the Center for Media and Democracy, a civic watchdog group perhaps best known for publishing *Sourcewatch*. Before becoming Executive Director, Ms. Graves was Deputy Director of the Center for National Security Studies, focusing on surveillance issues. She also served as the Senior Counsel for Legislative Strategy for the American Civil Liberties Union, leading coalitions and testifying before Congressional committees to curb White House policies of wiretapping and satellite surveillance. She has served as Deputy Assistant Attorney General and as a Senate Judiciary Committee staffer, including lead counsel for the Department of Justice Working Group on Judicial Nominations.
- **Eric Greenwald** is a Washington, D.C. lawyer and consultant. He served as an Attorney Advisor with the CIA's Office of General Counsel. Focusing on counterterrorism and international computer crime, he was a member of the National Security Law Unit of the FBI. In the private sector, Mr. Greenwald was a litigator with the law firm Steptoe & Johnson and an international trade lawyer with the law firm Shearman & Sterling. He was involved in the editing and production of both 60 Minutes and National Public Radio presentations. During the 2004 presidential campaign, Mr. Greenwald was the Deputy Director for Voter Protection in Ohio. Currently, he serves as chief counsel to House Intelligence Committee Chairman Silvestre Reyes.

- **Shane Harris** writes feature and investigative stories about intelligence, homeland security, and counterterrorism. He is a staff correspondent for *National Journal*, and writes for other national publications and frequently speaks to the public and the news media. He is the author of the forthcoming book *The Watchers*, a narrative about the rise of terrorism surveillance in the United States. Mr. Harris has twice been named a finalist for the Livingston Awards for Young Journalists, which honors the best journalists in America under the age of 35. He has broken several important stories, including the transfer of the controversial Total Information Awareness program into a secret intelligence agency; foreign penetration of computer networks that control parts of the U.S. electrical grid; cyber espionage directed at American business executives and government officials; classified ties between private security companies and U.S. law enforcement; and key elements of the National Security Agency's domestic surveillance program. Mr. Harris has written for many national publications including *TheAtlantic.com*, *Slate*, *The Washington Post*, *The Bulletin of the Atomic Scientists*, *Adbusters* and the U.S. Naval Institute's *Proceedings*. He graduated from Wake Forest University with a B.A. in Politics in 1998.
- **Admiral Bobby Ray Inman, USN (Ret.)**, served in the U.S. Navy from November 1951 to July 1982, when he retired with the permanent rank of Admiral. While on active duty he served as Director of the National Security Agency (1976–1981) and Deputy Director of Central Intelligence (1981–1982). After retirement from the Navy, he was Chairman and Chief Executive Officer of several large corporations and served as Chairman of the Federal Reserve Bank of Dallas from 1987 through 1990. Admiral Inman is currently the Lyndon B. Johnson Centennial Chair in National Policy at The University of Texas Lyndon B. Johnson School of Public Affairs.
- **Michael Isikoff** has written extensively on American politics during a nearly thirty-five year journalistic career. Since 1994, Isikoff has worked for *Newsweek* in a highly influential investigative capacity. A regular guest on television, Isikoff has appeared on Fox News, MSNBC, CNN, PBS, and Comedy Central's *The Daily Show with Jon Stewart*. Along with Mark Hosenhall, Isikoff writes a weekly online column called "Terror Watch" and an award-winning blog, "DeClassified: Investigative Reporting in Real Time." In 2006, Isikoff and David Corn wrote *Hubris: The Inside Story of Spin, Scandal, and the Selling of the Iraq War*. *The New York Times* book review praised the book, an instant *New York Times* bestseller, as "the most comprehensive account of the White House's political machinations" in the run-up to the Iraq War. The Book of the Month Club named Isikoff's 1999 book *Uncovering Clinton: A Reporter's Story* the Best Non-Fiction Book of the year.
- **Alexander W. Joel** is the Civil Liberties Protection Officer for the Office of the Director of National Intelligence. His responsibilities include ensuring that the protection of privacy and civil liberties are appropriately incorporated into intelligence community policies and procedures, overseeing compliance by the ODNI with privacy and civil liberties laws, and ensuring that the use of technology sustains, and does not erode, privacy. Mr. Joel's prior experience includes working as an attorney for the Central Intelligence Agency, serving as the privacy, technology, and e-commerce attorney for Marriott International, working as a technology attorney in Washington, D.C., and serving in the U.S. Army JAG Corps. He received his law degree from the University of Michigan and his B.A. from Princeton University.

