

UNITED STATES MILITARY ACADEMY
DEPARTMENT OF LAW
LAW & TERRORISM
FALL SEMINAR



PRESENTED BY
LAW OF ARMED CONFLICT CENTER
(LOAC)

26 - 28 SEPTEMBER 2007

WEST POINT, NY

The Law of Armed Conflict (LOAC) Center at West Point will offer a three day Law and Terrorism Seminar addressing

"CURRENT ISSUES INVOLVING LOAC"

SEMINAR GOAL AND OBJECTIVES

- Examine practical and in-depth methods for identifying and resolving issues relating to law and terrorism, and the recurring issues and challenges arising from the Law of Armed Conflict (“LOAC”). Provide a forum for a sophisticated discussion regarding how best to meet both the legal and practical challenges raised in issues involving terrorism and LOAC.
- Provide very practical and workable solutions to each issue raised. After hearing a variety of options of how to resolve various LOAC issues, our goal is to provide each attendee with a workable solution to each issue. Seminar attendees will have the benefit of having tangible “take-aways” from the seminar, including a thorough understanding of the most relevant issues, some practical solutions to those issues, and a recommended course of action.
- This seminar is very interactive and we recognize there is much to be learned not only from the invited moderators and panel members, but also from discussions with all seminar attendees.
- The above will be accomplished by providing a wide array of invited speakers and discussion leaders who are nationally or internationally recognized in their field as thought-leaders, noted subject matter experts, or policy makers. Select faculty from USMA as well as faculty from other universities will be speakers and panel members.

This three day seminar is made possible by a grant from the USMA's Force Transformation Chair, through the Office of Forces Transformation and Resources.

LOAC CENTER SCHEDULE & EVENTS
FALL SEMINAR
WEST POINT, NY
26 – 28 SEPTEMBER 2007

Wednesday, 26 September

Hudson Room – West Point Club (Gray Room)

0645-0800 Breakfast & Registration

Day #1, current issues in the law of armed conflict and the way ahead:

WHEN CAN WE FIGHT AND WITH WHOM?

0815-0830 Opening Remarks, COL Maritza Ryan, Professor and Head, Department of Law, USMA; LTG Franklin L. Hagenbeck, Superintendent, USMA

0830-0845 Setting the Scene for Panel Discussions, Brigadier General Patrick Finnegan; Dean of the Academic Board, USMA

- What rules, treaties, conventions and/or international laws apply to the various U.S. military operations?
- Has the legal paradigm existing prior to 2001 been substantively altered?

0845-1000 Panel Session No. 1 Jihad, WMD, and Self-Defense, *COL Maritza Ryan, Professor and Head, Department of Law, USMA (Moderator)*

Discussants:

Tim Bakken, Professor of Law, USMA

Amos Guiora, Professor of Law, The S. J. Quinney College of Law, University of Utah

MAJ Bill Peters, Assistant Professor and Deputy Director, LOAC Center, USMA

Stephen Vladeck, Associate Professor of Law, American University Washington College of Law

Dr. Mark Welton, Professor of International and Comparative Law, USMA

- Islam, Jihad and the GWOT.
- Anticipatory self-defense and preemptive war.

1000-1015 Refreshment Break

1015-1200 Panel Session No.1 (con.)
Professor Frank Anechiarico, Maynard-Knox Professor of Government and Law, Hamilton College (Moderator)

Discussants:

Tim Bakken, Professor of Law, USMA

Michael Posner, President, Human Rights First

Commander Glenn Sulmasy, National Security Fellow, Harvard University and Associate Professor of Law, U. S. Coast Guard Academy

- Constitutional limits?
- Executive Power and the GWOT

1215-1330 Lunch at ***Athena Room - West Point Club***
Lunch with West Point Historian

1330-1345 Reassemble at Hudson Room - West Point Club

1345-1515 Panel Session No. 2 Targeted Killing
Tim Bakken, Professor of Law, USMA (Moderator)

Discussants:

James J. Carafano, Ph.D., The Heritage Foundation

Geoffrey S. Corn, Assistant Professor of Law, South Texas College of Law

Amos Guiora, Professor of Law, The S. J. Quinney College of Law, University of Utah

Gary Solis, Adjunct Professor of Law, Georgetown Law School

- Terrorism, belligerency, and distinction in targeting.
- Distinction on today's battlefield: More new definitions?
- Defining "direct participation" and is there a solution?
- Targeted killing and collective punishment.

1515-1530 Refreshment Break

1530-1645 Panel Session No. 3 Islam and Transnational
Terrorism
***Dr. Mark Welton, Professor of International and
Comparative Law, USMA (Moderator)***

Discussants:

***Robert M. Chesney, Associate Professor of Law,
Wake Forest University School of Law***

Geoffrey S. Corn, Assistant Professor of Law, South Texas College of Law

Stephen Sheppard, W. H. Enfield Professor of Law, University of Arkansas School of Law

Commander Glenn Sulmasy, National Security Fellow, Harvard University and Associate Professor of Law, U. S. Coast Guard Academy

- Non-state actors: (traditional definition or new look)?
- Islam and the law protecting cultural property.

1645-1715	Break
	Boat Cruise
1730	Load onto Hudson River Cruise
1800-2100	Hudson River Cruise with Light Dinner & Music (Informal)

Thursday, 27 September
Hudson Room – West Point Club

Day #2, current issues in the law of armed conflict and the way ahead:

RIGHTS OF DETAINEES AND RIGHTS OF COMBATANTS AT MILITARY COMMISSIONS

0700-0755	No Host Breakfast
0755-0800	Reassemble for Panel Sessions
0800-0930	<u>Panel Session No. 4 Torture, Interrogation, and the GWOT</u> Gary Solis, Adjunct Professor of Law, Georgetown University Law Center (Moderator)

Discussants:

***Amos Guiora, Professor of Law, The S. J. Quinney College of Law,
 University of Utah***

***Scott Horton, Adjunct Professor, Columbia University School of
 Law, and Chair, Committee on International Law, New York City
 Bar Association***

Derek Jinks, Professor of Law, University of Texas School of Law

- Torture and 1949 GCs.
- Torture in the Army's new Law of Land Warfare Manual.
- Torture in the federal Criminal Code.
- Torture and the Convention Against Torture (CAT).

0930-0945 Refreshment Break

0945-1140 Panel Session No. 5 Treatment of GWOT Detainees under Rule of Law
LTC Mark Bridges, Assistant Professor of Law, USMA (Moderator)

Discussants:

Mark Denbeaux, Professor of Law, Seton Hall Law School

COL Dick Jackson (U. S. Army, Ret.), Special Assistant to The Judge Advocate General for Law of War Matters

Joanne Mariner, Human Rights Watch

Alberto Mora, VP & General Counsel, International Wal-Mart Stores, Inc.

- Who are detainees?
- How should detainees be treated?
- Are there new battlefield statuses?

1145-1315 Lunch – West Point Club (Grand Ball Room)

1315-1515 Panel Session No. 6 Military Commissions Act of 2006 and Due Process of Law
LTC Mark Bridges, Assistant Professor of Law, USMA (Moderator)

Discussants:

Stephen Ellmann, Associate Dean and Professor of Law, New York Law School

***Eugene Fidell, Partner, Feldesman Tucker Leifer Fidell
Miles Fischer, Association of the Bar, City of New York***

Martin Flaherty, Leitner Family Professor of Law and Co- Director of the Crowley Program in International Human Rights, Fordham Law School

COL Dick Jackson (U.S. Army, Ret.), Special Assistant to The Judge Advocate General for Law of War Matters

Jennifer Trahan, Iraqi Prosecutions Consultant, International Center for Transitional Justice; Defense Consultant, Sierra Leone Special Court; Visiting Lecturer, Columbia University

- What are ramifications of Court's ruling in Hamdan v. Rumsfeld?
- Has MCA of 2006 nullified the Court's decision?
- Do detainees have rights under Constitution or international conventions? If so, what is extent of those rights?

1515-1530 Refreshment Break

1530-1645 Panel Session No. 7 The Special Problem of Guantanamo
COL Mark Toole, Academy Professor, USMA (Moderator)

Discussants:

Tim Bakken, Professor of Law, USMA

BG (U. S. Air Force, Ret.) Thomas L. Hemingway

MAJ Dan Mori, USMC

Jackie Northam, National Security Correspondent, National Public Radio

Hina Shamsi, Deputy Director & Senior Counsel, Law and Security Program, Human Rights First

- Detainees and due process of law.
- Commander liability.
- Defense of following orders.

1645-1800 Optional tour of campus

West Point Club – Grand Ball Room

1800-2100 Dinner with Keynote Speaker

MG (U.S. Army, Ret.) Antonio Taguba

Friday, 28 September

Day #3, current issues in the law of armed conflict and the way ahead:

LAW OF WAR AND DOMESTIC LAW/ EMERGING TOPICS

0700-0755 West Point Club (Gray Room)

0755-0800 Reassemble

0800-0945 Panel Session No. 8 GWOT: Domestic Surveillance and Martial Law

***COL Dan Rice, Assistant Professor of Law,
USMA (Moderator)***

Discussants:

James J. Carafano, Ph.D., The Heritage Foundation

Pat Gudridge, Professor of Law, University of Miami

- The Constitution and the NSA surveillance program.
- Posse Comitatus: domestic use of the military?

0945-1000 Refreshment Break

1000-1145 Panel Session No. 9 Emerging Topics
Chad Austin, Associate Professor, Department of Law, USAFA (Moderator)

Discussants:

Professor Michel Bourbonniere, Legal Counsel, Department of Justice, Canada and Professor of Law, Royal Military College of Canada

MAJ Darren Huskisson, USAF

MAJ Shawn McKelvy, Assistant Professor, Department of Law, USAFA

- Cyberwar: targeting, distinction, and “direct participation.”
- Lawfare: a tactic whose time is now?
- Teaching LOAC and Incorporating LOAC into the military

1145-1150 Final Remarks and Conference Close

1150-1300 Departing Lunch - Washington Hall

ABOUT THE LAW OF ARMED CONFLICT CENTER

The purpose of the Law of Armed Conflict Center is to promote the development, application, dissemination, and teaching of the Law of Armed Conflict (“LOAC”) in all its dimensions, thus contributing to success on the battlefield and a safeguarding and respect of human rights. The goal of the Center is to examine current and potential issues related to the LOAC. The Center pursues an ambitious and comprehensive program of activities designed to explore and promote a greater understanding and appreciation for the LOAC as well as serving as an engine of change in this area of law critical to the United States Military Academy and the Army. Program activities will include, but are not limited to, professional exchanges, lecture series, summer internships for cadets, research and publications, and inter-Academy exchanges, as well as encouraging an ongoing dialogue in government and international organizations and institutions on a broad range of subjects regarding the LOAC.

