

GEORGETOWN LAW

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The Georgetown Law National Security Law Society
present**

Key National Security Issues 2013

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Program Participants

Leonard Bailey is an Associate Deputy Attorney General responsible for managing criminal and national security cyber policy for the Department of Justice. Over Mr. Bailey's 20-year career, he has served as Senior Counselor to the Assistant Attorney General for National Security, Special Counsel for National Security and Senior Counsel in the Criminal Division's Computer Crime Section, Special Counsel and Special Investigative Counsel to the Department of Justice's Inspector General, and legal counsel in the former Terrorism and Violent Crime Section. In those capacities, he has prosecuted violations of federal computer crime, intellectual property, and violent crime laws; advised law enforcement and intelligence agencies on criminal and national security matters, including searching and seizing electronic evidence, electronic surveillance, computer intrusion law, domestic and foreign intelligence gathering law and policy, and covert action authorities; and developed policy on critical infrastructure protection. He also chaired the Group of Government Experts on Cybercrime in the Organization of American States and participated in negotiations of an international treaty on terrorist financing. Mr. Bailey received his B.A. from Yale University in 1987 and his J.D. from Yale Law School in 1991.

Barry E. Carter, moderator, is a Professor of Law and the Director, Center on Transnational Business and the Law at Georgetown Law. Professor Carter has extensive experience in international law and foreign policy. He is on the State Department's Advisory Committee on International Economic Policy and chairs its Sanctions Subcommittee. During 1993-1996, he was deputy under secretary of commerce for export controls. He also served as U.S. vice chair to Secretary of Defense William Perry on bilateral committees with Russia, Kazakhstan, Ukraine and other countries to help eliminate the nuclear weapons in Kazakhstan and Ukraine and to secure nuclear and other dangerous materials in several countries. He was senior counsel in the Senate Select Committee on Intelligence Activities and a member of Dr. Henry Kissinger's National Security Council Staff, and he served, while an Army officer, in the Office of the Secretary of Defense. His book, *International Economic Sanctions: Improving the Haphazard U.S. Legal Regime* (1988) won the annual award from the American Society of International Law (6th ed. 2011). Carter received his B.A. from Stanford, M.P.A. from Princeton and J.D. from Yale.

Steven Chabinsky is Senior Vice President of Legal Affairs and Chief Risk Officer for CrowdStrike, Inc., where he advises the company on legal, privacy, and reputational issues across the business from product development to execution. Prior to joining CrowdStrike in September of 2012, Mr. Chabinsky had a distinguished 17 year career with the Federal Bureau of Investigation, where he last served as Deputy Assistant Director of the Cyber Division helping to oversee investigative strategies, intelligence analysis, policy development, and major outreach efforts to protect the United States from cyber attack, cyber espionage, online child exploitation, and Internet fraud. Mr. Chabinsky joined the FBI in 1995 as an attorney in the Office of the General Counsel after practicing law as an associate at Simpson Thacher & Bartlett in New York and clerking for the Honorable Judge Dennis G. Jacobs (now Chief Judge) of the United States Court of Appeals for the Second Circuit. He is a graduate of Duke University and Duke Law School.

Eliana Davidson is the Deputy General Counsel for Intelligence, Department of Defense. Ms. Davidson's distinguished career has included positions as the Deputy Legal Adviser for the National Security Council, Special Counsel to the General Counsel of the Department of Defense, and Senior Associate Deputy General Counsel at the Office of the Deputy General Counsel, Intelligence. Before working with the U.S. Department of Defense, Ms. Davidson was an Attorney Adviser for the Office of the Legal Adviser at the U.S. Department of State. Ms. Davidson has also held the position of Director of Research at the Commonwealth Research Group, and she has worked as a Research Analyst at the National Research Economic Associates. Ms. Davidson received her law degree at the University of Virginia School of Law.