- **Jameel Jaffer** is a litigator for the American Civil Liberties Union and Director of the ACLU's National Security Program. He was instrumental in filing Freedom of Information requests in 2004 leading to the U.S. government's release of more than 130,000 pages of previously classified documents related to the treatment of prisoners held in Afghanistan, Iraq, and Guantanamo Bay. Currently, his docket includes *Doe v. Gonzales*, a challenge to the FBI's "national security letter" authority; *ACLU v. NSA*, a challenge to the constitutionality of warrantless surveillance conducted by the National Security Agency; *American Academy of Religion v. Chertoff*, a challenge to the government's refusal to grant a visa to Swiss scholar Tariq Ramadan; and *ACLU v. Department of Defense*, litigation under the Freedom of Information Act for records concerning the treatment and detention of prisoners held by the U.S. in Afghanistan, Iraq, and Guantanamo Bay. Born in Ontario, Canada, Mr. Jaffer is a graduate of Williams College, Cambridge University, and Harvard Law School, where he was an editor on the Harvard Law Review. Prior to joining the ACLU, Mr. Jaffer served as law clerk to the Hon. Amalya L. Kears, United States Court of Appeals for the Second Circuit, and to the Rt. Hon. Beverley McLachlin, Chief Justice of Canada.
- **Eric Jensen** currently serves as a Visiting Assistant Professor of Law at Fordham University. Professor Jensen's scholarship explores the evolution of warfare and its impact on the law and on national security structure and policy, as well as processes and forums for adjudicating international humanitarian law crimes. Professor Jensen previously served the U.S. government in a number of capacities, both domestically and abroad. He has worked as a prosecutor for the U.S. Army, as a Legal Advisor to the United Nations Forces in Macedonia, and as a Legal Advisor to U.S. Forces in Bosnia and Herzegovina and, later, Iraq. Most recently, he served as the Chief of International Law in the Office of the Judge Advocate General for the U.S. Army in Washington, D.C. Professor Jensen received his J.D. from Notre Dame University, an L.L.M. from Yale University and an L.L.M. concentrating in Military Law from The Judge Advocate General's School. He is a member of the Indiana bar and has also been admitted to practice before the U.S. Supreme Court.
- **Sean Kanuck** is an International Attorney and Senior Intelligence Analyst.
- **Orin Kerr**, a graduate of Harvard Law School, teaches criminal law, criminal procedure, and computer crime law at George Washington University. After clerking for Judge Leonard Garth of the U.S. Court of Appeals for the Third Circuit and Associate Justice Anthony Kennedy of the United States Supreme Court, Professor Kerr was an Honors Program attorney in the Computer Crime and Intellectual Property Section of the Criminal Division at the U.S. Department of Justice as well as a special assistant U.S. attorney for the Eastern District of Virginia. The George Washington Law Class of 2009 voted to award Professor Kerr the Distinguished Faculty Service Award, the law school's teaching award.
- **Heidi Kitrosser** is an associate professor at the University of Minnesota Law School. After graduating from Yale Law School, she clerked for Judge William Rea on the District Court for the Central District of California and subsequently for Judge Judith Rogers on the United States Court of Appeals for the District of Columbia Circuit. Currently, she teaches constitutional law and the First Amendment. Her writings concern constitutional law with a focus on the First Amendment, separation of powers, and government secrecy. In 2008, she twice gave testimony to the Subcommittee on the

Constitution of the Senate Committee on the Judiciary. Her present work includes a book titled *Secrecy, Power, and the U.S. President*, to be published in 2012.