The Law of Armed Conflict Center is a focal point for the Academy’s interactive and interdisciplinary efforts to train and educate the Corps of Cadets in all aspects of the LOAC. Additionally, the Center assists and engages in outreach activities to several Army and DOD agencies as well as other academic institutions and international organizations. The Center offers a comprehensive hub for addressing issues of the utmost importance to Academy graduates, the Army, and the Nation through a multi-faceted, interdisciplinary approach that blends theory with practical applications. The Center integrates the best learning from the Academy and the real world and draws on numerous disciplines and experiences to provide innovative and world class programs, research, teaching and service on issues related to the Law of Armed Conflict. We want the work of the Center to serve as an invaluable resource to cadets, the Army, our government, our allies, international organizations, and others who are concerned with the current security environment post-September 11th.

For additional information regarding the USMA Law of Armed Conflict Center and future programs, please visit our website at:

www.dean.usma.edu/departments/law/cac.htm

BIOGRAPHIES

FALL 2007 LOAC Seminar

Speakers

Lieutenant General Hagenbeck

Lieutenant General Hagenbeck assumed duties as the 57th Superintendent of the United States Military Academy, West Point, New York, in June 2006.

General Hagenbeck was born in Morocco to a U.S. Navy family. He attended high school in Jacksonville, Florida, and was commissioned from the U.S. Military Academy in 1971. Later, at Florida State University, he earned a Masters of Science Degree in Exercise Physiology and served as an assistant football coach. While assigned to the U.S. Military Academy's Department of Physical Education, he earned a Masters of Business Administration from Long Island University. General Hagenbeck's military education includes the Army War College, Army Command and General Staff College, and the Infantry Officer Advanced Course.

General Hagenbeck has commanded at every level from company through division, culminating as Commanding General of the 10th Mountain Division. He has also served in the 25th Infantry Division, 10th Mountain Division, 101st and 82nd Airborne Divisions, and TRADOC.

Before becoming Superintendent, General Hagenbeck served as the Army's Deputy Chief of Staff, G-1, and in numerous staff positions, including Chief of Staff, 10th Mountain Division; Director, Officer Personnel Management Directorate, U.S. Total Army Personnel Command; and Assistant Division Commander (Operations), 101st Airborne Division.

General Hagenbeck has served in numerous Joint assignments, including Exchange Officer and Tactics Instructor to the Royal Australian Infantry Center; Deputy Director for Politico-Military Affairs; Strategic Plans and Policy Directorate (J5); and Deputy Director for Current Operations, J33, Joint Staff. General Hagenbeck served as Commander, Coalition Joint Task Force Mountain, Operations Enduring Freedom/Anaconda and Deputy Commanding General, Combined Joint Task Force 180 in Afghanistan.

General Hagenbeck's decorations include the Distinguished Service Medal; the Defense Superior Service Medal with one oak-leaf cluster; the Legion of Merit with four oak-leaf clusters; the Bronze Star with one oak-leaf cluster; the Meritorious Service Medal with two oak-leaf clusters; the Army Commendation Medal with one oak-leaf cluster; the Army Achievement Medal; the Air Assault Badge; the Master Parachutist Badge; the Expert Infantryman Badge; Australian, British, and Honduran Airborne Wings; the Joint Chiefs of Staff Identification Badge; and the Army Staff Identification Badge.

He has been married to Judy for more than 30 years; they have two children and four grandchildren.

Brigadier General Patrick Finnegan

Brigadier General Finnegan is Dean of the Academic Board, USMA. He was born in Fukuoka, Japan, on September 20th, 1949, and was appointed to the United States Military Academy in 1967. As a cadet, he was the Chairman of the Honor Committee and Head Manager of the Army Football Team. After graduating from West Point and being commissioned a second lieutenant in 1971, he attended the Kennedy School of Government at Harvard University and earned a Master of Public Administration degree in 1973.

After completing graduate school, Brigadier General Finnegan was assigned as Battalion Adjutant, 3/39th Infantry, 9th Infantry Division, at Fort Lewis, Washington, from 1973–74 and then Headquarters Company Commander, US Army Security Agency Material Support Command, Vint Hill Farms Station, Virginia, from 1975–76. During that assignment, he was selected for the Judge Advocate General’s Funded Legal Education Program.

Brigadier General Finnegan received his Juris Doctor from the University of Virginia Law School in 1979. While attending law school, he was a member and editor of the *Law Review* and was elected to the Order of the Coif.

After an initial JAG Corps tour at the 8th Infantry Division in Bad Kreuznach, Germany, where he served as Trial Counsel (1979-80), Chief of Administrative Law (1980-81), and Chief of Military Justice (1981-82), Brigadier General Finnegan was assigned to the Judge Advocate General’s School, Charlottesville, Virginia, as a Criminal Law Instructor (1983-85) and as Deputy Director, Academic Department (1985-87). From 1988-91, Brigadier General Finnegan was assigned to the XVIII Airborne Corps, Fort Bragg, North Carolina, as Chief of Administrative and Civil Law (1988-89) and Deputy Staff Judge Advocate (1989-91). During that assignment, he served as Staff Judge Advocate, Fort Bragg, for five months before deploying to the Persian Gulf to participate in Operations Desert Shield and Desert Storm. Brigadier General Finnegan was Legal Advisor, Joint Special Operations Command, Fort Bragg, North Carolina, from May 1991 to July 1993, and was the Staff Judge Advocate, United States Special Operations Command, MacDill Air Force Base, Florida, from July 1994 to June 1996. He then served as the Legal Advisor for the United States European Command, Stuttgart, Germany, from July 1996 to July 1998, and was the USMA Staff Judge Advocate from August 1998 until he was appointed as Professor and Head of the Department of Law in July 1999. On July 1, 2005, BG Finnegan was confirmed by the United States Senate as the 12th Dean of the Academic Board.

Brigadier General Finnegan’s military education includes the Infantry Officers Basic Course, Airborne School, Electronic Warfare Officers Basic Course, Judge Advocate Officer Basic and Graduate Courses, the Army Command and General Staff College, and

the Army War College. His awards and decorations include the Defense Superior Service Medal with oak leaf cluster, the Legion of Merit, the Bronze Star, Meritorious Service Medal with two oak leaf clusters, Army Commendation Medal, Army Achievement Medal with two oak leaf clusters, Humanitarian Service Medal, Saudi Arabia/Kuwait Liberation Medal, and the Defense Meritorious Unit Award with oak leaf cluster. He has also been awarded the Parachutist Badge.

A member of the Virginia Bar, Brigadier General Finnegan has also been admitted to practice before the United States Supreme Court. He has published articles in the *Virginia Law Review*, *Military Law Review*, *The Army Lawyer*, and *Military Review*, and is a member of the Phi Kappa Phi Academic Honor Society.

Brigadier General Robert L. Caslen, Jr.

Brigadier General Robert L. Caslen, Jr. is Commandant, US Corps of Cadets, USMA. He was commissioned as a Lieutenant of Infantry from the United States Military Academy (USMA), Class of 1975. His civilian education includes a Bachelor of Science from USMA, a Masters Degree in Business Administration from Long Island University (CW Post), and a Masters of Science from Kansas State University. His military education includes Infantry Officer Basic and Advanced Courses, U.S. Army Command and General Staff College, and the U.S. Army War College.

His Army service includes Rifle Platoon Leader, Company Executive Officer, Mortar Platoon Leader and Company Commander in the 9th INF Division; Brigade S-4, Battalion Executive Officer (during Desert Shield/Desert Storm), and Brigade S-3 in the 101st ABN Division (AASLT). He served in several positions on the faculty at West Point, including Army Football Coach and Company Tactical Officer, and as an Operations Research Officer at Picatinny Arsenal, NJ. He also served as the Senior Brigade C-2 Observer/Controller at the Joint Readiness Training Center, Fort Polk, Louisiana. General Caslen commanded the 1-14 INF Battalion in the 25th INF Division, and 2nd Brigade of the 101st ABN Division (AASLT), and served as the Chief of Staff for both the 101st ABN Division (AASLT) and the 10th Mountain Division. He also served as the Assistant Division Commander for Maneuver for the 3rd Infantry Division (Mechanized).

General Caslen's joint positions include the Director, J-3, Joint Task Force Bravo in Honduras, as the Executive Officer to the Commander of the Multi-National Forces, and then to the Commander of the U.S. Forces United Nations Command during Operations Restore and Uphold Democracy. In support of the Global War on Terrorism, he served as the Assistant Deputy Director for Strategy and Policy, J-5 on the Joint Staff, and then as Chief of Staff of the Coalition Joint Task Force Mountain, 10th Mountain Division in Baghram Afghanistan.

His most recent assignment was the Deputy Director for the War on Terrorism, within the Strategic Plans and Policy Directorate (J-5), The Joint Staff. In this position, he provided strategic, policy, and planning guidance in support of the Global War on Terrorism, to include Combating Weapons of Mass Destruction and Detainees.

General Caslen returns to the United States Military Academy to assume command of the United States Corps of Cadets as the 70th Commandant of Cadets.

General Caslen's awards and decorations include the Defense Superior Service Medal, Legion of Merit, the Bronze Star, the Defense Meritorious Service Medal, the Meritorious Service Medal, the Joint Service Commendation Medal, the Army Commendation Medal, the Global War on Terrorism Expeditionary and Service Medals, the Armed Forces Expeditionary Medal, the Humanitarian Service Medal, the Joint Service Achievement Medal, the Army Achievement Medal, the Joint Meritorious Unit Award, the Meritorious Unit Commendation, the Ranger Tab, the Parachutist's Badge, the Air Assault Badge, and the Combat Infantryman's Badge.