Mary B. DeRosa is a Distinguished Visitor from Practice, Georgetown Law. She served as Deputy Assistant and Deputy Counsel to the President, and as National Security Council Legal Adviser in the Obama Administration. After leaving the White House in the Summer of 2011, she served as Alternate Representative of the United States to the 66th Session of the UN General Assembly, an Ambassador-level position with the US Mission to the United Nations. Prior to joining the Obama Administration in 2009, Ms. DeRosa served on the Obama-Biden Transition Team. Before that she was Chief Counsel for National Security for the Senate Judiciary Committee, working for the Chairman, Senator Patrick Leahy. She has also been a Senior Fellow at the Center for Strategic and International Studies, served on the staff of the Clinton Administration National Security Council as Legal Adviser and Deputy Legal Adviser, and was Special Counsel to the General Counsel at the Department of Defense. Before joining the government, Ms. DeRosa was in private practice at Arnold & Porter. She served as a law clerk to the Honorable Richard Cardamone, United States Court of Appeals for the Second Circuit. Professor DeRosa received her B.A. from the University of Virginia and J.D. from George Washington University.

Laura K. Donohue, moderator, is an Associate Professor of Law at Georgetown Law and the Acting Faculty Director of Georgetown's Center on National Security and the Law. Professor Donohue teaches national security law and constitutional law. Her articles focus on biometric identification; state secrets; surveillance, data collection, and analysis; extended detention and interrogation; antiterrorist finance and material support; biological weapons; scientific speech; and the history of quarantine law. Professor Donohue has held fellowships at Stanford Law School's Center for Constitutional Law, Stanford University's Center for International Security and Cooperation, and Harvard University's John F. Kennedy School of Government. In 2001 the Carnegie Corporation named her to its Scholars Program, funding the project, *Security and Freedom in the Face of Terrorism*, for which she directed a project for the United States Departments of Justice and State and, later, Homeland Security, on mass-casualty terrorist incidents. In 2008–09 she clerked for Judge John T. Noonan, Ninth Circuit Court of Appeals. She is a Life Member of the Council on Foreign Relations, an Advisory Board Member of the ABA Standing Committee on Law and National Security, and an Advisory Board Member of the Electronic Privacy Information Center (EPIC). She obtained her A.B. in Philosophy from Dartmouth College, her M.A. in Peace Studies from the University of Ulster, Northern Ireland, her J.D. from Stanford Law School, and her Ph.D. in History from the University of Cambridge, England.

Corey Hinderstein is the Vice President, International Program, Nuclear Threat Initiative (NTI). She leads NTI's efforts related to building norms, regimes and frameworks for global nuclear nonproliferation and security. Areas of focus include minimizing uses of highly enriched uranium, management and verification of nuclear fuel cycle activities internationally, improving nuclear security and other nuclear risk reduction efforts. Hinderstein led the development and launching of the World Institute for Nuclear Security, an international organization based in Vienna, Austria and the first-ever international forum for those accountable for nuclear security to share and promote best security practices. She also played a significant role in NTI's initiative to create an international nuclear fuel bank at the International Atomic Energy Agency. Hinderstein edited the book *Cultivating Confidence: Verification, Monitoring, and Enforcement for a World Free of Nuclear Weapons* (Nuclear Threat Initiative, 2010), which explores the key issues associated with verifying, monitoring, and enforcing the steps needed to move toward a world without nuclear weapons and offers some possible solutions to these challenges. Prior to joining NTI, Hinderstein was deputy director and senior analyst at the Institute for Science and International Security (ISIS). Hinderstein is a term member of the Council on Foreign Relations, member-at-large on the board of directors of ISIS, a former member of the international executive committee for the Institute of Nuclear Materials Management (INMM), and a member of Women in International Security. Hinderstein holds a bachelor's degree in government with a concentration in international relations from Clark University in Worcester, MA.