- **David Kris** is the Assistant Attorney General for National Security. Kris is one of the leading experts on national security law and has commented extensively on the Foreign Intelligence Surveillance Act, including a famous memorandum in 2006 criticizing the Bush administration's warrantless wiretapping. Kris joined the DOJ after clerking for Judge Stephen S. Trott on the Ninth Circuit Court of Appeals. He held an appointed position, Associate Deputy Attorney General, under both President Clinton and President Bush. He has worked primarily in the Justice Department, but left the public sector to become the vice president of Time Warner's legal department. He left Time Warner to become Senator Hillary Rodham Clinton's national security advisor during the 2008 presidential campaign. President Obama nominated Kris for his current position in January of 2009. Kris also teaches a national security class at the Georgetown University Law Center.
- **Mark Mazzetti** is a correspondent for *The New York Times*, where he covers national security from the newspaper's Washington bureau. In 2009, Mr. Mazzetti received a Pulitzer Prize for his reporting on the intensifying violence in Pakistan and Afghanistan and Washington's response. He has been further distinguished for his work, winning both the Livingston Award in 2008 in the category of national reporting for breaking the story of the C.I.A.'s destruction of videotapes showing harsh interrogation of al Qaeda detainees and the 2006 Gerald R. Ford Prize for Distinguished Reporting on National Defense. Mr. Mazzetti graduated Summa Cum Laude from Duke University in 1996, where he studied public policy and history. He received a master's degree in modern history from Oxford University in 1997.
- **Jon D. Michaels** is an Acting Professor of Law at the UCLA School of Law, where he has taught since 2008. He holds a B.A. from Williams College, a B.A. and M.A. from the University of Oxford, and a J.D. from Yale Law School, where he was an Articles Editor for the YALE LAW JOURNAL. Following law school, he clerked for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit and Associate Justice David Souter of the U.S. Supreme Court. Immediately prior to his appointment at UCLA, Professor Michaels was an associate in Arnold & Porter's National Security Law and Public Policy Group in Washington, D.C.
- **Ellen Nakashima** joined *The Washington Post* in 1995 as a metro reporter. Today, she covers national security issues with an interest in intelligence and cyber security. From 2006 to 2009, she covered privacy, technology and security issues. From 2002 to 2006 she covered Southeast Asia based out of Jakarta, a period that included a string of terrorist bombings, the rise of Jemaah Islamiah, the Indian Ocean tsunami and the outbreak of SARS. She reported on the Islamic insurgencies in southern Thailand, the southern Philippines, and elsewhere in the region. From 1998 to 2002 she wrote about national politics and government, co-authoring a biographical series on Al Gore with colleague, David Maraniss, that resulted in a book, *The Prince of Tennessee*. After the September 11th attacks, she focused on security and federal agencies. Ms. Nakashima was born and raised in Hawaii and graduated from the University of California, Berkeley with a liberal arts degree. She lives in Washington, D.C. with her husband and daughter.
- **Paul Ohm**, a graduate of Yale University and UCLA School of Law, is an Associate Professor of Law at the University of Colorado Law School. He currently teaches

Copyright and Quantitative Methods, and is an active blogger at “Freedom to Tinker.” In his writing he aims to bridge the gap between law and computer science, focusing on information privacy, computer crime law, intellectual property, and criminal procedure. Prior to becoming a law professor, Professor Ohm worked for the U.S. Department of Justice’s Computer Crime and Intellectual Property Section as an Honors Program trial attorney.

- **Nicholas Patterson** is an attorney in the Department of Justice’s National Security Division.
- **Benjamin Powell** is a partner in the Regulatory and Government Affairs Department at the law firm of Wilmer Culter Pickering Hale and Dorr, joining the firm in 2009. At Wilmer Hale, Mr. Powell is a part of a variety of practice groups dealing with national security and government contracts. His litigation practice focuses on government and regulatory litigation, as well as public policy and commercial litigation. Mr. Powell has served as special assistant to the President and Associate White House Counsel, and has served as General Counsel for the Office of the Director of National Intelligence. Prior to his work with the law firm of Wilmer Hale, Mr. Powell served in the United States Air Force and the FBI. Mr. Powell has received numerous awards for his service with the government, including the Edmund J. Randolph Award from the Department of Justice, the National Intelligence Distinguished Service Medal, and the Intelligence Under Law Award from the National Security Agency.
- **Afsheen John Radsan** teaches National Security Law, Criminal Procedure, Evidence, and the Constitutional Law of Government Powers at William Mitchell College of Law in Saint Paul, Minnesota, where he is also Director of the National Security Forum. Fluent in Farsi, French, and Spanish, Radsan has unique experience in the National Security arena, both as a former federal prosecutor and as assistant general counsel to the CIA. Radsan has written, both in legal scholarship and other media, about the intersections between national security policy and international law, as well as between judicial oversight and espionage. Radsan has also contributed greatly to the discourse of current pressing national security issues, such as the controversial rendition program for suspected terrorists, the use of unmanned drones in combat, and the problem of continuity in intelligence services during changes of presidential administrations.
- **Samuel J. Rascoff** is an assistant professor of law at New York University School of Law. Before joining the NYU faculty in June 2008, he served as Director of Intelligence Analysis at the New York City Police Department, where he created and led a team responsible for assessing the terrorist threat to the city. A graduate of Harvard, Oxford, and Yale Law School, he previously served as a law clerk to Supreme Court Associate Justice David H. Souter and to Second Circuit Judge Pierre N. Leval. Rascoff also was a special assistant with the Coalition Provisional Authority in Iraq. He was also an associate at Wachtell, Lipton, Rosen & Katz where his practice focused on the settlement of complex litigation. His research interests include counterterrorism law, intelligence, and regulatory law and policy.
- **Jeffrey Rosen** is a professor of law at The George Washington University and the legal affairs editor for *The New Republic*. His most recent book is *The Supreme Court: The Personalities and Rivalries that Defined America*. He also is the author of *The Most Democratic Branch*, *The Naked Crowd*, and *The Unwanted Gaze*. Rosen is a graduate of Harvard College, summa cum laude; Oxford University, where he was a Marshall

Scholar; and Yale Law School. Professor Rosen often appears as a guest on National Public Radio, and his essays and commentaries have appeared in *The New York Times Magazine*, *The Atlantic*, and *The New Yorker*. *The Chicago Tribune* named him one of the ten best magazine journalists in America and *The Los Angeles Times* called him “the nation's most widely read and influential legal commentator.”