Keynote Speaker

Antonio M. Taguba (MG, USA Ret.)

MG Taguba retired on 1 January 2007 after 34 years on Active Duty culminating on his assignment as Deputy Chief, Army Reserve/Deputy Commander for Transition and Transformation, US Army Reserve Command while assigned at the Pentagon.

Born in Manila, Philippines, Major General Taguba was commissioned as an Armor officer following graduation from Idaho State University in 1972. He began his career with assignment to the Combat Developments Experimentation Command, Fort Ord, CA followed by an assignment to Combat Support Company, 1st Battalion, 72d Armor, 2d Infantry Division, 8th US Army, Korea. He has commanded Headquarters and Headquarters Battery, Staff and Faculty Battalion, Field Artillery School/Center at Fort Sill, OK; Company B, 4th Battalion, 69th Armor at Mainz, Germany; 1st Battalion, 72d Armor, 2d Infantry Division at Camp Casey, Korea; 2d "St. Lo" Brigade, 2d Armored Division, later redesignated as 2d "Warhorse" Brigade, 4th Infantry Division (Mechanized) at Fort Hood, TX; and the US Army Community and Family Support Center in Alexandria, VA.

Complementing his command assignments, Major General Taguba has served as Materiel Systems Analyst, Office of the Chief of Staff, Army, Pentagon; Executive Officer, C/J5 (Plans and Policy) ROK-US Combined Forces Command, Yongsan, Korea; Chief of Staff, U.S. Army Reserve Command, Fort McPherson, GA; Assistant Division Commander-Forward, 24th Infantry Division (Mechanized) and Deputy Commanding General (South), First U.S. Army at Fort Jackson, SC; Vice Director, later as Acting Director of the Army Staff, Pentagon; Deputy Commanding General-Support, Third US Army/ARCENT deployed to Kuwait in support of OIF/OEF; and as Deputy Assistant Secretary of Defense for Reserve Affairs (Readiness, Training, Mobilization), Office of the Secretary of Defense.

Major General Taguba is a graduate of the Armor Officer Basic and Advanced Courses, the US Army Command and General Staff College, the US College of Naval Command

and Staff and the US Army War College. He is a graduate of Idaho State University with a BA Degree in History; Webster University with a MA Degree in Public Administration; Salve Regina University with a MA Degree in International Relations; and the US College of Naval Command and Staff with a MA Degree in National Security & Strategic Studies.

Major General Taguba has been awarded the Distinguished Service Medal (with 1 Oak Leaf Cluster), Legion of Merit (with 3 Oak Leaf Clusters), Bronze Star Medal, Meritorious Service Medal (with 6 Oak Leaf Clusters), Army Commendation Medal (with 2 Oak Leaf Clusters), Army Achievement Medal (with 1 Oak Leaf Cluster), Office of the Secretary of Defense Identification Badge and Army Staff Identification Badge.

He and his wife Debbie have two children.

Seminar Moderators and Panel Members

Frank Anechiarico

Frank Anechiarico is Maynard-Knox Professor of Government and Law at Hamilton College. He was Visiting Professor of Law at West Point, fall, 2006 and is scheduled to serve in the same capacity at the U.S. Air Force Academy during academic year, 2008-2009. Anechiarico holds a Ph.D. in Political Science and a Doctoral Minor in Law, both from Indiana University. He is a member of the Doctoral Faculty of the City University of New York and of Free University of Amsterdam. As a student of government ethics and the responsibilities of administrative officers in government, he authored with James Jacobs, *The Pursuit of Absolute Integrity* (Chicago, 1997) and journal articles in *Public Administration Review*, *Administration and Society*, *Harvard International Review*, *Journal of Philosophy and Social Policy*, *Law and Policy*, *Wayne State Law Review* among others. He has contributed chapters to *Transparency International's Annual Country Review* (London, 2004), *The Corruption Monster: Ethik, Politik, und Korruption* (Vienna, 2006), and in *Heidenheimer and Johnston's Corruption Studies* (2nd ed. 2001). Anechiarico's most recent work is on the damaging separation between integrity and performance in public administration. On that topic, he recently published, with Ronald Goldstock of Cornell and NYU Law Schools, "Monitoring Integrity and Performance: An Assessment of the Independent Private Sector Inspector General" in *Public Integrity*.

W. Chadwick Austin

W. Chadwick Austin is an Associate Professor for the Department of Law at the United States Air Force Academy, Colorado. Courses he has taught include National Security Law; International Law; International Humanitarian Law; War Crimes, Genocide & Human Rights; and Law for the Air Force Officer. He has published articles on the International Criminal Court and Post-War Iraq.

Professor Austin graduated *Summa Cum Laude* from Central Michigan University in 1994 with a degree in Journalism, and graduated from the University of Cincinnati College of Law in 1997.

Professor Austin was appointed as a Major in the Air Force Reserve in May, 2006 resulting from an interservice transfer from the United States Navy Reserve. Prior to joining the Air Force Reserves, he served five years on active duty as a Judge Advocate in the United States Navy and provided an additional four years of support in the Navy Reserve. He is licensed to practice law in the states of Ohio and Illinois.

Professor Austin is married to Major Erica Austin, a reserve Judge Advocate in the United States Air Force.

Tim Bakken

Tim Bakken is a professor of law at the United States Military Academy at West Point. A graduate of the University of Wisconsin Law School, he practiced law in New York City, where he served as a homicide prosecutor in the Kings County District Attorney's Office (Brooklyn) and in law firms focusing on federal and commercial litigation. He has taught at several universities, including Ural State Law Academy in Yekaterinburg, Russia, and his subject areas include constitutional law and criminal law. He has worked under the Department of State and European Union to train judges and prosecutors in Bosnia and Herzegovina and the Department of Defense to establish a department of law at the National Military Academy of Afghanistan in Kabul. He has been a research scholar at New York Law School, a visiting scholar at Columbia Law School, and a visiting fellow at the Australian National University College of Law. Some recent and forthcoming articles include: "The Prosecution of War Crimes: Military Commissions and the Procedural and Substantive Protections Beyond International Law," in the *Fordham International Law Journal*; "Truth and Innocence Procedures to Free Innocent Persons;" in the *University of Michigan Journal of Law Reform*, "The Preemption of Nuclear Weapons," in the *Military Review*, and "Averting Catastrophe: Combating Iran's Nuclear Threat;" in the *Harvard International Review*.

Michel Bourbonnière

Michel Bourbonnière is legal counsel at the Department of Justice, Government of Canada and is presently assigned to the Canadian Space Agency. Previously he was principle legal counsel for Canada's military aerospace procurements and major space projects. He is also Professor of Law at the Royal Military College of Canada, fellow CHDS at NDU, and Director of the LOAC Competition for Military Academies at the International Institute of Humanitarian Law in Sanremo, Italy. He has published numerous articles and book chapters on the law of military aerospace operations at RAND Corporation, Oxford University, Princeton, SMU and McGill IASL.

LTC Mark A. Bridges

Lieutenant Colonel Mark A. Bridges is an Assistant Professor in the Department of Law at the United States Military Academy, West Point, New York, where he teaches constitutional and military law. He is a graduate of Centre College (B.A., 1988),

University of Louisville (J.D., 1991), The Judge Advocate General's School, Army (LL.M. 2000), and Georgetown University Law Center (LL.M., 2006). LTC Bridges has served in the U.S. Army Judge Advocate General's Corps as a military attorney since 1991. Mark has served in a variety of criminal law related positions, including prosecutor and defense counsel, appellate defense counsel, and supervising attorney for both prosecution and defense offices throughout the Army.

His most recent previous assignment was as Acting Deputy Chief Defense Counsel in the Office of Military Commissions, where he defended one of the first detainees at Guantanamo Bay, Cuba to be charged with war crimes pursuant to President Bush's military order establishing military commissions.

James Jay Carafano, Ph.D.

James Carafano is Assistant Director, Kathryn and Shelby Cullom Davis Institute for International Studies and Senior Research Fellow, Douglas and Sarah Allison Center for Foreign Policy Studies.

James Carafano is a leading expert in defense affairs, military operations and strategy, and homeland security at The Heritage Foundation.

An accomplished historian and teacher, Carafano was an Assistant Professor at the U.S. Military Academy in West Point, N.Y. and served as director of military studies at the Army's Center of Military History. He also taught at Mount Saint Mary College in New York and served as a fleet professor at the U.S. Naval War College. He is a visiting professor at the National Defense University and Georgetown University.

Carafano is the author of several military history books and studies. His latest is *GI Ingenuity: Improvisation, Technology and Winning World War II* (2006). The book's premise: World War II saw the first generation of young men that had grown up comfortable with modern industrial technology go into combat.

Carafano also is the coauthor of *Winning the Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom*. The first to coin the term, the "long war," the authors argue that a successful strategy requires a balance of prudent military and security measures, continued economic growth, the zealous protection of civil liberties and winning the "war of ideas" against terrorist ideologies.

In addition, Carafano is the coauthor of the text book, *Homeland Security* published by McGraw-Hill. Carafano was also the principal author of the budget analysis in the 2003 Independent Task Force Report, *Emergency Responders: Drastically Underfunded, Dangerously Unprepared*, published by the Council on Foreign Relations.

Carafano joined Heritage in 2003 as a Senior Research Fellow after serving as a Senior Fellow at the Center for Strategic and Budgetary Assessments, a Washington policy institute dedicated to defense issues.

Before becoming a policy expert, he served 25 years in the Army, rising to the rank of Lieutenant Colonel. His areas of expertise included military strategy, joint operations, future combat systems, post-conflict operations, and nuclear weapons. Before retiring, he was Executive Editor of *Joint Force Quarterly*, the Defense Department's premiere professional military journal.

A graduate of West Point, Carafano also has a master's degree and a doctorate from Georgetown University and a master's degree in strategy from the U.S. Army War College.

Robert Chesney

Bobby Chesney is an associate professor at Wake Forest University School of Law specializing in national security law. His scholarship focuses on the difficulty of calibrating a reasonable and effective legal response to the threat posed by terrorism, with reference both to international and domestic legal frameworks. His pending projects include a comparative study of targeting rules in the western and Islamic legal traditions, as well as an analysis of the post-9/11 convergence law of war and criminal law concepts associated with terrorism.