David A. Koplow, moderator, is a Professor of Law and a Faculty Affiliate, Center on National Security and the Law. Professor Koplow specializes in the areas of public international law and national security law. He joined the Georgetown Law faculty in 1981. His principal courses have been International Law I, a seminar in the area of arms control, non-proliferation and terrorism, and the Pro-Seminar for LL.M. students in national security law. In addition, he directs a clinic, the Center for Applied Legal Studies, in which students provide pro bono representation to refugees who seek asylum in the United States because of persecution in their homelands. His government service has included stints as Special Counsel for Arms Control to the General Counsel of the Department of Defense (2009-2011); as Deputy General Counsel for International Affairs at the Department of Defense (1997-1999); and as Attorney-Advisor and Special Assistant to the Director of the U.S. Arms Control and Disarmament Agency (1978-1981). He is a graduate of Harvard College and Yale Law School and a Rhodes Scholar. Most of his scholarly writing concentrates on the intersection between international law and U.S. constitutional law, especially in the areas of arms control and national security and treaty negotiation and implementation.

Robert S. Litt was confirmed by unanimous consent by the Senate to serve as the second General Counsel of the Office of the Director of National Intelligence (ODNI) on June 25, 2009. Before joining the ODNI, Mr. Litt was a partner with the law firm of Arnold and Porter, LLP. He served as a member of the governing body of the American Bar Association's Criminal Justice Section and a member of the Advisory Committee to the Standing Committee on Law and National Security. From 1993 to 1999, Mr. Litt worked at the Department of Justice where he served as Deputy Assistant Attorney General in the Criminal Division and then as the Principal Associate Deputy Attorney General. His duties at DOJ included FISA applications, covert action reviews, computer security and other national security matters. Mr. Litt started his legal career as a clerk for Judge Edward Weinfeld of the Southern District of New York and Justice Potter Stewart of the U.S. Supreme Court. From 1978 to 1984, he was an Assistant U.S. Attorney for the Southern District of New York. He also spent one year as a special advisor to the Assistant Secretary of State for European and Canadian Affairs. Mr. Litt holds a B.A. from Harvard College and an M.A. and J.D. from Yale University.

Suzanne Maloney is a Senior Fellow at the Saban Center for Middle East Policy at the Brookings Institution, where her research focuses on energy, economic reform and U.S. policy toward the Middle East. Most recently, she was a member of the State Department's Policy Planning Staff, covering Iran, Iraq, the Gulf States and broader Middle East issues. Prior to joining the government, she was the Middle East Advisor at ExxonMobil Corporation, where she worked on regional business development, political risk analysis, and corporate outreach and communications. Dr. Maloney directed the 2004 Council on Foreign Relations Task Force on US Policy toward Iran, chaired by Zbigniew Brzezinski and Robert Gates, and is the author of a forthcoming book on Iran for the U.S. Institute of Peace. She was the recipient of an International Affairs Fellowship at the Council on Foreign Relations and has previously served at Brookings as an Olin Fellow and a Brookings Research Fellow. She holds a Ph.D. from the Fletcher School of Law and Diplomacy at Tufts University.

Aaron David Miller is Vice President and Distinguished Scholar at the Woodrow Wilson International Center for Scholars in Washington, DC where he's finishing a new book entitled, *Can America Have Another Great President?* For two decades, Mr. Miller served in the Department of State as an analyst, negotiator and adviser on Middle Eastern issues to Republican and Democratic Secretaries of State. Between 2003 and 2006, he also served as president of Seeds of Peace, an internationally recognized program in conflict resolution and coexistence for young people from regions of conflict. He has written four books, including his most recent *The Much Too Promised Land: America's Elusive Search for Arab-Israeli Peace* (Bantam Books, 2008). His articles have appeared in the Washington Post, the New York Times, the Los Angeles Times; and his column "Reality Check" appears weekly in Foreign Policy Magazine. He is a frequent commentator on CNN, Fox News, MSNBC, and NPR. Mr. Miller received his Ph.D. in American Diplomatic and Middle East History from the University of Michigan.