- **The Honorable Robert D. Sack** is currently a Judge on the Second Circuit Court of Appeals. He was nominated by President Bill Clinton, and joined the court in 1998. Judge Sack grew up in Brooklyn, and went to college at the University of Rochester. He graduated Columbia Law School in 1963. Judge Sack was part of the three-judge panel that heard *Ricci v. DeStefano*, the New Haven firefighters’ case, along with then Judge Sotomayor. As of August 2009, Judge Sack has assumed senior status on the Second Circuit. He also teaches as an adjunct at Columbia Law School. Judge Sack has written extensively on speech and the 1st Amendment, including authoring a book entitled *Sack on Defamation*. Sack serves as a director of the William F. Kerbey and Robert S. Potter Fund, which supports the legal defense of journalists abroad.
- **Nathan A. Sales** is Assistant Professor of Law at the George Mason University School of Law, where he teaches National Security Law and Administrative Law. Before coming to George Mason, Sales was Deputy Assistant Secretary for Policy Development at the U.S. Department of Homeland Security. He previously served as Counsel, then Senior Counsel, in the Office of Legal Policy at the U.S. Department of Justice. In 2002, he received the Attorney General's Award for Exceptional Service, the Justice Department's highest honor, for his role in drafting the USA PATRIOT Act. Professor Sales graduated from Duke Law School magna cum laude, joined the Order of the Coif and was Research Editor of the DUKE LAW JOURNAL. He clerked for the Honorable David B. Sentelle of the U.S. Court of Appeals for the D.C. Circuit. From 2003 through 2005, he practiced at the Washington, D.C. law firm of Wiley Rein & Fielding. He was John M. Olin Fellow at the Georgetown University Law Center in 2005 and 2006. An Ohio native, Professor Sales is a member of the Virginia and District of Columbia bars.
- **Ari Shapiro** is an award-winning justice correspondent who reports on the Department of Justice and national legal affairs for all of National Public Radio’s newsmagazines. After graduating magna cum laude from Yale University in 2000, Mr. Shapiro began his journalism career with NPR. After working as a regional reporter in Atlanta and Miami, he became the first NPR reporter to become a correspondent before age thirty. Mr. Shapiro’s work has been recognized with journalism awards including American Bar Association’s Silver Gavel Award in 2007 and the Daniel Schorr Journalism Prize in 2005.
- **James Simon** is the founding Director of the Microsoft Institute for Advanced Technology in Governments, which strives to use Microsoft’s research and development activities to bear on problems affecting the global public sector. Prior to his serving in his current position, Mr. Simon was a career CIA officer, and was appointed by President Clinton to be the first Assistant Director of the CIA. For ten months after the September 11th attacks, he served as the Senior Intelligence Official for Homeland Security, establishing and chairing the Homeland Security Intelligence Council. After retiring from the CIA, Mr. Simon created a consulting company, IntelligenceEnterprises, of which he was CEO and President.

- **K. A. Taipale** is the founder and executive director of the Stilwell Center for Advanced Studies in Science and Technology Policy. He is also a partner in Stilwell Holding LLC, and a venture partner with Parkview Technology Merchant Banking. Mr. Taipale is a senior fellow at the World Policy Institute and an adjunct professor of law at New York Law School. He serves on the Markle Task Force on National Security in the Information Age and, previously, on the Steering Committee of the American Law Institute's digital information project, the Science and Engineering for National Security Advisory Board of the Heritage Foundation, and the LexisNexis Information Policy Forum.
- **Stephen I. Vladeck** is a Professor of Law at American University Washington College of Law. He has earned respect as a nationally recognized expert on the role of the federal courts in the war on terrorism and is the Chair-Elect of the Association of American Law Schools' Sections on National Security Law and on New Law Professors. He graduated from Yale Law School in 2004 where he served as Executive Editor of the YALE LAW JOURNAL and the Student Director of the Balancing Civil Liberties & National Security Post-9/11 Litigation Project. Professor Vladeck subsequently 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. Today he regularly contributes to "PrawfsBlawg" and National Security Advisors online.
- **Benjamin Wittes** is a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of *Law and the Long War: The Future of Justice in the Age of Terror* (2008), *Confirmation Wars: Preserving Independent Courts in Angry Times* (2006), and *Starr: A Reassessment* (2002). 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 *Slate*, *The New Republic*, *The Wilson Quarterly*, *The Weekly Standard*, *Policy Review*, and *First Things*.