Professor 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 "[nationalsecuritylaw](#)," (a listserv for professors and professionals); the editor of the American Bar Association Standing Committee on Law and National Security's National Security Law Report; and a member of the board of directors for the Center on Law, Ethics, and National Security at Duke. He has presented papers and lectures at a number of academic and military conferences, and has received law of war training as a civilian guest at the U.S. Army's Judge Advocate General's Legal Center and School. Professor Chesney participated in inspection tours of the detention facility at Guantanamo Bay in 2005 and again in 2007.

Prior to joining the Wake Forest faculty in the fall of 2002, Professor Chesney practiced in the litigation department of Davis Polk & Wardwell in New York City, where his clients included J.P. Morgan and the New York County Lawyers' Association. Before that, he clerked for the Honorable Robert D. Sack of the United States Court of Appeals for the Second Circuit and the Honorable Lewis A. Kaplan of the United States District Court for the Southern District of New York. He graduated magna cum laude from Harvard Law School in 1997 and Texas Christian University in 1994.

Geoffrey S. Corn

Geoffrey S. Corn is an Assistant Professor of Law at South Texas College of Law, and a retired Lieutenant Colonel, U.S. Army. Prior to joining the faculty at South Texas, Mr. Corn served as the Special Assistant to the US Army Judge Advocate General for Law of War Matters, and Chief of the Law of War Branch, US Army Office of the Judge Advocate General International and Operational Law Division. Mr. Corn also served as a member of the US Army Judge Advocate General's Corps from 1992 – 2004, including

service as a supervisory defense counsel for the Western United States; Chief of International Law for US Army Europe; and Professor of International and National Security Law at the US Army Judge Advocate General's School. Mr. Corn has served as an expert consultant to the Military Commission Defense team, and has published numerous articles in the field of national security law. He is a graduate of Hartwick College and the U.S. Army Command and General Staff College, and the U.S. Army Officer Candidate School. He earned his J.D., highest honors at George Washington University and his LL.M., distinguished graduate, at the Judge Advocate General's School. His scholarship focuses on the laws of war and other national security law topics.

Professor Mark Denbeaux

Professor Denbeaux received his B. A. degree from the College of Wooster and his J. D. degree from New York University School of Law. Prior to teaching, he was senior attorney in charge of litigation for the New York City Legal Services program. He was subsequently Chair of the Board of Directors of the New York City Legal Services Program. He has published numerous scholarly articles on evidence, constitutional law, civil procedure and remedies. He co-authored *New Jersey Evidentiary Foundation: New Jersey and Federal Rules of Evidence and Trial Evidence, Cases and Materials*. He has been an elected member of the American Law Institute since 1980.

Professor Denbeaux has been teaching at Seton Hall since 1972. He is the founder and Director of the Seton Hall Law Center for Policy and Research.

The Center for Policy and Research has produced a series of reports on Guantánamo. http://law.shu.edu/news/guantanamo_reports.htm These reports were the result of the efforts of co-author Joshua W. Denbeaux and the Seton Hall Law students who were members of and fellows of the Center for Policy and Research. The Guantanamo Reports have been cited by the Senate Armed Services Committee, the House Armed Services Committee and the House Appropriations Committee and introduced into the Congressional Record.

Professor Denbeaux and Joshua Denbeaux of Denbeaux and Denbeaux currently represent two detainees in Guantánamo Bay Detention Camp. In addition to his role in the Guantanamo litigation Professor Denbeaux has written books and articles on a variety of subjects including: Class Actions, Forensic Evidence, The First Amendment, International Law, Professional Responsibility and Restitution.

One of Professor Denbeaux's chief academic interests is the problems of proof. The most recent focus of his non Guantánamo Bay academic research has been the unique problems raised by expert witnesses especially those witnesses who profess to be forensic scientists. He has co-authored several law review articles on the deficiencies of forensic evidence and has spoken on the subject to numerous academic and professional gatherings. Professor Denbeaux has testified as an expert witness on the limitations of forensic evidence more than 50 times in state and federal courts as well as in

administrative proceedings. He has testified before the Senate Armed Services Committee.

Professor Denbeaux is invited to lecture frequently at Colleges, Universities, Law Schools and other professional gatherings around the country.

Stephen J. Ellman

An award-winning author on legal ethics and an expert in South African law, clinical legal education, and constitutional law, Professor Stephen J. Ellmann also pursues his deep interest in legal education through his work as Associate Dean for Faculty Development at New York Law School.

Dean Ellmann holds both a B.A. and J.D. *magna cum laude* from Harvard and served as Law Clerk to Hon. Elbert Tuttle, U.S. Court of Appeals, Fifth (now Eleventh) Circuit in 1976-77. Then, as a staff attorney at the Southern Poverty Law Center in Montgomery, Alabama, his practice included institutional reform litigation for mentally disabled people and prison inmates, voting rights cases, anti-Ku Klux Klan suits, and defense work in capital murder trials. While there, from 1977-83, Dean Ellmann began a long career in legal education by teaching courses on constitutional law and federal courts.

Long interested in South Africa, he cochairs New York Law School's South Africa Reading Group, an interdisciplinary group of scholars who focus on South Africa from a variety of perspectives. He is the author of *In a Time of Trouble: Law and Liberty in South Africa's State of Emergency* (1992), and many articles on the role of law and lawyers in the end of apartheid and the establishment of a democratic South Africa.

Dean Ellmann has also written extensively on questions of legal ethics and lawyering skills in the United States. Dean Ellmann earned the Sanford D. Levy Memorial Award from the New York State Bar Committee on Professional Ethics for an article "Lawyering for Justice in a Flawed Democracy," 90 *Columbia Law Review* 116 (1990). In other articles he has explored a range of issues of skill and ethics involved in lawyers' interviewing and counseling of their clients, including most recently an ongoing study of how expert lawyers can engage with their clients in a way that is both "client-centered" and efficient.

In 1985, he started the Clinical Theory Workshops, which met first at Columbia, where he was Associate Professor of Law from 1983-1992, and since 1992 have continued at New York Law School. The discussion series brings law professors from around the nation to present papers on various aspects of clinical education. The Clinical Theory Workshop met on April 1, 2005 at CUNY School of Law as part of a conference at which Dean Ellmann was honored for his 20 years chairing the Clinical Theory Workshop series.

Dean Ellman regularly teaches a New York Law School course on "The Constitution and Terrorism" and has written on racial profiling as a response to terrorism; discussed New York City's random subway searches on WNYC's *The Brian Lehrer Show*; and most

recently published an analysis of the U.S. Supreme Court's 2006 *Hamdan* decision, "The 'Rule of Law' and the Military Commission," 51 *New York Law School Law Review* 761 (2006/07).

Eugene R. Fidell

Mr. Fidell heads the Military Practice Group at the Washington, D.C. firm of Feldesman Tucker Leifer Fidell LLP and has been president of the National Institute of Military Justice since 1991. He is a graduate of Queens College and Harvard Law School.

Mr. Fidell served as a judge advocate in the Coast Guard from 1969 to 1972, and regularly represents members of the armed services. He has also represented print and electronic media in military justice matters. He has written extensively on military law and has taught the subject at Yale and Harvard Law Schools and the Washington College of Law, American University. He is a co-author of *Military Justice Cases and Materials* (LexisNexis 2007).

Mr. Fidell is a member of the American Law Institute and the ABA's Task Force on Treatment of Enemy Combatants and Standing Committee on Law and National Security. He has served on the Code Committee on Military Justice, the Advisory Board on the Investigative Capability of the Department of Defense, and the Rules Advisory Committee of the United States Court of Appeals for the Armed Forces.

Miles P. Fischer

Miles P. Fischer has engaged in international corporate and transactional practice and is currently associated with Wohabe Law Offices LLP, New York, representing Middle Eastern governmental and private clients. He served for 19 years as Senior Vice President and General Counsel of Cambrian Corporation, New York. Previously he was associated with Cravath, Swaine & Moore in New York and Paris.

He is a member of the Advisory Board of the National Institute of Military Justice and former Chair of the Committee on Military Affairs and Justice, Association of the Bar of the City of New York, where he was a principal author of seminal reports on the child soldier treaty, military commissions and legal standards for interrogation. He is a member of the Association's Task Force on National Security and the Rule of Law, Council on International Affairs, Committee on International Security Affairs.

He served on the Advisory Board of the Western New York Bar Immigration Activation Project, Buffalo, NY, developing pro bono representation for detainees at a new IRS detention facility and as an election supervisor in the Bosnian elections of 1996-98 for the Organization for Security and Cooperation in Europe (OSCE).

He held an ROTC commission as a U.S. Army intelligence officer, serving on active duty primarily at Ft. Bragg, NC and in the reserves, including a mobilization post on the faculty of the U.S. Army Intelligence School.

He is a graduate of Columbia Law School, J.D. (*cum laude*) where he was an editor of the *Columbia Law Review*; Teachers College, Columbia, M.A., History (*with honors*) and Yale University, B.A., History (*magna cum laude*); Phi Beta Kappa. He studied at the University of Würzburg, Germany, under a Fulbright grant. He has also completed translation studies in German and French at NYU Deutsches Haus and NYU Continuing Education.

Martin S. Flaherty

Martin S. Flaherty is Leitner Family Professor of Law and Co-Director of the Leitner Center for International Law and Justice. He is also a Visiting Professor at the Woodrow Wilson School of Public and International Affairs, where he was Fellow in the Program in Law and Public Affairs. He has also taught at China University of Political Science and Law in Beijing, Sungkyunkwan University in Seoul, and Queen's University Belfast. Previously Professor Flaherty served as a law clerk for Justice Byron R. White of the U.S. Supreme Court and Chief Judge John Gibbons of the Court of Appeals for the 3rd Circuit. He holds a B.A. from Princeton, his M.A. and M.Phil. from Yale (in history) and J.D. from the Columbia Law School. Formerly chair of the New York City Bar Association's International Human Rights Committee, he has led or participated in human rights missions to Northern Ireland, Turkey, Hong Kong, Mexico, Malaysia, Kenya, and Romania. He has also been recently elected to the Council on Foreign Relations. His publications focus upon constitutional law and history, foreign affairs, and international human rights and appear in such journals as the *Columbia Law Review*, the *Yale Law Journal*, the *Michigan Law Review*, and the *University of Chicago Law Review*. His publications include: "Executive Power Essentialism and Foreign Affairs" [with Curtis Bradley], *Michigan Law Review*; "The Most Dangerous Branch," *Yale Law Journal*; and "History 'Lite' in Modern American Constitutionalism," *Columbia Law Review*.