Benjamin A. Powell is a Partner at WilmerHale. Mr. Powell's practice focuses on government and regulatory litigation, public policy, commercial litigation, Committee on Foreign Investment in the United States (CFIUS) issues, and advising on issues related to information technology. Mr. Powell was unanimously confirmed by the U.S. Senate as General Counsel of the ODNI in 2006 and served as General Counsel to the first three Directors of National Intelligence. Mr. Powell's work at ODNI involved designing and implementing legal compliance and oversight mechanisms, litigation, international law, foreign investment, crisis management, congressional inquiries and investigations, privacy, legislation, cyber security and foreign affairs. He worked closely with Congress to modernize the laws governing electronic surveillance activities and private sector assistance to the government in national security matters. This effort resulted in passage of a landmark comprehensive bipartisan bill in 2008. Prior to serving as ODNI General Counsel, Mr. Powell was an Associate Counsel and Special Assistant to the President. Previously, Mr. Powell was Corporate Counsel for Vitria Technology, an enterprise integration software company, where he handled intellectual property, securities reporting, revenue recognition and international licensing and professional services transactions across Europe. Mr. Powell served in the United States Air Force from 1989 to 1993 and worked for the Federal Bureau of Investigation in 1988 and 1989. He holds a BAS in Applied Science and a BSE in Finance, both from the University of Pennsylvania, and a J.D. from Columbia.

Paul Rosenzweig is the founder of Red Branch Consulting. Mr. Rosenzweig formerly served as Deputy Assistant Secretary for Policy in the Department of Homeland Security and twice as Acting Assistant Secretary for International Affairs. In these positions he was responsible for developing policy, strategic plans, and international approaches to the entire gamut of homeland security activities, ranging from immigration and border security to avian flu and international data protection rules. Mr. Rosenzweig is a Distinguished Visiting Fellow at the Homeland Security Studies and Analysis Institute. During 2011 he was a Carnegie Visiting Fellow at the Medill School of Journalism, Northwestern University. He is also a Professorial Lecturer in Law at George Washington University and a Visiting Fellow at The Heritage Foundation. He serves as a Senior Editor of the Journal of National Security Law & Policy. He is the coauthor (with James Jay Carafano) of the book *Winning the Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom* and author of the forthcoming book *Cyberwarfare; How Conflicts in Cyberspace are Challenging America and Changing the World*.

He served as a law clerk to the Honorable R. Lanier Anderson, III of the United States Court of Appeals for the Eleventh Circuit. Mr. Rosenzweig holds a J.D. from the University of Chicago Law School, an M.S. in Chemical Oceanography from the Scripps Institution of Oceanography, University of California at San Diego, and a B.A from Haverford College.

Cari N. Stinebower is Counsel in Crowell & Moring's International Trade practice group. She counsels clients on compliance with U.S. economic sanctions, FinCEN's Bank Secrecy Act Regulations, the Foreign Corrupt Practices Act (FCPA), and export controls. She works with financial institutions to develop compliance programs, conduct anti-money laundering (AML) and Office of Foreign Assets Control (OFAC) risk assessments, conduct internal investigations, and respond to government investigations. Ms. Stinebower works with multinational corporations to navigate the complex web of U.S. sanctions, money laundering laws and regulations, and export controls that can implicate virtually any U.S. dollar denominated transaction. She also works with industry groups to develop sanctions and AML best practices policies and procedures. Ms. Stinebower served as counsel for the U.S. Department of the Treasury's OFAC and as a Programs Officer for OFAC, where she advised on sanctions and anti-terrorism legislation. She acted as agency counsel in Treasury's defense of challenges to OFAC's authority, whether in litigation related to enforcement actions or in response to congressional investigations. Ms. Stinebower is a frequent writer and speaker and has been quoted in publications such as the *Wall Street Journal*, the *New Yorker* and MoneyLaundering.com. She is a member of the American Bar Association's Gatekeepers' Task Force and a vice-chair of the ABA's Anti-Money Laundering subcommittee. Ms. Stinebower earned her B.A. from Amherst College, J.D. from American University's Washington College of Law, and Masters from American University.