Patrick Gudridge

Patrick Gudridge is Professor of Law at the University of Miami School of Law. He joined the Miami faculty in 1977 after graduating from the Harvard Law School and serving as law clerk for Justice Mathew Tobriner of the California Supreme Court. Professor Gudridge has also taught as a visiting professor at Georgetown University, the University of Michigan, and the University of Pennsylvania. His recent writings pertinent to this conference include: Remember Endo, *Harvard Law Review* (2003); The Anti-Emergency Constitution, with Laurence H. Tribe, *Yale Law Journal* (2004); The Constitution Glimpsed From Tule Lake, *Law & Contemporary Problems* (2005); and An Anti-Authoritarian Constitution?, *Minnesota Law Review* (2007).

Amos N. Guiora

Amos N. Guiora is professor of law at The S. J. Quinney College of Law, University of Utah. Professor Guiora teaches Criminal Law, Global Perspectives on Counter-terrorism, Religion and Terrorism and National Security Law. In addition, Guiora incorporates innovative scenario-based instruction to address national and international security issues. At the S.J. Quinney College of Law, Guiora in collaboration with other leading experts at the S.J. Quinney College of Law, will help lead the school's efforts to provide

cutting-edge research, innovative training, and public service initiatives in the prevention and mitigation of global conflict.

Oxford University Press will publish Professor Guiora's book *Learn from History: Lessons for Extending Constitutional Protections to an Unprotected Class – The Limits of Coercive Interrogation* (forthcoming 2008) and Aspen Publishers will publish Professor Guiora's *Terrorism Primer* (forthcoming 2007)

Author of *Global Perspectives on Counterterrorism* (Aspen Publishers, forthcoming 2007), Professor Guiora writes and lectures on a wide array of issues. His recent publications include: "Interrogating the Detainees: Extending a Hand or a Boot," *University of Michigan Journal of Law Reform*; "Quirin to Hamdan: Creating a Hybrid Paradigm for Detaining Terrorists," "Where are Terrorists to be Tried – A Comparative Analysis of Rights Granted to Suspected Terrorists," *Catholic University Law Review*. As an expert commentator, he is frequently interviewed and quoted and has been published in the national and international media.

Prior to joining the S. J. Quinney faculty, Guiora was Professor of Law and the Founding Director of the Institute for Global Security Law and Policy at Case Law School, seeking to impact the public debate with regard to national and international security. A grant application submitted by Prof. Guiora for an "Education Program for Prosecutors" was approved and funded for \$250,000 by the Department of Justice.

Before joining Case in 2004, Professor Guiora served for 19 years in the Israel Defense Forces Judge Advocate General's Corps (Lt. Col. Ret.). He held a number of senior command positions, including Commander of the IDF School of Military Law, Judge Advocate for the Navy and Home Front Command, and the Legal Advisor to the Gaza Strip.

Professor Guiora had command responsibility for the development of an interactive software program that teaches an eleven point code-of-conduct based on International Law, Israeli Law, and the IDF code. This internationally acclaimed program is used to teach IDF soldiers and commanders their obligations regarding a civilian population during an armed conflict.

During his military service, Professor Guiora was involved in important legal and policy-making issues, including the capture of the PLO weapons ship *Karine A*, implementation of the Gaza-Jericho Agreement, the Israeli-Palestinian Interim Agreement, and "Safe Passage" between the Gaza Strip and the West Bank.

Professor Guiora graduated from Kenyon College in 1979 (Honors in History) and from Case Western Reserve University School of Law in 1985.

Thomas L. Hemingway (BG, USAF, Ret.)

Brig. Gen. Thomas L. Hemingway recently retired as the Legal Adviser to the Convening Authority in the Department of Defense Office of Military Commissions, Washington, D.C. He was responsible for providing legal advice to the Convening Authority on referral of charges, questions that arise during trial, and other legal matters concerning military commissions. His duties also included supervising the Convening Authority legal staff.

The general, a distinguished graduate of the Air Force ROTC program, was commissioned as a second lieutenant in November 1962 after earning his undergraduate degree at Willamette University, Salem, Ore. Upon graduation, the general took an educational delay and earned his doctor of jurisprudence in 1965 at Willamette University.

General Hemingway entered active service in November 1965 and has served as a staff judge advocate at the group, wing, numbered air force, major command and unified command level. He has also been an associate professor of law at the U.S. Air Force Academy and a senior judge on the Air Force Court of Military Review. The general is a member of the state bar in Oregon and the District of Columbia, and has been admitted to practice before the U.S. Court of Federal Claims, the U.S. Court of Appeals for the Federal Circuit and the Supreme Court of the United States. He retired from active service in October 1996. General Hemingway was recalled to active service in August 2003.

Major Darren C. Huskisson

Major Darren C. Huskisson is the Deputy Staff Judge Advocate, 55th Wing, Offutt Air Force Base, Nebraska.

Major Huskisson graduated with distinction from the University of Nebraska College of Law in December 1995 and was designated an Air Force Judge Advocate in 1996. He reported for duty at McConnell AFB in Wichita, Kansas in June 1996 and served as the Chief of Claims and the Chief of Civil Law until May 1998 when he was reassigned as the Area Defense Counsel, a position he held until September 1999. He subsequently served a one year tour as the Chief of Military Justice at Kunsan Air Base, Republic of Korea.

In September 2000, he was reassigned to the United States Air Force Academy in Colorado Springs where he served as an Assistant Professor of Law until July 2003. Major Huskisson taught the Academy's core law course as well as courses in Human Rights Law, Space Law, National Security Law, and was the course director for International Law. Major Huskisson also coached USAFA's English and French teams in the *Concours Jean Pictet* Competition, worked with the International Institute of Humanitarian law in San Remo to develop the Inter-Academy LOAC Competition and conducted research on

Information Operations for the Institute for National Security Studies. In 2003, he received the Air Force Academy's Outstanding Academy Educator Award. He was subsequently selected by the Judge Advocate General to study at the Institute of Air and Space Law at McGill University in Montreal, Canada. In 2004, he graduated from McGill with a Master of Laws in Air and Space Law.

Major Huskisson then served as the Chief of Cyber and Space Law at the United States Strategic Command. In this capacity, he provided legal advice on issues affecting air, space, network attack and defense operations. Additionally, he served as Strategic Command's lead counsel for global missile defense, providing legal guidance for the establishment of air, land, and sea components of this system. He was also the command's primary legal advisor on the Quadrennial Defense Review and deployed to Afghanistan for a two-month tour of duty with United States Joint Forces Command.

In July 2007, Major Huskisson assumed his current duties as the Deputy Staff Judge Advocate for the 55th Wing, Offutt Air Force Base, Nebraska, where he supervises the day-to-day operation of a legal staff of 43 personnel providing legal advice to the host wing and 93 units.

Richard B. Jackson

Richard B. Jackson, COL, US Army (Ret). Special Assistant to the Judge Advocate General for Law of War Matters. Distinguished Graduate, 1976, United States Military Academy; J.D., cum laude, 1983, Georgetown University Law Center; LL.M., 1986, The Judge Advocate General's School; MS, US Army War College, 2005. Airborne, Ranger, Infantry Officer's Basic, Fort Benning, GA, 1976-77; Infantry, Mortar, and Heavy Mortar Platoon Leader, 4th Bn (Mechanized), 20th Infantry, Fort Clayton, Canal Zone, 1977-1979; Tactical Officer, Branch Immaterial Officer Candidate School, Fort Benning, GA, 1979-80; Group Judge Advocate, 5th Special Forces Group (Airborne), Fort Bragg, NC, 1983-85; Chief, Criminal and Administrative Law, Office of the Staff Judge Advocate, 1st Special Operations Command, Fort Bragg, NC, 1985-86; 35th Graduate Course, 1986-87; Senior Defense Counsel, U.S. Army South, Fort Clayton, Panama, 1987-90; Legal Advisor, Joint Task Force Six, Fort Bliss, TX, 1990-1992; Chief, Criminal Law, Office of the Staff Judge Advocate, Fort Bliss, TX, 1992-93; Command and General Staff College, Fort Leavenworth, KS, 1993-94; Deputy Staff Judge Advocate, U.S. Atlantic Command, Norfolk, VA, 1994-96; Professor, Chair, International and Operational Law Department, The Judge Advocate General's School, 1996-1997; Staff Judge Advocate, U.S. Army Special Operations Command, Jan 1998-2000; Staff Judge Advocate, 25th Infantry Division, Hawaii, 2000-2002; Staff Judge Advocate, SFOR 11, Bosnia, Mar-Oct 2002; Staff Judge Advocate, US Army, Pacific, 2002-04; Legal Advisor, Joint Forces Command-Naples, Italy, 2004-05. Member of the Bar, Supreme Court of Maryland and the U.S. Court of Military Appeals.

Derek Jinks

Derek Jinks is a Professor of Law at the University of Texas School of Law and a Strauss Fellow of the Robert S. Strauss Center for National Security Law and Policy at the University of Texas at Austin. He is also the founder and Director of the Rule of Law in

Wartime Program at Texas. He has been a Visiting Professor at Harvard Law School and the University of Chicago Law School. Prior to entering the legal academy, he clerked for Judge William C. Canby, Jr. of the U.S. Court of Appeals for the Ninth Circuit and worked in the Prosecutor's Office of the International Criminal Tribunal for the Former Yugoslavia. He has also worked as Senior Legal Advisor and United Nations Representative for the South Asia Human Rights Documentation Centre in India; and served in the delegation of the International Service for Human Rights at the Rome treaty conference for the establishment of a permanent International Criminal Court. Since 2006, he has been a member of the U.S. Secretary of State's Advisory Committee on International Law. His research focuses on the law of armed conflict, national security law, and interdisciplinary approaches to international human rights law. He is author of *International Humanitarian Law* (Oxford University Press, forthcoming 2009) (with Ryan Goodman and Michael N. Schmitt), *Socializing States: Promoting Human Rights through International Law* (Oxford University Press, forthcoming 2008) (with Ryan Goodman), *The Rules of War: The Geneva Conventions in the Age of Terror* (forthcoming Oxford University Press 2008); and *The Role of Domestic Courts in Treaty Enforcement: A Comparative Study* (forthcoming Cambridge University Press 2008) (co-edited with David Sloss).

Joanne Mariner

Joanne Mariner, director of Human Rights Watch's Terrorism and Counterterrorism Program, is an expert on counterterrorism laws and policies. She closely follows developments at Guantánamo, and has conducted extensive research on rendition and CIA prisons. In 2006, she testified before the European Parliament about CIA activities in Europe. She also drafted Human Rights Watch's 1999 submission to the House of Lords in the Pinochet case, and is the author of a ground-breaking 2001 report on prison rape.

Ms. Mariner graduated summa cum laude from Barnard College, received a JD from Yale Law School, and served as a law clerk to Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. She speaks French and Spanish.

Major Shawn D. McKelvy

Major Shawn D. McKelvy is currently assigned as an Assistant Professor for the Department of Law at the United States Air Force Academy, Colorado. In that capacity, he instructs future Air Force officers in *Law for Air Force Officers*, *Law of Armed Conflict (LOAC)*, *Advanced LOAC Studies*, *National Security Law*, provides other military training and mentorship as necessary, and serves as a legal advisor on various boards.

Major McKelvy attended Benedictine College in Atchison, Kansas, as a Presidential Scholar and was a 4-year varsity letterman and Scholar-Athlete All-American in men's soccer. He graduated in May of 1996 with a B.A. in Business Administration. He then attended law school at Washburn University School of Law in Topeka, Kansas, where he earned a J.D. with honors in May of 1999. Major McKelvy is admitted to practice before the Kansas State Supreme Court, United States Air Force Court of Criminal Appeals, and the United States Court Of Appeals for the Armed Forces.

In October of 1999, Major McKelvy entered active duty in the Air Force as a Judge Advocate through the direct appointment program. He began serving his first assignment with the Office of the Staff Judge Advocate, 375th Airlift Wing, Scott AFB, Illinois. While assigned to Scott AFB, he served as the Chief of Legal Assistance, Chief of Adverse Actions, and Chief of Military Justice. He also served as a Special Assistant United States Attorney (SAUSA) in the Southern District of Illinois.

Major McKelvy was next assigned to the Air Armament Center and 96th Air Base Wing, Eglin AFB, Florida, where he served as the Chief of Military Justice and later as the Chief of Labor Law. He also served as a SAUSA in the Northern District of Florida.

Major McKelvy and his wife Anne are the proud parents of three children.

Alberto J. Mora

Alberto J. Mora serves as Vice President and General Counsel for the International Department of Wal-Mart Stores, Inc., where he is responsible for the company's legal affairs in its overseas retail markets, including China, Japan, Canada, Mexico, Brazil, Argentina, the United Kingdom, and five Central American countries, as well as Puerto Rico.

Alberto's career combines extensive private sector legal experience with significant public service in the foreign policy and national security sectors. Prior to joining the company in 2006, Alberto served as General Counsel to the Department of the Navy, a position requiring presidential appointment and Senate confirmation, which he obtained in 2001. As chief counsel to the Navy and Marine Corps, Alberto managed or supervised the 640 attorneys of the Office of the General Counsel, the Navy Judge Advocate General Corps, the Marine Corps Office of the Staff Judge Advocate, and the Naval Criminal Investigative Service, among other responsibilities.

In addition to his service with the Navy, Alberto served as a Foreign Service Officer in the U.S. Department of State (1975 – 1978), General Counsel of the U.S. Information Agency (1989 – 1993), and, concurrently with his private legal practice, on the U.S. Broadcasting Board of Governors (1995 – 2001).

Entering the legal profession in 1982, Alberto practiced initially as a trial attorney concentrating on civil and commercial litigation. Over time, the focus of his practice shifted to international legal issues and he specialized in transactional matters and the representation of clients in both litigated and non-litigated international disputes.

The son of Cuban and Hungarian parents, Alberto earned his bachelor's degree with honors at Swarthmore College in Pennsylvania, and obtained a Juris Doctor degree from the University of Miami School of Law, where he served as Editor-in-Chief of the *Lawyer of the Americas*, The University of Miami Journal of International Law. He is a member of the Council on Foreign Relations, and is proficient in Spanish, Portuguese and French.

Since leaving the Navy, Alberto has received international recognition for his efforts, while serving as Navy General Counsel, to prevent the abuse of detainees in U.S. custody at Guantanamo and elsewhere and for his opposition to the legal reasoning that sought to justify officially the abusive treatment. In May of 2006, Alberto was awarded the John F. Kennedy Library Foundation's Profile in Courage Award in recognition of these efforts.

Major Michael Mori

Major Michael (Dan) Mori is the Deputy Staff Judge Advocate, Third Marine Aircraft Wing, Marine Corps Air Station, Miramar, California. He was born on 04 October 1965 in Beverly, Massachusetts. He reported for recruit training at Parris Island, South Carolina on 20 December 1983. After completing calibration and electronics training in Naval Air Station, Memphis, Tennessee, his first duty assignment was with MAG-32 at Cherry Point NC. Major Mori was honorably discharged in October 1987.

In May 1991, Major Mori graduated from Norwich University, Northfield, Vermont and was commissioned a second lieutenant under the Platoon Leaders Class LAW program. In May 1994, he graduated from Western New England School of Law, Springfield, Massachusetts. After taking the bar exam and being admitted into the Bar of the Commonwealth of Massachusetts, he received orders to The Basic School, Quantico, Virginia in June 1995. Following TBS, Major Mori completed Naval Justice School. In March 1996, Major Mori was assigned to Marine Corps Recruit Depot, Parris Island, South Carolina and served as a legal assistance attorney and defense counsel. In August 1998, Major Mori was transferred to Naval Legal Services Office Pacific, Yokosuka, Japan where he served as Civil Law Department Head and Senior Defense Counsel. In August 2001, Major Mori was assigned to Marine Corps Base Hawaii serving as the Military Justice Officer and Special Assistant U.S. Attorney.

In September 2003, Major Mori reported to the Pentagon as the U.S. Marine Corps' representative to the Office of the Chief Defense Counsel to serve as a defense counsel. In November 2003, Major Mori was assigned to represent David Hicks, an Australian citizen, before a military commission. In May 2007, Major Mori's client was repatriated to Australia following a pre-trial agreement which determined that in exchange for a guilty plea before a military commission, Mr. Hicks would serve no additional confinement in excess of 9 months.

In July 2007, Major Mori reported to Marine Corps Air station Miramar for duty as the Deputy Staff Judge Advocate, Third Marine Aircraft Wing.

His awards and decorations include the Navy Commendation Medal, the Navy and Marine Corp Achievement Medal, the Good Conduct Medal, and other service and unit awards.

Jackie Northam

Veteran journalist Jackie Northam is NPR's National Security Correspondent, covering foreign affairs, defense and intelligence policies, terrorism, and other national security issues. Her reports can be heard on NPR's *Morning Edition*, and *All Things Considered*.

Since 2003, Northam has regularly traveled to Guantanamo Bay, Cuba, reporting on the U.S. military detention center, and efforts to try detainees held there. Northam was the lead reporter for NPR's coverage of the abuse scandal at Iraq's Abu Ghraib prison, and the administration's policies on torture and the Geneva Conventions.

Northam's beat also focuses on the Middle East and Persian Gulf region. She reported from Beirut during the 2006 war between Hezbollah and Israel, and from Iraq shortly after the overthrow of Saddam Hussein. Northam also covered the first Gulf War, spending seven months in Dhahran and Riyadh, Saudi Arabia, and in Kuwait City, after it was liberated by allied forces.

Over the years, Northam has received many awards for her reporting, including three regional Edward R. Murrow Awards, a Unity Award, a Gabriel Award, several Associated Press Awards, and was part of a team that won an Alfred I. duPont-Columbia University Award.

Northam lived and worked overseas for more than a decade. While based in Nairobi, Kenya, she covered the genocide in Rwanda, heading into the country four days after the massacres began. Working from inside war zones, Northam covered the massacres, the civil war, and efforts to aid refugees. Other assignments included a massive cholera outbreak in Zaire, ethnic uprisings in Burundi and Tanzania, and stories from Uganda and Kenya.

Northam was stationed in Budapest, Hungary, just as the Berlin wall was coming down. She traveled widely through former Eastern bloc countries and the former Soviet Union to chart the successes and failures in the move towards democracy.

In 1993, Northam was based in Phnom Penh, Cambodia, reporting on the United Nations effort to bring democracy to Cambodia, and disarm the Khmer Rouge. Prior to that, Northam was stationed in Bangkok, Thailand, covering the 1992 military crackdown in Bangkok, and the repercussions of the country's soaring economy. She has traveled extensively throughout the southeast Asia and Indochina.

Northam began her foreign stint in London, England, where she spent seven great years, traveling through Europe covering stories that included Margaret Thatcher's Britain, and efforts to create the European Union.

Michael Posner

Michael Posner, President of Human Rights First, has been at the forefront of the international human rights movement for almost 30 years. He is a frequent public commentator and his opinion essays have appeared in such newspapers as the New York Times, Los Angeles Times and Chicago Tribune. Posner has also testified dozens of times before the U.S. Congress.

In 1980, Posner played a key role in proposing and campaigning for the first U.S. law providing for political asylum, which became part of the Refugee Act of 1980. He also

proposed, drafted, and campaigned for the Torture Victim Protection Act (TVPA) , which was adopted by Congress and signed into law in 1992. In 1998, Posner led the Human Rights First delegation to the Rome conference at which the statute of the International Criminal Court (ICC) was adopted. As a member of the White House Apparel Industry Partnership Task Force, Posner helped found the Fair Labor Association in 1997 to promote corporate accountability for working conditions in the apparel industry.

Posner lectured at Yale Law School from 1981 to 1984, and has been a visiting lecturer at Columbia University Law School since 1984. He received his J.D. from the University of California, Berkeley Law School (Boalt Hall), and a B.A. from the University of Michigan.

Colonel Dan Rice

Colonel Dan Rice is an assistant professor in the Department of Law at West Point, where he is course director of National Security Law and, in addition, teaches Constitutional and Military Law. A graduate of West Point, Colonel Rice earned his M. P.A. from the University of Texas (El Paso) and his J.D. from the University of Texas School of Law. Colonel Rice completed the Army basic course in infantry and the basic and advanced courses in aviation as well as the basic and advanced courses for the Judge Advocate General's Corps. He is also a graduate of the Army's Command and General Staff Course. Colonel Rice has served as a platoon leader and an Army aviator, practiced law with a private firm in Phoenix, and served as a special agent for the Federal Bureau of Investigation. In addition, Colonel Rice has appeared frequently before the FISA court and recently returned from Kabul, Afghanistan, where he helped develop the department of law at the new National Military Academy of Afghanistan.

Colonel Maritza Sáenz Ryan

Colonel Maritza S. Ryan is Professor and Head, Department of Law, USMA. She was born in Manhattan, New York. Upon graduating from the United States Military Academy at West Point in 1982, she was commissioned as a Lieutenant in the Field Artillery. During her tour with the 1st Armored Division, Zirndorf, Germany, she was selected for the Judge Advocate General's Funded Legal Education Program. Colonel Ryan returned stateside to attend Vanderbilt University Law School and received her Juris Doctorate, Order of the Coif, in 1988.

Colonel Ryan's initial tour as a Judge Advocate was at Fort Sill, Oklahoma, where she served as Senior Trial Counsel (Prosecutor). In 1990, she deployed to Operation Desert Shield/Desert Storm as a Brigade Legal Counsel, returning to Fort Sill to be the Senior Defense Counsel. Other assignments include Assistant Professor, Department of Law, West Point; Chief of Military Justice and Officer-in-Charge, Fort Shafter Branch Office, 25th Infantry Division (Light), Hawaii; Deputy Staff Judge Advocate for the Army Medical Department Center and School, Ft. Sam Houston, Texas; and Academy Professor and Deputy Head, Department of Law, West Point. Colonel Ryan became the Professor and Head of the department in September, 2007.

Colonel Ryan, a member of the New York State Bar, holds a Master of Laws from the Army Judge Advocate General's School, a Master of Arts in National Security and Strategic Studies from the Naval War College, and has published and presented in the areas of Law and Leadership, the Law of Armed Conflict, and Military Justice. She is the daughter of Spanish and Puerto Rican parents, a cancer survivor, and is married to fellow West Point graduate and classmate, Robert E. Ryan, Jr., U.S. Army (Retired), with whom she has two children.

Hina Shamsi

Hina Shamsi is Deputy Director & Senior Counsel, Law & Security Program, Human Rights First. Ms. Shamsi helps oversee Human Rights First's research, litigation, and advocacy efforts to ensure that U.S. national security and counterterrorism policies reflect human rights protections under law. She is a frequent public speaker and lecturer on international human rights and humanitarian law issues, with a particular focus on U.S. interrogation, detention, and fair trial policies and practices. Before joining Human Rights First, Ms. Shamsi worked from 1998 to 2004 at the New York law firm Cleary Gottlieb Steen & Hamilton, LLP, where her practice focused on international and domestic litigation and arbitration, and regulatory investigations. Ms. Shamsi was the author of Human Rights First's 2006 report, *Command's Responsibility*, which analyzed investigations into, and accountability for, detainee deaths in U.S. custody in Iraq and Afghanistan. She also coauthored *Torture by Proxy: International and Domestic Law Applicable to "Extraordinary Renditions"*, a report issued jointly in 2004 by the Association of the Bar of the City of New York and the Center for Human Rights and Global Justice at NYU Law School. She received her J.D. from the Northwestern University School of Law, where she was editor-in-chief of the *Journal of International Law and Business* and her B.A. from Mount Holyoke College.

Dr. Stephen M. Sheppard

Dr. Stephen M. Sheppard is the William H. Enfield Professor of Law at the University of Arkansas School of Law. He began his teaching career at the University of Arkansas School of Law as a legal writing instructor in 1992. He taught then at the Cooley Law School in Michigan and worked as a graduate fellow at Columbia University before returning permanently to Fayetteville in 2001. He now teaches international and environmental law, constitutional law, legal history, and jurisprudence, property and remedies and other common law courses. He is also a member of the graduate faculty in Political Science, the core faculty in Public Policy, and the core faculty of the King Fahd Center for Middle Eastern Studies. In 2005, he taught in New York University's Global Law School Program in New York. He has given lectures or academic papers in Australia, China, England, France, Germany, and Sweden. He is a faculty adviser to the International Law Society, the *Journal of Islamic Law and Culture*, the Environmental Law Society, and the H.L.A. Hart Society. His service includes enlistment and commission in the U.S. Coast Guard Reserve and membership in the Iraq Advisory Group of the National Democratic Institute for International Affairs, in 2005. He practiced law with Phelps Dunbar in its Louisiana, Mississippi, and London offices, and served as a law clerk to Judge William Barbour Jr. (the United States District Court, S.D. Miss.) and to Judge E. Grady Jolly Jr. (United States Court Appeals 5th Circuit). He is a

member of the bar in Mississippi. His first degree is in political science from the University of Southern Mississippi. He holds a law degree and the master of laws from Columbia University, as well as a post-J.D. certificate in international law from the Parker School for International and Comparative Law at Columbia. He was made Master of Letters by Oxford University and, in 2006 Professor Sheppard was made Doctor of the Science of Law in Columbia University, submitting his dissertation on “The Moral Obligations of Legal Officials.”

Some of his publications include:

George P. Fletcher and Steve Sheppard, *American Law in a Global Context: The Basics* (Oxford University Press, 2005); *Guerrilla Parties, The Lieber Code, and the Law of War*, in Francis Lieber, in Francis Lieber, *Instructions for the Government of Armies of the United States* (Lawbook Exchange, 2005); *The Laws of War in the Pre-Dawn Light: Institutions and Obligations in Thucydides' Peloponnesian War*, 43 *Columbia Journal of Transnational Law* 905 (2005); *Passion and Nation: War, Crime, and Guilt in the Individual and the Collective*, 78 *Notre Dame Law Review* 761 (2003).

Gary Solis

Gary Solis is a 2006-2007 Scholar in Residence at the Library of Congress, and an Adjunct Professor of Law at the United States Military Academy and at Georgetown University Law Center, where he teaches the law of armed conflict. He teaches the law of war in San Remo, Italy, and in The Hague, as well.

He is a retired U.S. Marine with twenty-six years active duty, including tours in Vietnam as an armor officer. His JD is from the University of California at Davis, where he is designated a Distinguished Graduate. He holds an LL.M. in criminal law from George Washington University, and a Ph.D. in the law of war from The London School of Economics & Political Science (The LSE). He taught in The LSE's Law Department for three years, then moved to the United States Military Academy in 1996. He retired from West Point in 2006.

His books are *Marines and Military Law in Vietnam*, and *Son Thang: An American War Crime*. He is writing a law of war casebook for Cambridge University Press.

Commander Glenn M. Sulmasy

Commander Sulmasy is currently a National Security and Human Rights Fellow at Harvard University for academic year 2007-2008. He is associate professor of law at the United States Coast Guard Academy (USCGA) in New London, Connecticut where he serves on this service academy's permanent military faculty (appointed in August 2004) and teaches courses in international law and constitutional law. Since 2000 he has served as an adjunct faculty at Roger Williams University School of Law. Commander Sulmasy was a Professor of International Law at the U.S. Naval War College in Newport, R.I., for the 2003-2004 academic year. During his career prior to attending law school, he served in numerous operational billets at sea. Commander Sulmasy has also been an aide/fellow to former Congressman Rob Simmons (Ct-2). He serves on various boards, including the Executive Committee of the Federalist Society's International and National Security Law

Group and the advisory boards for both the Center for International and Comparative Law (University of Baltimore School of Law) and the International Law Department at the U.S. Naval War College. He has published numerous articles and frequently provides television and radio commentary on national security and homeland security law issues. Recent articles have been published in National Review, the Notre Dame Journal of Law Ethics and Public Policy, University of Pennsylvania Law Review, Hofstra Law Review, Providence Journal, San Diego Union Tribune, and in Jurist. He has several law review articles forthcoming this fall. He received his BS in government from United States Coast Guard Academy, Juris Doctor from the University of Baltimore School of Law and an LL.M. from Boalt Hall School of Law at UC Berkeley.

Commander Sulmasy has received numerous military awards including: three Meritorious Service Medals, Joint Service Commendation Medal, USCG Commendation Medal, Navy Achievement Medal, Operation Desert Shield Medal and Kuwait Liberation Medal. He has received commendations for his service from the U.S. Congress, Governor of the State of Connecticut, and the United States Attorney for the District of Connecticut.

COL Mark Toole

Mark L. Toole, Colonel, U.S. Army, is the Program Director for the American Legal Studies Program, Department of Law, USMA, West Point, NY. He has a B.A. in Political Science from Penn State University. He earned his J.D. at Western New England College School of Law and holds LL.M. degrees from the U.S. Army Judge Advocate's Legal Center and School and Georgetown University Law Center. His military assignments include service as Prosecutor, Appellate Defense Counsel, Chief of Criminal Law, Deputy Staff Judge Advocate, and Military Judge. He has taught a seminar in constitutional law at USMA and currently teaches, and is the course director for, the USMA core course in constitutional and military law.

Jennifer Trahan

Jennifer Trahan is an independent expert and consultant on issues of international justice. Her specialty is the law relating to genocide, war crimes and crimes against humanity, as well as international criminal tribunals. This fall, Ms. Trahan is serving as a consultant to defense counsel for the Sierra Leone Special Court in Freetown, Sierra Leone, and as Iraqi Prosecutions Consultant for the International Center of Transitional Justice in New York City. She has served as both counsel and of counsel to the International Justice Program of Human Rights Watch, where she focused on advocacy and international justice issues pertaining to Iraq, Sierra Leone, East Timor, Rwanda, the former Yugoslavia, the DRC, as well as the International Criminal Court.

Ms. Trahan is currently a Visiting Lecturer at Columbia University, and has taught at NYU's Global Affairs Program, Fordham Law School, Brooklyn Law School, Salzburg Law School and The New School. Her subjects include international law, human rights, and international criminal tribunals.

She is the author of an 861-page book, *GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY: A TOPICAL DIGEST OF THE CASE LAW OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA* (Human Rights Watch 2006), currently being translated into Spanish. She also co-authored *GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY: TOPICAL DIGESTS OF THE CASE LAW OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA* (Human Rights Watch, 2004), which was translated by the United Nations into Bosnian-Croatian-Serbian and has been used to train judges and prosecutors in Croatia and judges of the Sierra Leone Special Court. Her publications also include:

“Procedures for Military Commission Trials at Guantanamo Bay, Cuba: Do They Satisfy International and Constitutional Law?” 30 *Fordham Int’l L. J.* 780 (2007); “Terrorism Conventions: Existing Gaps and Different Approaches,” 8 *New Eng. J of Int’l & Comp. L.* 215 (2002); “Trying A Bin Laden And Others: Evaluating The Options For Terrorist Trials,” 24 *Hours. J. Int’l L* 475 (2002); “Defining ‘Aggression’: Why the Preparatory Commission for the International Criminal Court Has Faced Such a Conundrum,” 24 *Loyola of L.A. Int’l & Comp. L. Rev.* 439 (2002).

She has given radio interviews, and was recently filmed in a debate “The Executive Branch’s Legal Response in the Post 9-11 World: *Unconstitutional Overreach or Necessary Precaution?*” (filmed for documentary by CBC, Ezezi Montreal; ICTV-Solferino Paris). She has drafted submissions to criminal authorities regarding perpetrators of war crimes and crimes against humanity. For several years, she has attended Meetings of the Special Working Group on the Crime of Aggression, working to define the crime of “aggression” for purposes of the International Criminal Court.

She holds a JD from NYU School of Law and an LLM from Columbia Law School, specializing in international law.

Steve Vladeck

Steve Vladeck joined the faculty of American University Washington College of Law in 2007 after two years as an associate professor at the University of Miami School of Law in Coral Gables, Florida. Vladeck is a 2004 graduate of Yale Law School, where he was awarded the Potter Stewart Prize for Best Team Performance in Moot Court and the Harlan Fiske Stone Prize for Outstanding Moot Court Oralist. He earned a B.A. summa cum laude from Amherst College in 2001, where he wrote his senior thesis on “Leipzig’s Shadow: The War Crimes Trials of the First World War and Their Implications from Nuremberg to the Present.”

While a law student, Vladeck served as Executive Editor of *The Yale Law Journal* and was Student Director of the Balancing Civil Liberties & National Security Post-9/11 Litigation Project. Working with Professor (now Dean) Harold Koh, he participated in litigation challenging the President’s assertion of power after September 11 to detain individuals without trial. Vladeck has also been part of the legal team headed by Professor Neal K. Katyal of the Georgetown University Law Center that successfully challenged the Bush

Administration's use of military tribunals at Guantánamo Bay, Cuba, in *Hamdan v. Rumsfeld*, 126 S. Ct. 2749 (2006), and is the co-author of one of the amicus briefs in *Boumediene v. Bush*, the challenge to the detention of non-citizen "enemy combatants" at Guantánamo Bay currently pending before the Supreme Court. His writing has focused largely on national security law issues, including the constitutional and statutory framework for domestic emergency powers, the availability of habeas corpus for citizens and non-citizens detained overseas, and the relationship between the courts and the political branches in determining when wars "end."

Vladeck, whose teaching and research interests include federal courts, national security law, constitutional law, and international criminal law, has 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. Treasurer of the AALS Sections on New Law Professors and National Security Law, Vladeck is a regular contributor to PrawfsBlawg, <http://www.prawfs.com>, and National Security Advisors, <http://www.natseclaw.com>, and is admitted to practice in the State of New York, Third Department.

Mark David Welton

Mark D. Welton is Professor of International and Comparative Law at the United States Military Academy, West Point, New York, where he is the Program Director for the major in International and Comparative Legal Studies. His field of particular interest is Islamic law and jurisprudence. Professor Welton received his A.B. with Honors from Stanford University, an M.A. in international relations from Boston University, his J.D. from Georgetown University, and both the LL.M. and S.J.D. degrees from the University of Virginia. Aside from his academic work, Professor Welton served as a judge advocate, with assignments as chief of international law for the U.S. Army, Europe; legal officer at the U.S. Embassy in Bonn, Germany; deputy legal advisor for the United States European Command, and senior instructor of international law at the Army's Judge Advocate General's School. He is married with two children; his wife, Jaleh Golbabai, is instructor of Persian at the Military Academy.

USMA Law of Armed Conflict Center Staff

Colonel Gary L. Tidwell

Colonel Gary L. Tidwell is Professor of Law, and Director, Law of Armed Conflict Center, United States Military Academy. He has been mobilized from May 2006 until July 2008. In addition to teaching the Law of War course at West Point, he is responsible for fully establishing and directing the USMA Law of Armed Conflict Center. Colonel Tidwell is the Officer-in-Charge of this seminar.

In his civilian job, Colonel Tidwell is Vice President of International Education and Training at Financial Services Regulatory Authority ("FINRA," formerly NASD). His responsibilities include conceptualizing, designing, developing, and delivering all of the educational programs and products delivered by FINRA International and/or overseeing others in this capacity. He is also a member of the adjunct faculty at New York Law School.

From January 2000 until January 2005, he was Director of the NASD Institute for Professional Development. Colonel Tidwell joined NASD Regulation in July 1998 as Director of Neutral Management in the Office of Dispute Resolution. He was elected Vice President of NASD Regulation in December 1999. Prior to joining NASD, he served as a tenured Professor of Legal Studies at the College of Charleston (South Carolina). He has previously served as an adjunct professor at Fordham Law School, George Washington University, and the University of South Carolina. Colonel Tidwell served as a member of the NASD's National Arbitration and Mediation Committee from 1994 to 1997.

His legal career includes service in the Army's Judge Advocate General's Corps, as well as an attorney in the United States Securities and Exchange Commission's Division of Enforcement. Colonel Tidwell is the recipient of numerous teaching and research awards relating to business ethics, white-collar crime, insider trading, and professional liability. He has authored two books and 38 manuscripts, including Anatomy of a Fraud, Inside the Finances of the PTL Ministries. He earned BSBA and JD degrees from the University of Arkansas, and an LLM from New York University School of Law.

Lieutenant Colonel Gary T. Kropkowski

Lieutenant Colonel Gary Kropkowski was commissioned in the Field Artillery branch upon graduation from the United States Military Academy on May 27, 1981. Upon graduation he attended and completed the Field Artillery Officer Basic and Cannon Artillery Officer courses at Fort Sill, Oklahoma. His overseas assignment was in VII Corps Artillery where he served with two self-propelled 155mm artillery battalions and

as the aide-de-camp for the Corps Artillery Commander from 1983-84. Promoted to Captain, Kropkowski completed the Officer Advanced Course at Fort Sill and spent one year with the 82nd Airborne Division Artillery from 1985-86. In September 1986, he resigned his active duty commission, and was transferred to the U.S. Army Reserve.

LTC Kropkowski completed his law school studies in Albany, New York and was conferred with the degree of Juris Doctor from Albany Law School in Union University in 1989. He has practiced privately in Poughkeepsie and Brewster, New York and was a Senior Assistant District Attorney with the Dutchess County (N.Y.) District Attorney's office from 1991-1998. LTC Kropkowski is also the municipal counsel for Brewster, New York, having served in that capacity since August 2000.

LTC Kropkowski joined USMA's Directorate of Admissions in 1992 as a reserve Military Academy Liaison Officer (MALO), and was promoted to Major in the Army Reserve in 1994. After performing reserve training with USMA's Department of Law during that period, and completing the reserve Judge Advocate Officer Advanced Course, he transferred into the Judge Advocate General's Corps in 1996. He shortly thereafter was appointed a Law Department Individual Mobilization Augmentee (IMA). Since 1996 he has served as an adjunct Professor of Law teaching both Military Intersession and the Summer Term Academic Program (STAP). Shortly after his promotion to Lieutenant Colonel, Kropkowski was appointed Congressional District Coordinator for the Admissions Department Field Force for New York's 19th Congressional District.

LTC Kropkowski was mobilized for a six month temporary tour of active duty with the Department of Law in 2005, and as an Assistant Professor of Law taught three sections of cadets Business Law and Constitutional and Military Law. Most recently he was mobilized for academic year 2007-08, and his current duties include serving again as Assistant Professor of Law, and as Deputy Coordinator of the Law of Armed Conflict (LOAC) Center.

Gary Kropkowski has been married for sixteen years to the former Clare Jean Degnan. They have two children, and the family resides in Brewster, New York.

Major William C. Peters

Major William C. Peters is Assistant Professor of Law and Deputy Director of the Law of Armed Conflict Center, West Point, New York. Professor Peters holds degrees in law from the University of Virginia School of Law, the Judge Advocate General's School of the Army, and Northern Illinois University. He received his undergraduate education in Politics and Russian Studies at the University of Illinois at Urbana-Champaign and was graduated from the Army's Command and General Staff College in 2003. Professor Peters currently serves as West Point's Course Director for LW 481, Public International Law. He also teaches LW 403, Constitutional and Military Law and has taught selected topics in LW 474, Law of War for Commanders, MS 301, the core cadet leadership course, and SS 490, Winning the Peace. His recent scholarship examines issues of

constitutional law and the law of armed conflict and includes articles published in the Brigham Young University Law Review and the New England Journal of International and Comparative Law. He has also published in legal journals on First Amendment Free Exercise Clause issues and Native American religious rights. Major Peters has given recent presentations to various committees of the Association of the New York City Bar, and is a co-author of a forthcoming article on the customary international law doctrine of command responsibility in non-international armed conflicts.

